

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
October 15, 2018
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE

PUBLIC HEARING: Cynthia Dixon Zoning Amendment located Southeast of the Randall Avenue and Guarisco Street

3. APPROVE MINUTES: Council Meeting – October 1, 2018

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Rudicell

B. BUILDINGS & PROPERTY COMMITTEE – LeJeune
Review September building report

C. PUBLIC SAFETY COMMITTEE – Davis
Review minutes of September 10, 2018 meeting.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Goodlin

E. PUBLIC WORKS COMMITTEE – Coleman

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD – Davis
Presentation – Steve Carey

D. LIBRARY BOARD – Rudicell

MOTION to appoint Chuck Dean to the Daphne Public Library Board for a four year term ending September 30, 2022.

MOTION to appoint Jewel Lawson to the Daphne Public Library Board for a four year term ending September 30, 2022.

E. PLANNING COMMISSION – Scott
Review minutes of the August 23, 2018 meeting and the report of the September 27, 2018 meeting

F. RECREATION BOARD – LeJeune

G. UTILITY BOARD – LeJeune

6. MAYOR'S REPORT

7. CITY ATTORNEY REPORT

City Council Agenda – October 15, 2018

8. DEPARTMENT HEAD REPORTS

9. CITY CLERK’S REPORT

MOTION to approve the LSK Lupus Walk on March 16, 2019 (no street closure requested).

MOTION to approve the Baldwin County Martin Luther King Jr Day Celebration march on January 21, 2019.

MOTION to approve the issuance of the 020 – Restaurant Retail Liquor license for GBW III Inc dba Ollies Neighborhood Grill, located at 29740 A Urgent Care Dr, Daphne, Alabama.

MOTION to approve the publication and set a public hearing on November 19, 2018 for the Claymark Properties, LLC Zoning Amendment located Southwest of Van Avenue and Main Street.

MOTION to approve the publication and set a public hearing on November 19, 2018 for the Danny & Donna Parks Pre-Zoning Amendment located Southeast corner of Belgrove Avenue and Alabama Highway 181.

MOTION to approve the publication and set a public hearing on November 19, 2018 for the Danny & Donna Parks Annexation Petition located Southeast corner of Belgrove Avenue and Alabama Highway 181.

Mayor’s Veto of Ordinance 2018-37

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2018-51 – Declaring Certain Personal Property Surplus and Authorizing the Mayor to Dispose of Such Property

2018-52 – Declaring Certain Personal Property Surplus and Authorizing the Mayor to Donate or Dispose of Such Property

2018-53 – Authorizing for FY2019 Equipment: Used Caterpillar 316EL

2ND READ ORDINANCES:

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

B. 1ST READ ORDINANCES:

2018-40 - Re-Zone Property Located Southeast Corner of Randall Avenue and Guarisco Street Cynthia Dixon, L.L.C.

12. COUNCIL COMMENTS

13. ADJOURN

To: Office of the City Clerk

MEMORANDUM

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

Subject: Cynthia Dixon, L.L.C. Zoning Amendment

Date: August 24, 2018

PRESENT ZONING: R-2, Medium Density Single Family Residential

PROPOSED REZONING: R-6(G), Garden or Patio Home District

LOCATION: Southeast of the Randall Avenue and Guarisco Street

RECOMMENDATION: At the Thursday, August 23, 2018, regular meeting of the Daphne Planning Commission, eight 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

FILE
10:53
08/24/18



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted

July 23, 2018

Application Number:

Planning Commission Public

ZA-18-07 or PZA-

Hearing Date:

August 23, 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):

SOUTHEAST CORNER OF RANDALL AND GUARISCO

16859

Gross Site Area (acreage): 0.50 AC

Requested Zoning or Pre-Zoning:

R-6G

Current Zoning Designation(s):

Amended Request:

R-2

Initials:

Date:

Current Land Use:

Anticipated Land Use:

VACANT LOT RESIDENTIAL

RESIDENTIAL

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:

DIXON, CYNTHIA

Mailing Address:

10615 CR. RD 138, BAY MINETTE, AL 36507

Phone/Fax:

E-mail:

Name of Authorized Agent:

HARRY JOHNSON

Mailing Address:

1203 HWY 98 STE 3-E DAPHNE, AL 36526

Phone/Fax:

E-mail: 251-454-7550

Name of Developer*:

Phone/Fax:

E-mail:

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.

X	Applicant's Signature: Cynthia Dixon	dotloop verified 07/20/18 9:28AM CDT QT6V-BRHK-SZCO-GIZS	Date 07/20/18
	Agent's Signature: Harry Johnson		Date 7/19/18

**CYNTHIA DIXON
REZONING REQUEST OF
VACANT LOT AT THE SOUTHEAST CORNER OF
RANDALL AVENUE AND GUARISCO STREET**

EXHIBIT A

**STATE OF ALABAMA
COUNTY OF BALDWIN
CITY OF DAPHNE**

DESCRIPTION OF PROPERTY TO BE RE-ZONED TO R-6G GARDEN OR PATIO HOMES:

LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, BALDWIN COUNTY, ALABAMA, RUN NORTH 00 DEGREES 07 MINUTES 30 SECONDS WEST, ALONG THE WEST BOUNDARY OF SAID SECTION 17 A DISTANCE OF 1,410.9 FEET TO THE PROJECTED INTERSECTION OF THE CENTERLINE OF RANDALL AVENUE; THENCE RUN NORTH 89 DEGREES 47 MINUTES EAST, ALONG SAID CENTERLINE A DISTANCE OF 657.8 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 30 MINUTES 40 SECONDS EAST, A DISTANCE OF 22.51 FEET TO AN IRON PIN MARKER LYING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID RANDALL AVENUE FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 47 MINUTES 00 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 160.50 FEET TO AN IRON PIN MARKER; THENCE RUN SOUTH 00 DEGREES 06 MINUTES 00 SECONDS WEST, A DISTANCE OF 122.30 FEET TO AN IRON PIN MARKER WHICH BEARS NORTH 00 DEGREES 06 MINUTES 00 SECONDS EAST, A DISTANCE OF 139.90 FEET FROM THE SOUTHEAST CORNER OF THE "OLD SCHOOL LOT"; THENCE RUN SOUTH 89 DEGREES 47 MINUTES 00 SECONDS WEST, A DISTANCE OF 159.19 FEET TO AN IRON PIN MARKER WHICH BEARS NORTH 00 DEGREES 30 MINUTES 40 SECONDS WEST, A DISTANCE OF 139.90 FEET FROM THE SOUTHEAST CORNER OF THE "OLD SCHOOL LOT", LYING ON THE EAST RIGHT-OF-WAY LINE OF GUARISCO STREET; THENCE RUN NORTH 00 DEGREES 30 MINUTES 40 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 122.27 FEET TO THE POINT OF BEGINNING.



MOORE SURVEYING, INC.
PROFESSIONAL LAND SURVEYING
555 NORTH SECTION STREET,
FAIRHOPE, ALABAMA 36532
PHONE (251) 928 - 8777
E-mail: moore@moore-surveying.com

[illegible]

HARRY JOHNSON

**CYNTHIA DIXION
ADJACENT PROPERTY OWNERS LIST**

EAST SIDE PROPERTY OWNERS

05-43-04-17-3-000-033.002

McGinnis, James L

908 Randall Ave.

Daphne, Al 36526

SOUTH SIDE PROPERTY OWNERS

05-43-04-17-3-000-034.000

Garrett, Frank & Ann

809 Randall Ave

Daphne, Al 36526

NORTH SIDE PROPERTY OWNERS

05-43-04-17-3-000-018.000

Garrett, Frank & Ann

809 Randall Ave

Daphne, Al 36526

WEST SIDE PROPERTY OWNERS

05-43-04-17-3-000-036.007 & 36.008

Butcher, Lowell & Carol

105 Fairhope Court #2

Fairhope, Al 36532

05-43-04-17-3-000-036.000

Blacksher Place Owners Assoc.

890 Randall Ave

Daphne, Al 36526

PROPERTY OWNER

05-43-04-17-3-000-035.000

Dixon, Cynthia

10615 County Road 138

Bay Minette, Al 36507

DEVELOPER / AGENT

HPJ Properties LLC

Harry Johnson

1203 HWY 98 STE 3-E

Daphne, Al 36526

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

August 10, 2018

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Cynthia Dixon containing 0.50 acres +/- located at the corner of Randall Avenue and Guarisco Street zoned R-2, Medium Density Single Family Residential, to be rezoned R-6(G), Garden/Patio Home.

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, August 15, 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, August 23, 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

Cynthia Dixon Zoning Amendment

P. O. Box 400 - Daphne, Alabama 36526
Phone: 251.620.1700 Fax: 251. 621.3185

APPLICATION:
Rezoning S.E. Inter-
section of Randall &
Guarisco

APPLICANT:
Cynthia Dixon

AREA:
0.5

LOTS:
1

PPIN:
16859

ZONING:
R-2, Medium Density
Single Family Residential

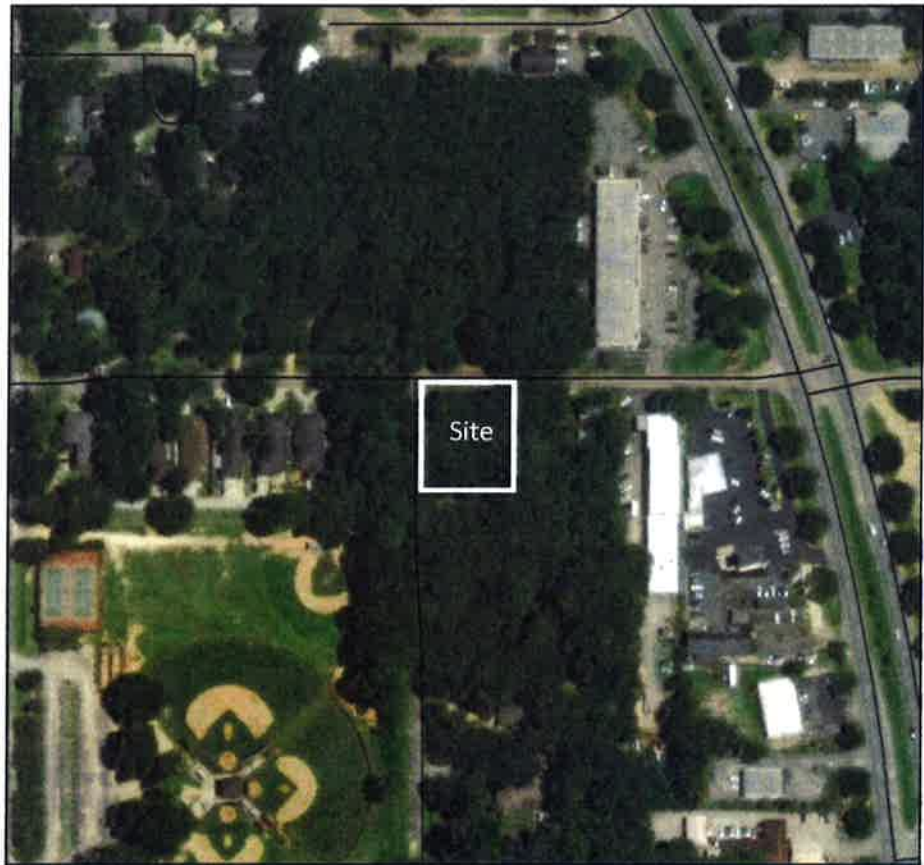
PROPOSED ZONING:
R-6(G), Garden Homes

EXISTING PRECEDENT:
Yes, Blacksher Place
Slide 2065-D, to west

COMPREHENSIVE PLAN:
Consistent, Compatible

RECOMMENDATION:
Approval

REZONING REQUEST By CYNTHIA DIXON



**REZONING REQUEST
CYNTHIA DIXON**

Existing Conditions: 0.5 acre+/-

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

Proposed Zoning: R-6(G), Garden/Patio Home

Surrounding Zonings/Uses:

North – R-2, Medium Density Single Family Residential District

South – R-2, Medium Density Single Family Residential District

West – R-4, High Density Single Family Residential District

East – B-2, General Business District

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

The Comprehensive Plan

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

Goal: 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 a wooded lot located at the southeast intersection of Randall Avenue and Guarisco Street in the Olde Towne Daphne District, west of the Highway 98 and Randall Avenue intersection. Blacksher Place, an R-4, High Density Single Family

REZONING REQUEST CYNTHIA DIXON

Residential district (equivalent to R-6(G)), is located to the west and is composed of 8 lots. That property was rezoned from R-2 to R-4, High Density Single Family Residential district in 2001 in Ordinance 2001-14.

The applicant proposes to rezone the subject property from R-2 to R-6(G), for two garden homes. R-2 district requires 15,000 sq. ft. in area; 90-ft lot width.

Currently, the subject property is 19,544 sq. ft. in area and would yield one single family residence. The buyer has plans to subdivide the lot into two garden home lots: Parcel "A" 9,810 and Parcel "B" 9,730.

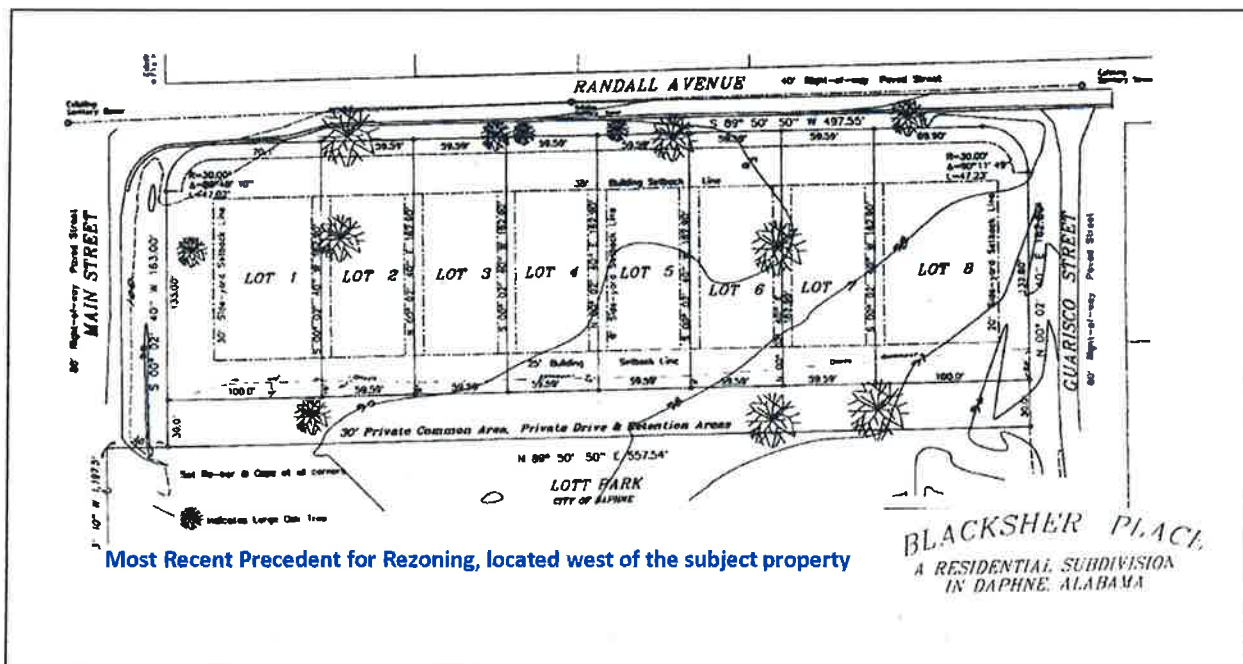
14-17 SETBACKS (EXCERPT)

MINIMUM DISTRICT REQUIREMENTS ^d				
Zoning Districts	Front Yard	Rear Yard	Side Yard	Corner Lot Side Yard
R-4 ^c , Single Family	15	20	6	25
R-6(D or G), Duplex or Garden or Patio Home				
R-4 ^c , Multi-Family	15	20	a	25

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

Staff Recommendation

Staff recommends approval of R-6(G), Garden/Patio Home. R-6(G) zoning district is consistent and compatible with the most recent precedent for rezoning in the area. Rezoning the subject property would be consistent with the zoning of the property to the west. The land to the north (across Randall Avenue) is zoned R-2.



**October 1, 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 6:30 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 Reid, 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 Lamar Green, Daphne Fire Department Chaplain

PRESENTATION: Maura Coley spoke to the Council to provide information on her new business, We Rock the Spectrum, a sensory gym for all children to enhance gross and motor skills as well as verbal skills. It is a safe place for all children. Their grand opening is October 28, 2019.

3. APPROVE MINUTES:

The minutes of the September 10, 2018 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilman Rudicell said minutes of September 17, 2018 meeting are in the packet.

MOTION by Councilman Rudicell 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.

MOTION CARRIED UNANIMOUSLY.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman LeJeune said the committee will meet next Monday at 5:15pm.

C. PUBLIC SAFETY COMMITTEE

Councilman Davis said the committee will meet next Monday at 4:30pm.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Goodlin said the committee met today and reviewed the land use ordinance.

E. PUBLIC WORKS COMMITTEE

Councilman Coleman said the committee met today.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Minutes of the June 7 meeting are in the packet.

**October 1, 2018
CITY COUNCIL MEETING
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B. Downtown Redevelopment Authority

MOTION by Councilman Rudicell to appoint Laura Johnson to the Downtown Redevelopment Authority. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY.

C. Industrial Development Board

Councilman Davis said IDB will meet again tomorrow. They continue to work on the DISC project.

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

Next meeting is October 25, 2018. There has been a site plan submitted for a new grocery store in the Timbercreek district.

F. Recreation Board

Councilman LeJeune said the Recreation Board will meet October 10. There is a vote for the tennis center on the agenda. Park Drive is moving along well. We are still discussing flag football.

G. Utility Board

No report

6. MAYOR'S REPORT:

Mayor Haygood said the All-inclusive playground is coming soon for all children. It will be created with the combined work of Kiwanis Club and the Exceptional Foundation. The Mayor's office has been contacted that the Winn Dixie space will be occupied by another supermarket in the near future. A press release will be forthcoming. Mayor Haygood mentioned the AMIC Loss Control audit and how well we did this year. He commended Human Resources Director and staff as well as the safety committee. Lastly, he mentioned the aesthetic projects around the city which include Centennial Park's paver parking lot, the Daphne Museum fence, the Little Bethel fence and the pavers at Trione Park. Thanks to Public Works and Grounds for this work. The pavers at Trione are part of an ADEM 319 grant. The Mayor thanked Ashley Campbell for her work to get this grant. Half of this grant will be used for a wetland project on Well Road.

7. CITY ATTORNEY REPORT:

No report

8. DEPARTMENT HEAD COMMENTS:

Jeremy Sasser, Public Work Director, mentioned the street closures this upcoming Saturday.

9. CITY CLERK'S REPORT:

MOTION by Councilman Scott to approve the Women's Care Medical Center Walk a Thon at Village Point Park on February 23, 2019. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY.

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MOTION by Councilman Scott to approve the Apollo's Mystic Ladies parade on February 22, 2019 with a rain date of February 28, 2019. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Davis to approve the SEEDS Classic Rock 5K & 1 Mile Fun Run on March 2, 2019. Seconded by Councilman LeJeune.

MOTION CARRIED

10. PUBLIC PARTICIPATION:

Public Participation was opened at 6:50 p.m.

Don Oulette, 7720 Elizabeth Dr., said at the last meeting he mentioned a few potholes and they are not filled and he thanked the Public Works Director for this.

Robert Dyer, Halls Lane spoke for Clay Covert, 604 Lea Ave. Mr. Covert is against the proposed Jacob's Well rezone due to the safety of the residents.

Steve Olan, 437 Village Dr., spoke against the proposed Jacob's Well rezone.

Sandy Robinson, 1500 Main Street, spoke against the proposed Jacob's Well rezone.

Bill Robinson, 1500 Main Street, spoke against the proposed Jacob's Well rezone.

Walter Cremous, 44 Lakeshore Drive, spoke against the proposed Jacob's Well rezone.

Faye Earnest, 804 Daphne Court, spoke against the proposed Jacob's Well rezone.

Ed Baldwin, 903 Halls Lane, spoke against the proposed Jacob's Well rezone.

Daniel Dyas, 218 Rock Creek Parkway, gave an overview of the development. He is in favor of the rezone.

Felicia Coker, 900 Halls Lane, spoke against the proposed Jacob's Well rezone.

John Lake, 110 Paige Circle, asked the council to make the decision for the homeowner and listen to the homeowner.

There being no further requests to speak, public participation was closed at 7:19 p.m.

11. RESOLUTIONS & ORDINANCES:

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.

MOTION by Councilman Scott to waive the reading of Resolutions 2018-48, 2018-49 and 2018-50. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY.

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**MOTION by Councilman Scott to adopt Resolutions 2018-48. Seconded by Councilman Davis.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman LeJeune to adopt Resolutions 2018-49. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Resolutions 2018-50. Seconded by Councilman Davis.
MOTION CARRIED UNANIMOUSLY.**

ORDINANCES:

2nd READ:

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

**MOTION by Councilman Scott to waive the reading of Ordinances 2018-35. Seconded by Councilman LeJeune.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2018-35. Seconded by Councilman Coleman.
Discussion ensued and it was proposed to amend the budget to remove the \$60,000 for black arms on signs at I10
and Highway 181. MOTION by Councilman Davis to amend Ordinance 2018-35 to remove \$60,000 for black
arms at I10 and Highway 181. Seconded by Councilman Rudicell.**

MOTION CARRIED UNANIMOUSLY

**MOTION by Councilman Scott to adopt Ordinance 2018-35 as amended. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to waive the reading of Ordinances 2018-36. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2018-36. Seconded by Councilman LeJeune.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to waive the reading of Ordinances 2018-37. Seconded by Councilman Davis.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2018-37 to re-zone certain real property in the City of Daphne
as described in the ordinance from R-7(T), B-2, and R-3 to PUD, Planned Unit Development, subject to approval
by the Planning Commission of a master site plan and detailed development plans which require the developer and
its successors and/or assigns to (i) reserve by appropriate deed or restrictive covenant the first two structure pads
plus the shown setback, which in total is approximately 104 feet east of the Falkenberry Lane right-of-way, on the
Daphne Court East component of the PUD General Plan as common area and/or green space, and (ii) limit
development of the Daphne Court East component so as not to exceed 6 Single Family Detached residences.**

Seconded by Councilman LeJeune.

**Aye-Coleman, Goodlin, Scott, Davis Nay- Rudicell, LeJeune, Conaway
MOTION CARRIED.**

**MOTION by Councilman Scott to waive the reading of Ordinances 2018-38. Seconded by Councilman Davis.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2018-38. Seconded by Councilman LeJeune.
MOTION CARRIED UNANIMOUSLY.**

**October 1, 2018
CITY COUNCIL MEETING
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1st READ:

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

12. COUNCIL COMMENTS:

Councilman Davis thanked the Personnel Department and said they do a great job.

Councilman LeJeune thanked the council for passing the Lott Park Tennis Center ordinance.

Mayor Haygood thanked the council for the Lott Park ordinance. He also mentioned the mast arm poles commitment. Lastly, he gave the procedure of an ordinance if the Mayor chooses to veto it. He told the citizens to know their voice has been heard and to “stay tuned”.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:57 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Candace G. Antinarella, City Clerk

Tommie Conaway, Council President

Permit Activity Report

New Construction September 2018

Monday, October 1, 2018

Permit Code From: BL To: BL
 Issued Date From: 9/1/2018 To: 9/30/2018
 Improvement Type: NEW

Permit Code: BL

BUILDING PERMIT

Residential - NEW - R3 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
275-1	ARK BUILDERS LLC	18-1398		6386 D'OLIVE CT	Yes	A	09/11/2018	09/11/2018	\$143,910.00	\$735.00
	ARK BUILDERS LLC			Daphne, AL 36526		Sub Division:	D'OLIVE LANDING		SQ. FT	Lot:

Total Residential - NEW - R3 BL Permit(s)

1 \$143,910.00 \$735.00

Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
6434-1	TOMMY STUTTS BUILDER	18-1486		8328 SASSAFRAS COURT	Yes	A	09/27/2018	09/26/2018	\$155,640.00	\$795.00
	TOMMY STUTTS BUILDER			Daphne, AL 36527		Sub Division:	Timber Creek		SQ. FT	Lot:
84-1	ADAMS HOMES, LLC	18-1437		27486 ELISE CT	Yes	A	09/14/2018	09/14/2018	\$103,590.00	\$535.00
	ADAMS HOMES, LLC			Daphne, AL 36526		Sub Division:	Caroline Woods		SQ. FT	Lot: 118
84-1	ADAMS HOMES, LLC	18-1436		27445 ELISE CT	Yes	A	09/14/2018	09/14/2018	\$116,670.00	\$600.00
	ADAMS HOMES, LLC			Daphne, AL 36526		Sub Division:	Caroline Woods		SQ. FT	Lot: 101
84-1	ADAMS HOMES, LLC	18-1435		27475 ELISE COURT	Yes	A	09/14/2018	09/14/2018	\$113,100.00	\$585.00
	ADAMS HOMES, LLC			Daphne, AL 36526		Sub Division:	Caroline Woods		SQ. FT	Lot: 105

Total Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permit(s)

4 \$489,000.00 \$2,515.00

Total Residential - NEW BL Permit(s)

5 \$632,910.00 \$3,250.00

Total Residential BL Permit(s)

5 \$632,910.00 \$3,250.00

Total BL Permit(s)

5 \$632,910.00 \$3,250.00

Grand Totals

5 \$632,910.00 \$3,250.00

Sept 2018

Certificate Of Occupancy Report

Printed On : 10/1/2018

CO Issued Date From: 9/1/2018 To: 9/30/2018

Permit Number	CO Issued	Owner Name	Address	Sub Division	Status
18-413	9/7/2018	D R HORTON	23884 FLYNT DRIVE	Dunmore	
18-515	9/7/2018	TRULAND HOMES	27072 ALLENBROOK COURT	Brookhaven	
17-1704	9/10/2018	D.R. HORTON	23899 Kilkenny Lane	Dunmore	
18-508	9/12/2018	D R HORTON	24525 KIPLING COURT	Bellaton	
18-279	9/14/2018	MIKE & KIM CUNNINGHAM	29691 JASON MALBIS BLVD	Historic Malbis	
17-1687	9/21/2018	D R HORTON	23903 DUBLIN DRIVE	Dunmore	
18-102	9/24/2018	D R HORTON	23870 FLYNT DRIVE	Dunmore	
18-159	9/26/2018	D R HORTON	8353 IRWIN LOOP	WINGED FOOT	
17-1415	9/26/2018	DSL D HOMES (GULF COAST	9565 CAMBERWELL DRIVE	Old Field	
17-1713	9/26/2018	DON GARDNER	9064 KRYSTAL RIDGE CT	Krystal Ridge	
18-476	9/26/2018	DSL D HOMES	9870 DUNLEITH LOOP	Old Field	
18-478	9/27/2018	DSL D HOMES	9819 COBHAM PARK DRIVE	Old Field	
18-191	9/27/2018	D R HORTON	9751 VOLTERRA AVE	Bellaton	
18-416	9/28/2018	D R HORTON	23849 DUBLIN DRIVE	Dunmore	

(14)

September 2018

Permit Activity Summary Report

Monday, October 1, 2018

Permit Code From: BL To: xSG

Issued Date From: 9/1/2018 To: 9/30/2018

Permit Code	Description	# Of Permits	Job Cost/Value	Permit Fee
BL	BUILDING PERMIT	48	\$1,895,769.22	\$11,116.00
EL	ELECTRICAL PERMIT	10	\$71,000.00	\$912.00
EL-NEW	ELECTRICAL - NEW	19	\$0.00	\$2,090.00
ME	MECHANICAL PERMIT	17	\$196,028.00	\$2,519.00
ME-NEW	MECHANICAL - NEW	24	\$139,200.00	\$2,640.00
PL	PLUMBING PERMIT	10	\$107,000.00	\$1,724.00
PL-NEW	PLUMBING - NEW RESIDENTIAL	3	\$0.00	\$330.00
Grand Totals		131	\$2,408,997.22	\$21,331.00

Additional fees \$1,886.13
\$23,217.13

All Building Permits Sept. 2018

Periodic Report of Permits Issued by Improvement

10/01/2018

Issued Date From: 9/1/2018 To: 9/30/2018

		Code	Count	# Of Units	Valuation	Permit Fee
BUILDING PERMIT						
Residential						
DECK	R4 - HIGH DENSITY R	BL	1		\$15,800.00	\$95.00
REINSPECTION FEE	R3	BL	3			\$200.00
REINSPECTION FEE	PUD R-3	BL	1			\$50.00
SCREEN PORCH	R1	BL	1		\$8,200.00	\$60.00
SCREEN PORCH	R3	BL	1		\$6,000.00	\$45.00
NEW	R3	BL	1		\$143,910.00	\$735.00
NEW	R4 - HIGH DENSITY R	BL	4		\$489,000.00	\$2,515.00
REPAIR	R1	BL	1		\$3,000.00	\$30.00
REPAIR	R3	BL	3		\$14,200.00	\$120.00
REMODEL	R1	BL	1		\$60,000.00	\$315.00
REMODEL	R3	BL	4		\$38,089.00	\$260.00
RE-ROOF	B3	BL	1		\$8,900.00	\$60.00
RE-ROOF	R1	BL	3		\$57,645.10	\$340.00
RE-ROOF	R3	BL	9		\$108,742.01	\$700.00
ADDITION	R1	BL	1		\$101,578.11	\$525.00
ADDITION	R4 - HIGH DENSITY R	BL	1		\$100,365.00	\$520.00
POOL	R1	BL	1		\$51,000.00	\$270.00
SUNROOM	R1	BL	1		\$9,440.00	\$65.00
SUNROOM	R3	BL	1		\$6,700.00	\$50.00
MISCELLANEOUS	R1	BL	2		\$50,300.00	\$285.00
MISCELLANEOUS	R3	BL	1		\$3,562.00	\$35.00
MISCELLANEOUS	R4 - HIGH DENSITY R	BL	1		\$4,000.00	\$35.00
Non-Residential						
INTERIOR BUILD OUT	B2	BL	2		\$465,729.00	\$2,796.00
Total - BUILDING PERMIT			45		\$1,746,160.22	\$10,106.00
Grand Total			45	0.00	\$1,746,160.22	\$10,106.00

Public Safety Committee

Monday, September 10, 2018

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

Police Chief David Carpenter
Fire Chief James White
Public Works Director, Jeremy Sasser
Samantha Cooper - Secretary

Committee Members Attending:

Councilman Joe Davis, Councilman Ron Scott, Councilman Doug Goodlin, Councilman Joel Coleman, Councilwoman Tommie Conaway, Councilman Robin LeJeune, Councilman Pat Rudicell, Mayor Dane Haygood, Police Chief David Carpenter, Lt. Reggie Ardis, Fire Chief James White, Public Works Director Jeremy Sasser

CALL TO ORDER

Councilman Joe Davis **convened** the meeting at 5:39 p.m.

PUBLIC PARTICIPATION –

Mr. David McClurg, 8824 Bainbridge Dr., Daphne, addressed the committee stating the neighborhood and the HOA asked him to represent and speak to tonight regarding the issue of a public safety concern with lack of sidewalk/school crossing from their subdivision across Whispering Pines. He stated previously, apx. 5 years ago, he addressed this committee with kind of the same issue and concern. One of the best solutions that they all agreed on was that a sidewalk should extend all the way down Whispering Pines to County Rd. 13, with a lighted pedestrian crossing like that have at Champions Way and Co. Rd. 13. He stated he understands this is a big project that clearly needs the proper funding, but what they are asking for right now as a short term solution is a marked pedestrian crossing at the West entrance of the Brookhaven Subdivision, where it is a two-lane. He stated something needs to be done to give these cars more visibility of a pedestrian crosswalk in order for these kids who are standing there waiting to cross the road to go to school without their safety being compromised. He added that the only way you are going to cross Whispering Pines on a School morning is when a good Samaritan stops for you. He stated this area has very limited visibility in this area and something needs to be done in order for people to get across here. He stated there was a packet that was submitted to Public Works with a type of petition of people who have signed agreeing to something needing to be done.

Councilman LeJeune asked Public Works Director, Jeremy Sasser, to get a price on finishing that sidewalk down to Co. Rd. 13. Sasser stated it is in the packet for our 5-year plan, and believes it is right at a \$25,000 item. LeJeune stated to Mr. McClurg, that they will be looking at the budget and they are sure they might be able to cut some things in order to add additional funding to finishing the sidewalk project for this year. Councilman Scott stated he knew we have the current crosswalk down at Stratford Glenn subdivision, and asked why that crosswalk couldn't be slid down and change from there to Brookhaven. He added that there are sidewalks from Stratford Glenn all the way down to Brookhaven; it just might make sense for the time being to move that crosswalk. Councilman Goodlin stated that the only problem that he sees with it is that at that area of cut-ins it is a pretty good sized hill and wouldn't have the ADA compliance that it needs. Mayor Haygood stated one more update, just because it is relevant, the northwest corner of Co. Rd. 13 and Whispering Pines in conjunction with our Co. Rd. 13 sidewalk projects, we have been pushing really hard on that property owner to give us enough of a strip

as we don't have enough right-of-way to put the sidewalk in and have it be a safe distance away from the traffic, so we are trying and have spoken to the attorney that represents that property owner trying to get them to give a section of this area. He stated it really is to their benefit for the City to put in the sidewalk for them instead of them having to fund that for themselves when they develop that property, however there have been some reservations due to history of titlements, but we are currently trying to push through that. He also added that he agrees that they need to find a safe location that is kind of central there in front of Brookhaven that ties in well to Trione Park, to find some type of solution for this area. He stated, Troy had looked at and had some drawings of some non-standard solutions whether it be raised tables that could serve as a cross walk as well as traffic calming in that area, however he is unsure as to what the cost would be or if it is feasible, but what he would like to do is get our Public Works Director to take a look at the crossing locations to make sure there is plenty of line-of-sight distance, that it is safe, and then they can bring back a solution or two before next month's meeting.

Mr. Daniel Mesheed, (business owner in Daphne), addressed the committee stating he represents the Recovery Room and Serda's as well, stating they brought up an issue at last month's public safety meeting in regards to the lack of visibility going into the Shore Oaks Center. They previously spoke about a stop light in this area, which to his knowledge he was told this isn't a possibility. Mayor Haygood addressed that stating through ALDOT / Lavender Lane side of things there is an issue of having a four-way there, so yes it is currently off the table for now. Daniel stated with this being off the table, they would like to ask the council if, as soon as possible, the tree canopy be trimmed to 12 feet and be thinned out to help with the visibility to see things better, as well as for drivers to enter and exit more safely with improved clear vision. The Mayor added that some of the concerns were shrubbery that were on private property as well as a wooded area between the Rama Imports and Serda's, however that is on private property and we don't have the right of way to act upon that, but in communicating with the two property owners it should be able to get thinned out pretty easily. He added that there is still an issue with the Oaks, and he feels that the Oak trees need to be trimmed and kept at a 10-12 foot canopy, which has been signed off on by the Beautification Group and the Corridor 98 Group that it is an acceptable tree canopy height for the oaks all down Hwy. 98.

Councilman Scott added that the fact that their monument sign is too high and the Oaks are blocking it, is really not our problem that they put their sign up too high. He added that our "sign folks" when they are approving these signs they need to be talking about and addressing a proper sign height in order for them to improve visibility of their sign. Councilman LeJeune asked what our tree ordinance says about what we can and cannot do in regards to maintaining the Oaks, for the protection of the Oaks. It was stated that the ordinance doesn't specifically speak to the required canopy height, just that the Oaks are protected and need to continue to be protected. The Mayor added that we have the right to maintain anything that is on the right-of-way, but again when we had some of these concerns about a year and a half ago with an apartment complex on 98, that is when we spoke to the different committees about what would be an appropriate and acceptable tree canopy height. He added that we have kind of set a standard of 10 feet above roadside with Public Works but it is hard to find that balance as to what is the best height. He added that Grounds have already been asked to start pruning and cutting to have an even canopy height all the way down 98 to remedy the situation. Councilman Davis asked the gentleman to be patient with them, that they are working on this to get it done and taken care of but it will take some time. Mr. Mesheed added one last comment stating that the sign that is on their property is about to fall down. They have contacted the landlord, who is in Connecticut, regarding this; however he asked if they can't get through to the landlord if the council would be willing to reach out to the landlord stating this is a public safety concern and it needs to be addressed/taken care of. Mayor Haygood and the council agreed that they could reach out if necessary.

Mr. Daniel Nance, (business owner in Daphne), addressed the committee stating he is the owner of Chik-fil-A in Daphne, and that some of you all are aware of the issue they have been dealing with for about the last 3 years about the possibility of a red light at Lavender Lane in working with ALDOT in closing off the medians as they go down 98 (right in, left out). He stated the entrance in front of their restaurant has had one fatality that they know of with over 35 (if not more) wrecks in the 15 years that he has been here, stating that that intersection, as we all know, is highly dangerous. He added that they have done a lot of work and improvements recently, in the tune of \$200,000, to alleviate and help the customers get off the road, for their safety, but with the change to the median there is going to be even

more impasse happening because of the Target traffic due to the lane improvements that were made on 98 and 64 where they pushed back the turn lane and yield, people are making U-turns at that intersection now and when you try to leave Target its extremely difficult to get out to the left. He added, this is where the idea of Lavender Lane came up, originally with an access road at the front on 98, where there was some stacking issues going on. He said the City did some improvements in the area next to Wacky Shrimp and then they came up with a plan to go back behind the buildings and bring an access road all the way across but they have had real difficulty bringing Target to the table. He stated that he wanted to let the Council know that Chik-fil-A incorporated as a corporation, which is a 12 billion dollar corporation, is having difficulty with Target as well. They have been 2 headquarters that have been trying to go and support an access point behind our restaurants to allow a road come through for public safety reasons, it truly is a safety issue in getting people in and out of that area safely. Nance said that Chik-fil-A currently has 3 other issues pending with Target, that are not here, so 4 total with ours, and they are getting no effort or support from Target anywhere in the country, so it's not just here, but they are giving a lot of pushback on resolving these issues with Chik-fil-A and have not been very friendly with out-parcels. Nance advised the solution he came up with would be to have an access point out of the back of his lot. He would make his lot available for the City to have an access point across to Lavender Lane so that they could complete the red light work as a part of the whole corridor improvement, as he understands there is other improvements happening at Van Ave. and Halls Ln., so it's a package of stuff all kind of happening at once but he is going to have plans drawn up for the committee so that they can see what that might look like. He added he just wanted the council to be aware that they have been banging on the door of Target for 3 years, and in lieu of the City going and getting the property, they don't know what else they can really do to fix this issue.

Mayor Haygood addressed the committee stating this is the Highway 98 from 64 to Van Ave. project that they have ALDOT committee funds to spend, which started about 2 ½ years ago, to create a working group of property owners, business etc., to fix some of the issues with Shore Oaks and Halls Ln., and they have gotten nowhere with Target through several different means and attempts to create a viable solution for this public safety concern. They have been shut down every time they have gone there. The Mayor added that Daniel stated he had a solution in mind that would bypass this issue with Target, so they walked around the property site today and looked at it. The Mayor said he felt it was a viable solution and one that could work, but the question is, is it the right solution for our community. He asked if we want to do it the right way or do we want to go around it and utilize a solution that might not necessarily be the right solution to this problem, even though it will work. He added that they are to a point where no doors are being able to be opened, to a point where someone with Chik-fil-A corporate went to Minneapolis to meet with Target personally to address this issue and it was shut down yet again. The Mayor said if we are getting shut down, Chik-fil-A is being shut down we are at an impasse, so maybe we need to look into gravitating toward the solution that Chik-fil-A is offering which basically utilizes existing curb cuts into Target, or we need to utilize the powers that ALDOT might possibly have in order to address this. He concluded by saying if we don't come up with a solution to this we will lose the \$400-\$450,000 dollars contributed by ALDOT for this project if we don't move this along pretty quickly. Land wise, the Mayor added, is mostly coming from a common area that's controlled by Target and then property right behind Chik-Fil-A and Wacky Shrimp, that they are willing to give, and tying it in to an existing asphalt parking lot, adding Target might lose 3 or so parking spaces from it but they get their customers out to the traffic light in a safe manner.

Councilman Scott stated we need to do this right and he would like to make a motion that we as a council recommend to authorize ALDOT to the start the condonation process to alleviate the obvious safety concern problem we have with this traffic area and let's put this project together because it is a safety issue and is only going to become more of a safety issue. Goodlin gave a "second" to the motion made. Councilman Coleman stated he would like to see the drawings of the proposal that Chik-fil-A would like to make before making any further decision on this. Councilman LeJeune stated he would like some type of interpretation from Legal in regards to the different proposals of what we are going to put ourselves in, even if it's under ALDOT, I'd like us to have a little more information before we make a rushed decision. Councilman Davis stated he thinks the motion might be well founded but may not be timed exactly to his comfort. All in favor of the motion, "aye" – Councilman Scott, Councilman Goodlin; all opposed to the motion, "nay" – Councilman Davis, LeJeune, Rudicell, Coleman, Councilwoman Conaway.

Councilman Davis said in the essence of time, we thank you all for being here and we will be working with both of you (Daniels) on the different combinations of what we might be able to do. He added what he feels needs to be stressed to Target is that from the City's perspective, this is about Public Safety. He said we want to be good neighbors to our commercial interests because we all depend on each other but public safety should be and are what we are about and they need to get the message loud and clear even if we need to get ALDOT and others involved, but let's keep the dialog going and hopefully come up with a viable solution by next month's meeting.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from August 13, 2018, were approved as read.

POLICE DEPARTMENT

A. New Business –

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

Chief Carpenter stated he knew the big thing tonight was that Councilman Scott wanted Animal Control and Lt. Ardis here to discuss the animal shelter issues presented last meeting, so they are all here to speak to you all. Councilman Goodlin asked if it is our policy that volunteers cannot volunteer and work at our Animal Shelter. Rhonda Jones (Animal Control) briefly answered stating yes that is our policy, due to liability. Chief Carpenter stated we actually had an inmate that got bit the other day and Kelly (finance) added that an inmate that got bit last year we paid in tune of \$5,000+ in rabies and medical bills. Councilman LeJeune interjected stating he is sorry but they are out of time and this is going to have to be addressed a different night.

FIRE DEPARTMENT

A: New Business –

The stats were presented for July 2018.

Chief White briefly stated that they received the ISO survey back and we moved up to a 3. He said we ended up with 75.98 points and were 4 points away from getting a 2. He said they took a hard lick on Station 5 and then man power. He is hoping to call for another survey in hopes of moving up.

Mayor Haygood added that in regards to Station 5 they have been working heavy with their legal and they should be closing on Friday for this property in moving Station 5 forward.

OTHER BUSINESS –

ADJOURN

There being no further business to discuss, Councilman Davis made a motion to adjourn the meeting at 6:10 p.m. The next meeting will be Monday, October 8, 2018 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

Library Board Introduction

My name is Chuck Dean. I'm a lifelong resident of Baldwin County and a patron of the Baldwin County Library system since the day the bookmobile rolled into the parking lot of Stapleton Elementary when I was in fourth grade. I've been a regular patron at the Daphne Public Library for over 20 years.

We moved to Daphne when our children were seven and ten. The whole family had library cards. Our kids were always excited about coming to the library to pick up books. Something my wife and I both understood, both being avid readers who spent our childhoods going to the library. We also enjoyed the other offerings from the library, movies and TV series on video, audio books we enjoyed as a family on long car trips for vacation or visiting family. We've now had the opportunity to even bring our granddaughter to the library for books – a reading habit passed down to a new generation.

The people who make up the Daphne library staff have always been friendly and helpful. We've seen many come and go over the past two decades. We've shared our common appreciation of certain authors, gotten recommendations for new titles that might be a hit with one family member or another. As the primary book handler of the family, over the years I've had the privilege of making friends with many of the staff over the years, sharing joys and troubles, happiness and sorrow from our lives. In the days and weeks after we lost our son John, at 21 to a rare form of childhood cancer, our friends at the library reached out to us with words of comfort and concern, and they've continued to be supportive as we've walked the path of our grief.

The Daphne Public Library has given to our family for the past 20 years, the gift of knowledge, the gift of entertainment, the gift of community. I have always thought that I'd love to be more involved with the library, to give back. I imagined being a volunteer after I retire, or something more. I was thrilled to find out that there was an opportunity to be on the board of directors. I would be thrilled to be able to give back to an institution that has meant so much to my family, and to our community. I hope you will consider my request to join the board as it seeks to assist in oversight and planning for the Library's future.

I have a Bachelor of Science in Business Administration from Auburn University, I attended the University of South Alabama for classes in Information Systems and completed the MBA program at the University of Mobile at the top of my class.

I have worked in Information Technology for the past 35 years – as programmer, help desk, DBA, systems administrator and manager – including 15 years at Mobile Gas ending as network systems manager. After leaving the gas company I pivoted into the cyber security field by obtaining certifications as a Certified Information System Security Professional (CISSP) and ITIL Foundations. I am the Senior IT Security Analyst at Austal USA. I've been with Austal for seven years.

Sincerely

Chuck Dean

Jewel Lawson is a lifelong resident of Daphne, Alabama. She received her elementary and secondary education in the Catholic and public schools in Daphne. She completed her post-secondary education with a BS and Master's degree. She also earned certifications in school counseling and administration in grades K-12.

Jewel was employed with the Baldwin County School System for 30 years. During that time, she was a teacher, and Assistant Attendance Supervisor. She was also Assistant Principal of Daphne Middle School, Assistant Principal of Daphne High School and Principal of North Baldwin Center for Technology. She retired in 1998 after 30 years of service with the school system.

Jewel is very active in community service initiatives. She has served on many boards, advisory councils, and committees. Some were Baldwin County Department of Human Resources Advisory Committee, Boys and Girls Club Board of Directors, Care House Board of Directors, Baldwin Youth Service Board of Directors, Ruff Wilson Youth Club Board of Directors, and service to several other organizations. She has received numerous awards for her service throughout the city, county and state.

In April of 2000, Jewel began teaching Adult Education classes with Faulkner State Community College/Coastal Alabama Community College. During her 18 years as a GED

instructor, her classes have been the most successful in the county.

Jewel is a dedicated member of Pine Grove C.M. E. Church. She serves on several committees within the local church and the Southern region.

Jewel is the mother of one son Marshall Dion Lawson and his wife Tiffany, and the grandmother of two grandsons, Hunter and Jacob. Jewel is also the caregiver of her 90-year-old mother, Cleo Jackson.

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Planning Commission Minutes and Report
Date: October 1, 2018

MEMORANDUM

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of August 23, 2018, and the report of the regular meeting of September 27, 2018 for placement on the Monday, October 15, 2018 City Council agenda for review.

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

ADJ/jv

From the Office of

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

FILE
10/1/18
1:00 pm

The City of Daphne
Planning Commission Minutes
Regular Meeting of August 23, 2018
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:00 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Andrew Prescott
Charles Smith, Secretary
Ed Kirby
Marybeth Bergin, Chairman
Phillip Hodgson
Ron Scott
Hudson Sandefur
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development

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

Chairman asked for questions, comments or corrections to the minutes *of the regular meeting of July 26, 2018. There being none, minutes are approved as submitted.*

The next order of business is final plat review and street acceptance for Diamante Subdivision, Phase One.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry, requesting final plat review of phase one, a sixty-one lot subdivision consisting of approximately thirty-seven point four-five acres located on the east side of County Road 13, north of Sehoy Subdivision. He stated we have been working diligently to address the deficiencies; in lieu of completion of the remainder of the improvements, the developer has also posted a performance bond.

Troy Strunk, Executive Director of City Development, addressed the Commission and read the following a memorandum from the Public Works Director, "All Public Works infrastructure, roadways and drainage for the above referenced development was re-inspected on August 23, 2018 at 4:35 p.m., and the following observations and deficiencies were noted: gutters just adjacent to inlets "D" and "E" have been removed and appear to have been prepared to be re-poured tomorrow. Once the above referenced deficiencies have been corrected, you may call for re-inspection. With the amount of work to be performed, I see no reason not to approve the final plat at the Planning Commission meeting; I simply will not sign the plat until the work has satisfactorily been completed".

The City of Daphne
Planning Commission Minutes
Regular Meeting of August 23, 2018
Council Chamber, City Hall - 5:00 P.M.

Chairman commented that the solid yellow skipped line adjacent to the left turn lane on County Road 13 and Diamante Subdivision should be a solid white line; also, the street signs are all caps and should be mixed.

Chairman asked for Commission questions or comments and has the Environmental Programs Manager comments been addressed. Ms. Jones confirmed.

Mr. Scott reiterated that the plat will not be signed by the City until the deficiencies are addressed and asked about the ten-foot vegetative buffer. Mr. Pumphrey responded that is in the next phase of the development.

Ms. Jones commented there is no note, gate or fence on Red Eagle Drive between the two subdivisions.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Kirby and Seconded by Mr. Smith to approve the final plat for Diamante Subdivision, Phase One. There was no discussion on the motion. The Motion carried unanimously.

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur to set forth a favorable recommendation to City Council to accept the streets in Diamante Subdivision, Phase One. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is master plan revision for Saint Augustine Subdivision.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry, of a master plan revision for Saint Augustine Subdivision. He stated that the revision reflects the division of the remainder of the development into two phases.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Kirby and Seconded by Mr. Smith to approve a master plan revision for Saint Augustine Subdivision. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary plat review for Saint Augustine Subdivision, Phase Four.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry, requesting preliminary plat review of a twenty-five lot subdivision consisting of approximately sixteen-point eight acres located northeast of County Road 64 on Rigsby Road. He commented that the deficiencies outlined by Baldwin County have been addressed.

Chairman clarified that the intent was to separate the isolated wetlands and asked for Commission questions or comments.

The City of Daphne
Planning Commission Minutes
Regular Meeting of August 23, 2018
Council Chamber, City Hall - 5:00 P.M.

Mr. Pumphrey responded approval of phase four, as well as, correspondence regarding the wetlands has expired; therefore, the developer has requested a jurisdictional determination which may affect the lot layout of phase five.

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

Louisa Toler, 26374 Rigsby Road, spoke regarding the necessity of maintenance of the existing pond in phase five and that storm water drainage regularly floods County Road 54 West.

Chairman closed public participation.

Ms. Jones stated the owner and/or POA could be asked to clean out the pond.

Mr. Dungan stated under the MS4 permit, the City or County does have jurisdiction to maintain the detention pond and assess the POA.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Kirby and Seconded by Mr. Smith to approve the preliminary plat for Saint Augustine Subdivision, Phase Four. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a rezoning request for Cynthia Dixon.

An introductory presentation was given by Harry Johnson, representative of HPJ Properties, L.L.C., requesting rezoning of a zero-point four-five acre parcel located at the southeast corner of Randall Avenue and Guarisco Street from R-2, Medium Density Single Family Residential, to R-6(G), Garden/Patio Home for the purpose of the creation of a subdivision with frontage on Randall Avenue compatible to Blacksher Place Subdivision.

Chairman asked the number of lots proposed and for Commission questions or comments. Mr. Johnson responded two.

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

A Motion was made by Mr. Scott and Seconded by Mr. Kirby to set forth a favorable recommendation to the City Council to rezone the subject property for Cynthia Dixon from R-2, Medium Density Single Family Residential, to R-6(G), Garden/Patio Home. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is Planning Commission discussion.

Ms. Jones asked Mr. Scott to address the Commission about the status of the proposed amendment.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of August 23, 2018
Council Chamber, City Hall - 5:00 P.M.**

Mr. Scott responded that staff is tweaking the language of an amendment which defines that area affected and establishes borders of an overlay district for substandard lots of record which do not lie within a subdivision, and reiterated that proposed language is a result of the denial of a variance for a subdivision re-plat of three-lots by the Board of Zoning Adjustment.

Chairman asked the timeline for presentation of the amendment. Troy Strunk, Executive Director of City Development, responded two to three months.

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.

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Ms. Jones presented the following:

- a. EnerGov Training Classes, August 21-23, 2018;
- b. The upcoming meeting dates are Site Preview, September 19 & Regular Meeting, September 27, 2018.

Troy Strunk, Executive Director of City Development, announced plans for joint work sessions and/or public hearings to be held by the Downtown Redevelopment Committee and City Council and encouraged Planning Commission attendance.

There being no further business, the meeting was adjourned at 5:31 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: September 27, 2018



Marybeth Bergin, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 27, 2018
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

1. CALL TO ORDER: 5:05 p.m.

2. CALL OF ROLL: Marybeth Bergin, Ed Kirby, Chief White, Phillip Hodgson, Andrew Prescott, Angie Phillips and Ron Scott

3. APPROVAL OF MINUTES:

Review of minutes for the regular meeting of August 23, 2018 (Approved as submitted)

4. NEW BUSINESS:

A. ZONING AMENDMENT:

1. File Z18-07: Claymark Properties, L.L.C. (Favorable recommendation)

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

Proposed Zoning: B-3, Professional Business

Location: Southwest of Van Avenue and Main Street

Area: 1.15 Acres $\pm$

Owner: Claymark Properties, L.L.C. - Mark Boles

Agent: Chason & Earle - Larry Chason

B. SITE PLAN REVIEW:

1. File SP18-11: (Approval of site plan & waiver to sidewalk requirement)

Site: Lot 7, Austin Place Commercial Park, Phase One

Zoning: B-2, General Business

Location: Northwest of County Road 64 and Equity Drive

Area: 0.5 $\pm$ Acres

Owner: Richard & Merri Bass

Developer: Innovative Building Solutions, L.L.C. - Richard Bass

Agent: Engineering Design Group - Wade Lowery

Engineer: Engineering Design Group - David Teague

2. File SP18-12: (Approval of site plan & temporary waiver to sidewalk requirement along County Road 64; sidewalk issue will be re-visited upon review of future planned site improvements)

Site: Elite Way

Zoning: PUD, Planned Unit Development

Location: Northeast of Edgewood Drive and County Road 64, Lot C-2, Winged Foot Subdivision, Phase One

Area: 2.06 $\pm$ Acres

Owner: Winged Foot Development 2016, L.L.C. - Geoff Lane

Developer: Elite Realty - Rachael Romash

Agent: Paper House Design Group - Mark Hammond

Engineer: Bethel Engineering - Vince LaCoste

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 27, 2018
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

C. FINAL PLAT REVIEW:

1. File SDF18-07: (Tabled until the meeting of October 25, 2018)

Subdivision: Oldfield, Phase 3A

Zoning(s): *R-3, High Density Single Family Residential*

Location: North and west of Oldfield Subdivision, Phase One

Area: 14.16 Acres $\pm$, (40) lots

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

Surveyor: SmithClark & Associates - Daniel Clark

Engineer: Mullins, L.L.C. - Micah Jones

D. PRELIMINARY PLAT REVIEW:

1. File SDP18-08: (Approved)

Subdivision: Oldfield, Phase 3B

Zoning(s): *R-6(G), Garden/Patio Home*

Location: South and west of Oldfield Subdivision, Phase One

Area: 25.77 Acres $\pm$, (90) lots

Owner(s): D.R. Horton - Crain Rogers

Agent: Dewberry - Steve Pumphrey

Surveyor: Dewberry - David Diehl

Engineer: Dewberry - Jason Estes

E. PRE-ZONING AMENDMENT AND ANNEXATION:

1. File Z18-08: Danny and Donna Parks (Favorable recommendation)

Present Zoning: *RSF-E, Residential Single Family Estate, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

Proposed Zoning: *R-3, High Density Single Family Residential & B-1(a), Limited Local Business*

Location: Southeast corner of Belgrove Avenue and Alabama Highway 181

Area: 3.37 Acres $\pm$

Owner: Danny & Donna Parks

Engineer: S.E. Civil - Larry Smith

2. ANNEXATION:

File ANX18-01: (Favorable recommendation)

Presentation to be given by Larry Smith, representative of S.E. Civil, requesting annexation of three-point three seven acre parcel into the City of Daphne located at the southeast corner of Belgrove Avenue and Alabama Highway 181 as R-3, High Density Single Family Residential, and B-1(a), Limited Local Business. The subject property is currently zoned, RSF-E, Residential Single Family Estate, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne. Owner(s): Danny and Donna Parks.

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 27, 2018
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

F. PLANNING COMMISSION DISCUSSION:

City Council Request - Presentation to be given by Adrienne Jones, Director of Community Development, of a proposed amendment to Article 14, the Olde Towne Daphne District Provisions. (No action taken)

G. ELECTION OF 2018-2019 OFFICERS

Chairman, Vice Chairman and Secretary (Marybeth Bergin, Chairman, Phillip Hodgson, Vice Chairman & Andrew Prescott, Secretary)

5. **PUBLIC PARTICIPATION:** None presented

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

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

8. **DIRECTOR'S COMMENTS:**

Ms. Jones presented the following:

a. City Council Actions:

1. 2nd read on the ordinance for Jacob's Well, L.L.C. zoning amendment on October 1, 2018;
- b. The upcoming meeting dates are site preview, October 17 & regular meeting, October 25, 2018; and,

At the request of the Director and in consideration of the Thanksgiving holiday, Commissioners voted unanimously to reset the regular meeting of Tuesday, November 20th to Thursday, November 29th.

9. **ADJOURNMENT:** 6:50 p.m.



City of Daphne Event Permit Application

Date of Application 10-4-18 Permit Requested ☒ Event/Fundraiser ☐ Parade/Run ☐ Band

Contact Information	
Organization Name	<u>LSK Lupus Walk</u>
Contact Name	<u>Lucy King</u>
E-mail Address	<u>LKKing15@aol.com</u>
Address	<u>11351 Hakey Loop Daphne, AL 36526</u>
Primary Phone Number	<u>251-753-7989</u>
Secondary	<u>251-605-2132</u>

Event Information	
Event Name	<u>LSK Lupus Awareness Walk</u>
Event Date	<u>3-16-19</u>
Event Location	<u>Daphne City Hall</u>
# Participants/Vehicles	<u>150</u>
Start Time	<u>7:00 AM</u>
Stop Time	<u>12:00 PM</u>
Assembly Time	<u>6:30 AM</u>
Special Requests	<u>NO</u>
Road Closures Requested: ☐ Yes ☒ No	

Special Instructions

Approval: Internal Use Only	
Date Routed	<u>10/5/18</u>
Fire Dept	<u>[Signature]</u>
Police Dept	<u>[Signature]</u>
Public Works	<u>[Signature]</u>
Parks & Recreation	<u>[Signature]</u>
For Special Event/Band Permits:	
Council Member	<u>[Signature]</u>
For Parade/Run Permits & Use of City Grounds:	
City Council	<u>[Signature]</u>
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 01/02/2018

Permit Requested ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information

Organization Name Baldwin County Martin Luther King Jr. Celebration Committee Inc

Contact Name Willie Williams

E-mail Address: ques26@hotmail.com

Address P. O. Box 434, Point Clear, AL 36564

Primary Phone Number: 251-379-2405

Secondary: _____

Event Information

Event Name: Annual Baldwin County MLK Day Celebration Event Date: 01/21/2019

Event Location: Start Daphne City Hall & End Daphne # Participants/Vehicles: 500

Start Time: 10:30 A.M. Stop Time: 11:30 AM Assembly Time: 10:00 A.M.

Special Requests: We will march from Daphne City Hall to Daphne Civic Center.

We request Daphne Civic center for Program and fun

Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: 10/5/18

Fire Dept. [Signature]

Police Dept. [Signature]

Public Works: _____

Parks & Recreation: _____

For Special Event/Band Permits:

Council Member _____

For Parade/Run Permits & Use of City Grounds:

City Council _____

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20181011101819233

Type License: 020 - RESTAURANT RETAIL LIQUOR

State: \$300.00 **County:** \$400.00

Type License:

State: **County:**

Trade Name: OLLIES NEIGHBORHOOD GRILL

Filing Fee: \$50.00

Applicant: GBW III INC

Transfer Fee:

Location Address: 29740 A URGENT CARE DR DAPHNE, AL 36526

Mailing Address: 4503 BAYWOODS CT PENSACOLA, FL 32504

County: BALDWIN **Tobacco sales:** NO

Tobacco Vending Machines:

Type Ownership: CORPORATION

Book, Page, or Document info: INST 524-732

Date Incorporated: 07/25/2018 **State incorporated:** AL **County Incorporated:**

Date of Authority: 07/25/2018

Alabama State Sales Tax ID: R010162757

Federal Tax ID: 83-1377050

Name:	Title:	Date and Place of Birth:	Residence Address:
DON ZIMMERMAN Z565-176-63-088-0 - FL	COO	03/08/1963 AMARILLO, TEXAS	1464 BOMBAY COVE GULF BREEZE, FL 32563
TIMOTHY ALAN FABRIZIO F162-801-67-020-0 - FL	VEO	01/20/1967 WASHINGTON, DC	4505 BAYWOODS CT PENSACOLA, FL 32504

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

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

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

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

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

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

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

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

Contact Person: TIM FAVRIZIO

Home Phone: 912-424-1502

Business Phone: 912-424-1502

Cell Phone:

Fax:

E-mail: TIMF.GBW@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Previous License Number(s)

Trade Name:

License 1:

Applicant:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20181011101819233

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

Name of Property owner/lessor and phone number: **AEOTOS LLC 251-454-9696**

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

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

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

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

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

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

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

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

Building Dimensions Square Footage: **4000** Display Square Footage:

Building seating capacity: **131**

Does Licensed premises include a patio area? **YES**

License Structure: **ONE STORY**

License covers: **ENTIRE STRUCTURE**

Location is within: **CITY LIMITS**

Police protection: **CITY**

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

Name:

Violation & Date:

Arresting Agency:

Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20181011101819233



Initial each

Signature page

☐ TR

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

☐ TR

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

☐ TR

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

☐ TR

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

☐ TR

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

☐ TR

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

☐ TR

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

☐ TR

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

☐ TR

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

Applicant Name (print): *Tim Fabrizio*

Signature of Applicant: *[Signature]*

Notary Name (print): *Betty G. Dean*

Notary Signature: *Betty G. Dean*

Commission expires: *1/13/2019*

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:

Receipt Confirmation Page

Receipt Confirmation Number: **20181011101819233**
 Application Payment Confirmation Number: **38335020**

Payment Summary	
Payment Item	Fee
Application Fee for License 020	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
020 - RESTAURANT RETAIL LIQUOR	\$400.00	\$300.00	\$700.00
			\$0.00
Total Amount to be Charged	\$400.00	\$300.00	\$700.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 020 - RESTAURANT RETAIL LIQUOR
 License Type 2:
 License County: BALDWIN
 Business Type: CORPORATION
 Trade Name: **OLLIES NEIGHBORHOOD GRILL**
 Applicant Name: **GBW III INC**
 Location Address: 29740 A URGENT CARE DR
 DAPHNE, AL 36526
 Mailing Address: 4503 BAYWOODS CT
 PENSACOLA, FL 32504
 Contact Person: TIM FAVRIZIO
 Contact Home Phone: 912-424-1502
 Contact Business Phone: 912-424-1502
 Contact Fax:
 Contact Cell Phone:
 Contact Email Address:
 Contact Web Address:

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones, ⁸
Director of Community Development

Subject: Claymark Properties, L.L.C.
Zoning Amendment

Date: October 1, 2018

PRESENT ZONING: R-2, Medium Density Single Family
Residential

PROPOSED REZONING: B-3, Professional Business District

LOCATION: Southwest of Van Avenue and Main
Street

RECOMMENDATION: At the Thursday, September 27, 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
for Claymark Properties, L.L.C.

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 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

FILE
10/1/18
11:00 pm



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted August 1, 2018

Application Number:

Planning Commission Public

ZA- 18-08 or PZA-

Hearing Date: September 27, 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): <u>706 VAN</u>		PPIN#(s): <u>009953</u>
Gross Site Area (acreage): <u>1.15 AC</u>	Requested Zoning or Pre-Zoning: <u>B-3</u>	
Current Zoning Designation(s): <u>R-2</u>	Amended Request: Initials: _____ Date: _____	
Current Land Use: <u>Mobile Home Park</u>	Anticipated Land Use: <u>Office</u>	
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:

CLAYMARK Properties LLC

Mailing Address:

P.O. Box 241 Fairhope, AL 36527

Phone/Fax:

markbbolles@gmail.com
E-mail: 251-455-4117

Name of Authorized Agent:

Larry Chason

Mailing Address:

P.O. Box 3102 Daphne

Phone/Fax:

E-mail:

chasein@aol.com

251-454-3473

Name of Developer*:

Phone/Fax:

E-mail:

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: <u>[Signature]</u>	Date: <u>8/1/18</u>
Agent's Signature: <u>[Signature]</u>	Date: <u>8-1-18</u>

CLAYMARK PROPERTIES, L.L.C.
REZONING REQUEST
SOUTHWEST OF MAIN STREET AND VAN AVENUE

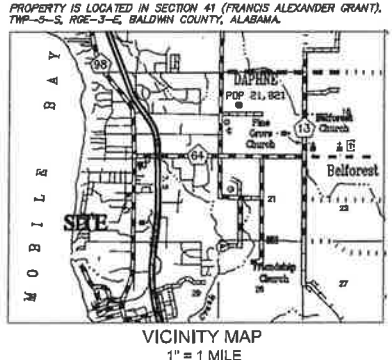
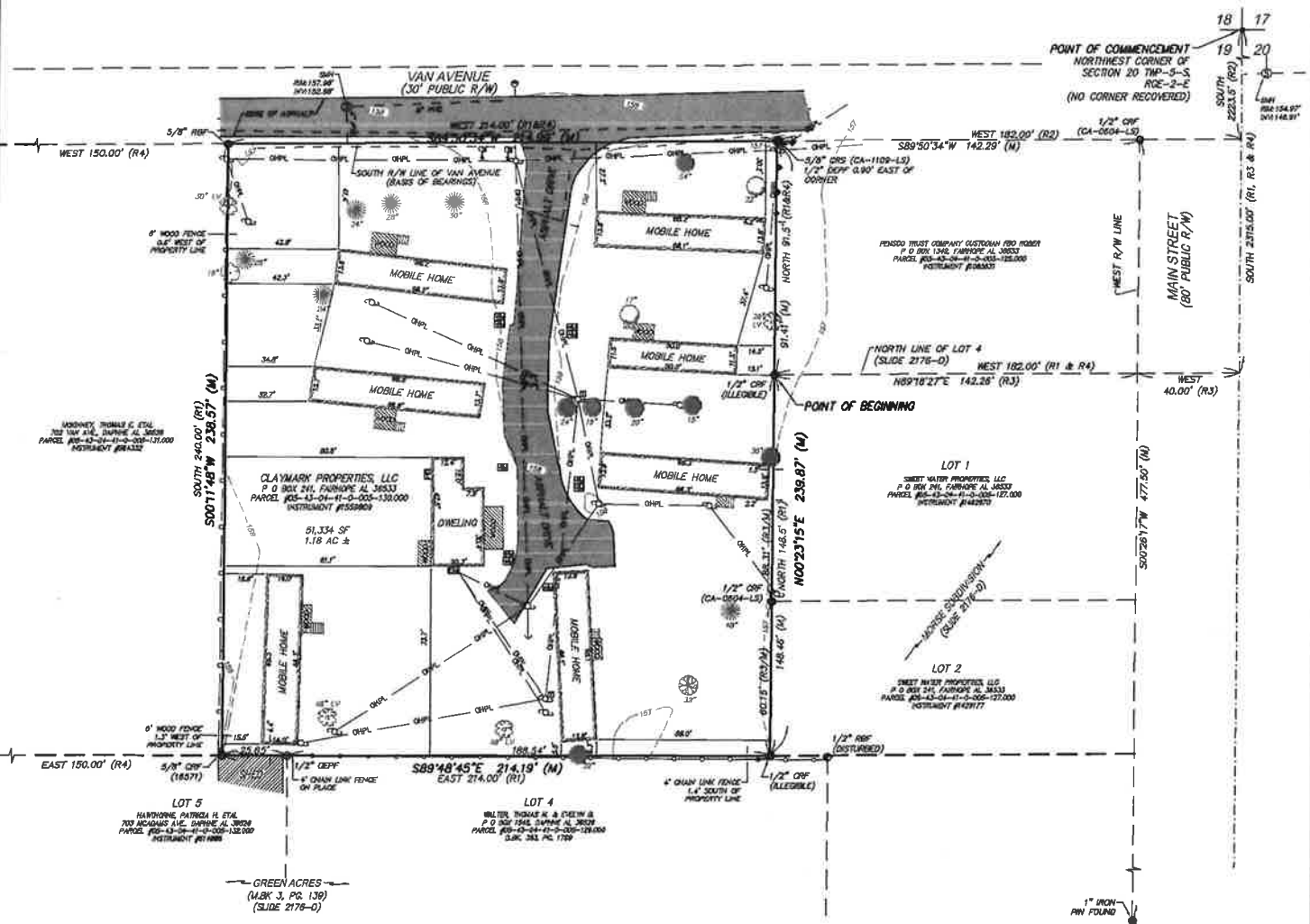
EXHIBIT "A"

DESCRIPTION OF PROPERTY TO BE RE-ZONED TO B-3, PROFESSIONAL BUSINESS:

LEGAL DESCRIPTION:

FROM THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST, RUN SOUTH ON THE SECTION LINE 2315 FEET AND WEST 182 FEET FOR A POINT OF BEGINNING; RUN THENCE NORTH 91.5 FEET TO A POINT ON THE SOUTH SIDE OF WHARF STREET; RUN THENCE WEST 214 FEET TO A POINT; RUN THENCE SOUTH 240 FEET; RUN THENCE EAST 214 FEET; RUN THENCE NORTH 148.5 FEET TO THE POINT OF BEGINNING, LYING IN SECTION 41 (FRANCIS ALEXANDER GRANT), TOWNSHIP 5 SOUTH, RANGE 2 EAST.

(THIS DESCRIPTION WAS COMPOSED FROM INSTRUMENT #1559809 OF PROBATE RECORDS)



LEGEND:

- CRF = CAPPED REBAR FOUND
- OEFP = OPEN END PIPE FOUND
- RF = 1/2" REBAR FOUND
- CRS = CAP REBAR SET (CA-1109-LS)
- WATER METER
- GAS METER
- ELECTRIC METER
- UTILITY/POWER POLE
- SEWER MANHOLE
- TELEPHONE PEDESTAL
- GUIDE POLE
- GUY WIRE
- FENCE POST
- R/W = RIGHT OF WAY
- TWP = TOWNSHIP
- RGE = RANGE
- D.B.K. = DEED BOOK
- M.B.K. = MAP BOOK
- P.G. = PAGE
- CA = CERTIFICATE OF AUTHORIZATION
- LS = LICENSED BUSINESS
- SF = SQUARE FEET
- # = NUMBER
- WOOD FENCE
- CHAIN LINK FENCE
- OVERHEAD POWER LINE
- GAS LINE
- GRAVITY SEWER LINE
- WATER LINE
- BREAK LINE

TREE LEGEND:

- OAK
- CEDAR
- PECAN TREE
- PINE
- SWEETGUM
- HICKORY
- LV = LIVE OAK

SURVEYOR'S NOTES:

- ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
- NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY, NOR PROVIDED TO DEWBERRY FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, ENCROACHMENTS, RIGHT-OF-WAYS, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.
- THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
- THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
- SURVEY WAS CONDUCTED ON AUGUST 8TH, 2018, AND IS RECORDED IN FIELD BOOK #318, AT PAGE 87-88 AND IN AN ELECTRONIC DATA FILE.
- BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH R/W LINE OF VAN AVENUE AS BEING SOUTH 89°50'14" WEST BEARINGS ARE REFERENCED TO ALABAMA STATE PLANE COORDINATES, WEST ZONE, NAD 1983/90.
- ALL GPS OBSERVATIONS WERE TAKEN USING REAL TIME KINEMATIC GPS.
- THIS SURVEY IS BASED UPON MONUMENTATION FOUND IN PLACE AND DOES NOT PURPORT TO BE A RETRACEMENT AND PROPORTIONING OF THE ORIGINAL GOVERNMENT SURVEY.
- THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF BALDWIN COUNTY, ALABAMA.
- IMPROVEMENTS MAY BE ENLARGED FOR FUTURE USE.

SURVEYOR'S CERTIFICATE:

STATE OF ALABAMA
COUNTY OF BALDWIN

WE, DEWBERRY, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAN OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA, TO-WIT:

FROM THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST, RUN SOUTH ON THE SECTION LINE 2315 FEET AND WEST 182 FEET FOR A POINT OF BEGINNING, RUN THENCE NORTH 91.5 FEET TO A POINT ON THE SOUTH SIDE OF WHARF STREET; RUN THENCE WEST 214 FEET TO A POINT; RUN THENCE SOUTH 240 FEET; RUN THENCE EAST 214 FEET; RUN THENCE NORTH 148.5 FEET TO THE POINT OF BEGINNING, LYING IN SECTION 41 (FRANCIS ALEXANDER GRANT), TOWNSHIP 5 SOUTH, RANGE 2 EAST.

(THIS DESCRIPTION WAS COMPOSED FROM INSTRUMENT #1559809 OF PROBATE RECORDS)

WE FURTHER STATE THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OR PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE JANUARY 1, 2017.

08/19/2018
DATE
DEWBERRY
GEORGE D. GIBSON III
AL P.L.S. NO. 30347
SURVEY NOT VALID WITHOUT ORIGINAL
SIGNATURE AND SEAL



FLOOD CERTIFICATE:

THIS PROPERTY LIES WITHIN ZONE "X" AS SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP OF BALDWIN COUNTY, ALABAMA, MAP NUMBER 01030532 L, CITY OF DAPHNE, COMMUNITY NUMBER 010005, PANEL NUMBER 0632, SUFFIX L, MAP REVISED DATE JULY 17, 2007.



BOUNDARY &
TOPOGRAPHIC SURVEY
-FOR-
68V PAY DIRT, LLC
"VAN AVE.-CLAYMARK"



FIELD DATE	08/19/18
PROJECT NO.	50106102
SCALE	1" = 30'
1	OF 1

CERTIFICATE OF AUTHORIZATION No. 1109

Drawing name: BOUNDARY & TOPOGRAPHIC SURVEY-50106102.dwg 8/15 Aug 23, 2018 2:21pm by: ggibson

CLAYMARK PROPERTIES, L.L.C.
ZONING AMENDMENT
ADJACENT PROPERTY OWNERS LIST

GLASS PROPERTIES, L.L.C.
1303 MAIN ST
DAPHNE, AL 36526

SWEETWATER PROPERTIES, L. L. C.
P. O. BOX 241
FAIRHOPE, AL 36533

DEMARIS L ANDERSON
1401 MAIN ST
DAPHNE, AL 36526

PENSCO TRUST COMPANY CUSTODIAN
P O BOX 1342
FAIRHOPE, AL 36533

OLDE TOWNE PROPERTIES, L.L.C.
101 PINETOP CIRCLE EAST
FAIRHOPE, AL 36532

THOMAS M & DAWN MCKINNEY
702 VAN AVENUE
DAPHNE, AL 36526

PATRICIA HAWTHORNE
703 MCADAMS AVENUE
DAPHNE, AL 36526

CLAYMARK PROPERTIES, L.L.C.
P.O. BOX 241
FAIRHOPE, AL 36532

JULIE R ROWELL
703 VAN AVENUE
DAPHNE, AL 36526

THOMAS & EVELYN WALKER
P.O. BOX 1545
DAPHNE, AL 36526

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

September 14, 2018

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Claymark Properties, L.L.C. containing 1.15 acres +/- located southwest of Van Avenue and Main Street zoned R-2, Medium Density Single Family Residential, to be rezoned B-3, Professional Business.

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, September 19, 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, September 27, 2018 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Claymark Properties, L.L.C. Zoning Amendment

P. O. Box 400 - Daphne, Alabama 36526
Phone: 251.620.1700

APPLICATION:
Rezoning S.W. of
intersection of Van
Avenue & Main Street

APPLICANT:
Claymark Properties,
LLC

AREA:
1.15 ac

LOTS:
1

PPIN:
9953

ZONING:
R-2, Medium Density
Single Family Residential

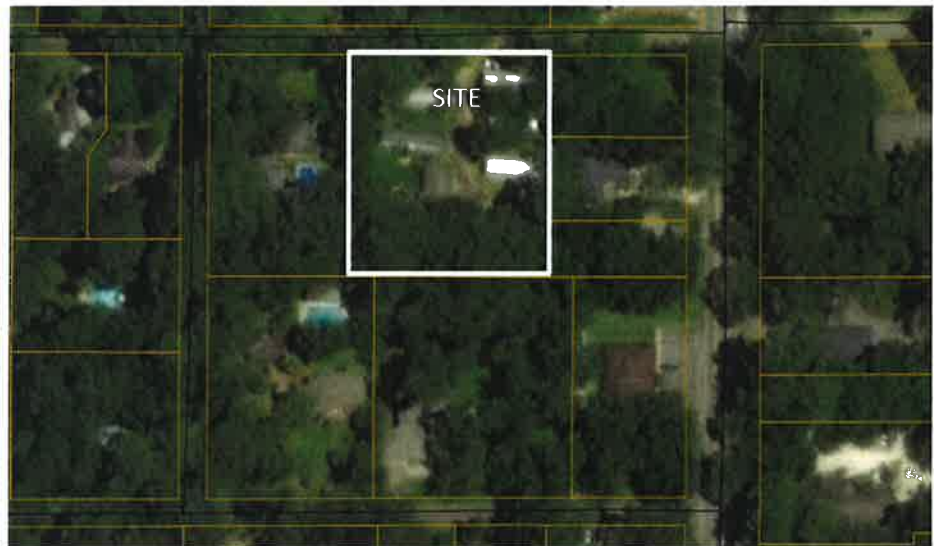
PROPOSED ZONING:
B-3, Professional Business

EXISTING PRECEDENT:
Yes,
East and S.E

COMPREHENSIVE PLAN:
Consistent, Compatible

RECOMMENDATION:
Approval

REZONING REQUEST By CLAYMARK PROPERTIES, LLC



REZONING REQUEST CLAYMARK PROPERTIES, LLC

Existing Conditions: 1.5 acre+/- Nonconforming Trailer Park
Existing Zoning: R-2, Medium Density Single Family Residential
Proposed Zoning: B-3, Professional Business

Surrounding Zonings/Uses:

North – R-2, Medium Density Single Family Residential District/Residence

South – B-3, Professional Business/Residence

West – R-4, High Density Single Family Residential District/Residence

East – B-3, Professional Business/Professional Offices

Existing Utility Service Providers:

Water – Daphne Utilities Sewer – Daphne Utilities

Gas – Daphne Utilities Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

The Comprehensive Plan

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

Goal: 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 a grandfathered nonconforming trailer park which cannot be expanded nor can trailers be replaced with new units. The trailer park existed prior to the 1987 Land Use & Development Ordinance.

REZONING REQUEST CLAYMARK PROPERTIES, LLC

The applicant proposes to rezone the subject property from R-2 to B-3, Professional Business. The contiguous properties to the east and south are zoned B-3. A realty company and an orthodontics office are located on two of the adjacent properties. There is a single family residence located to the west and to the north, across Van Ave. On July 2, 2018, Daphne City Council approved a request to rezone 1.21 acres located southeast of the intersection of Van Avenue and Main Street to B-3, Professional Business (Ordinance 2018-24).

The following are uses permissible in the B-3 district:

- **By Right:** Churches, government buildings, medical clinics, financial institutions, professional offices, printing/publishing, radio/tv antenna.
- **Planning Commission Approval:** Nursing home, hospital, gas regulator station, utility stations.
- **Special Exception:** School, youth club.

14-17 [OLDE TOWNE] SETBACKS (EXCERPT)

MINIMUM DISTRICT REQUIREMENTS ^d				
Zoning Districts	Front Yard	Rear Yard	Side Yard	Corner Lot Side Yard
B-3, Professional Business	10	b	b	25

- (b) None. If there is a rear alley, the setback shall be twenty-five (25) feet. When abutting a residential district it shall be not less than ten (10) feet. (See Buffer Requirements, Section 14-13, Landscape Standards).
- (d) Minimum district requirements for any zoning district not specifically listed in this table shall meet the minimum standards as established in Requirement for lot area, width and setbacks in Section 13-4, Requirements for Lot Area, Width, Coverage, Density, Height and Other Factors and 13-6, Minimum Zoning District Setback Requirements, herein.

Staff Recommendation

Staff recommends approval of the B-3, Professional Business District. Rezoning the subject property from R-3 to B-3, Professional Business, would be consistent with the zoning of the contiguous land as well as land to the east across Main Street.

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones, ~~As~~
Director of Community Development

Subject: Danny & Donna Parks
Pre-Zoning Amendment

Date: October 1, 2018

PRESENT ZONING: RSF-E, Residential Single Family
Estate, Baldwin County District 15,
in the Extraterritorial Planning
Jurisdiction of Daphne

PROPOSED REZONING: R-3, High Density Single Family
Residential & B-1(a), Limited Local
Business

LOCATION: Southeast corner of Belgrove Avenue
and Alabama Highway 181

RECOMMENDATION: At the Thursday, September 27, 2018,
regular meeting of the Daphne
Planning Commission, six members were
present, and the motion carried for a
favorable recommendation for the
above mentioned pre-zoning amendment
for Danny & Donna Parks.

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 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. Citizen comments
6. Community Development Report

FILE
10/1/18
1:00 PM
53



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted Aug. 24, 2018

Application Number:

Planning Commission Public

ZA- or PZA- 18-01

Hearing Date: Sept. 27, 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): 225

PPIN#(s):

Southeast corner of Belgrove Avenue and Alabama
181

098465

Gross Site Area (acreage): 3.37

Requested Zoning or Pre-Zoning:

R-3 & B-1(a)

Current Zoning Designation(s):

Amended Request:

RSF-E

Initials:

Date:

Current Land Use: Residence

Anticipated Land Use: Commercial and Residential

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

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: Danny R. & Donna J. Parks

Mailing Address: 26626 St Hwy 181, Daphne, AL 36526

Phone/Fax:

E-mail:

Name of Authorized Agent: Larry Smith

Mailing Address: 1 S School St, Fairhope, AL 36532

Phone/Fax: 251-990-6566

E-mail: Larry@secivil.pro

Name of Developer*: N/A

Phone/Fax:

E-mail:

Other: Ken Raines
101 N Section St
Fairhope, AL 36532

Phone/Fax: 251-517-0528

E-mail: kraines@raineslawfirm.com

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: [Signature]

Date 8-23-18

Agent's Signature: [Signature]

Date 8-23-18

DANNY R. & J. DONNA PARKS.
PREZONING REQUEST
SOUTHEAST OF BELGROVE AVENUE AND ALABAMA HIGHWAY 181

EXHIBIT "A"

DESCRIPTION OF PROPERTY TO BE RE-ZONED TO R-3, HIGH DENSITY SINGLE FAMILY RESIDENTIAL, AND B-1, LIMITED LOCAL BUSINESS:

LEGAL DESCRIPTION: R-3:

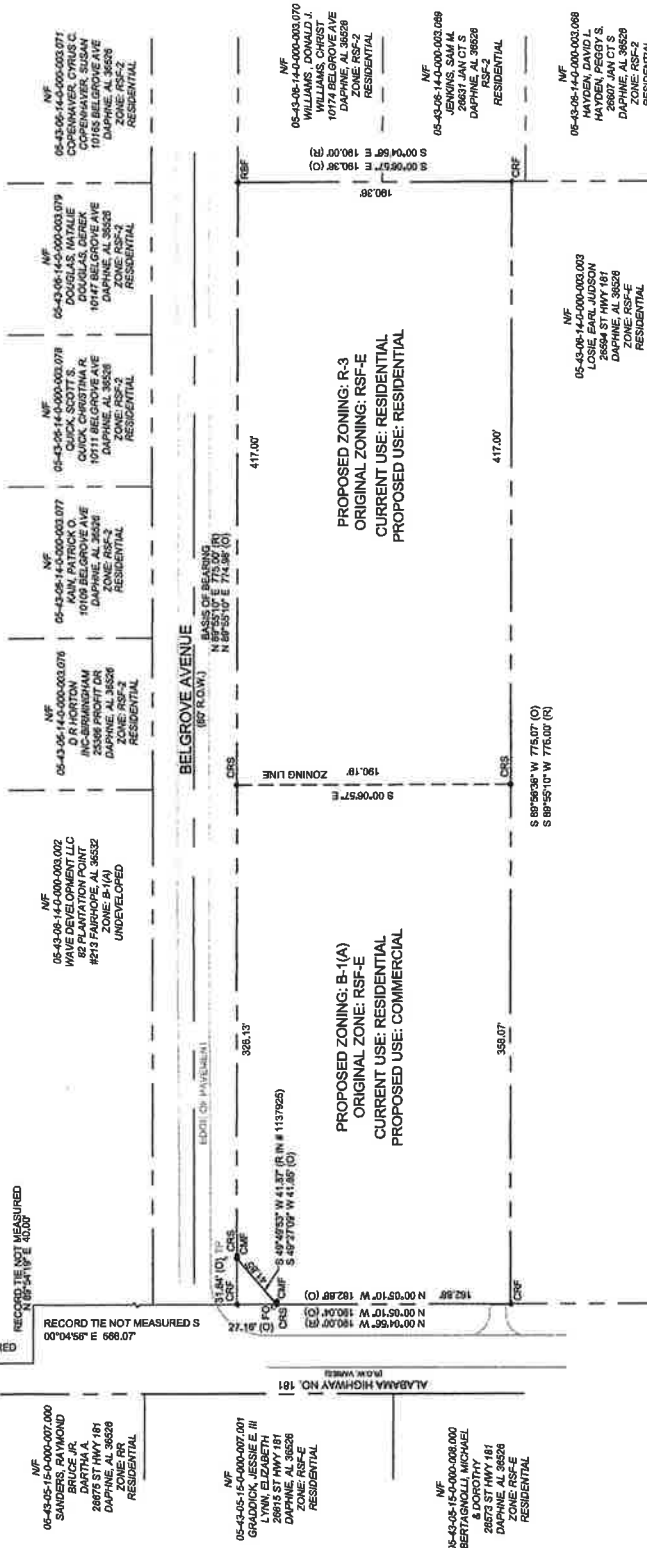
COMMENCING AT THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE SOUTH 00°04'56" EAST A DISTANCE OF 1,341.50 FEET TO A POINT; THENCE NORTH 89°54'19" EAST A DISTANCE OF 40.00 FEET TO A POINT; THENCE SOUTH 00°04'56" EAST A DISTANCE OF 556.07 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE NORTH 89°55'10" EAST A DISTANCE OF 357.97 FEET TO A POINT ON THE SOUTH MARGIN OF THE RIGHT OF WAY OF BELGROVE AVENUE AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED, SAID POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE CONTINUING NORTH 89°55'10" EAST A DISTANCE OF 417.00 FEET TO A POINT MARKED BY AN IRON ROD (REBAR); THENCE DEPARTING SAID SOUTH MARGIN SOUTH 00°06'57" EAST A DISTANCE OF 190.36 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE SOUTH 89°56'36" WEST A DISTANCE OF 417.00 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE NORTH 00°06'57" WEST A DISTANCE OF 190.19 FEET TO THE POINT OF BEGINNING AND CONTAINING 79,346 SQ. FEET (1.82 ACRES), MORE OR LESS.

LEGAL DESCRIPTION: B-1(A):

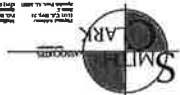
COMMENCING AT THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE SOUTH 00°04'56" EAST A DISTANCE OF 1,341.50 FEET TO A POINT; THENCE NORTH 89°54'19" EAST A DISTANCE OF 40.00 FEET TO A POINT; THENCE SOUTH 00°04'56" EAST A DISTANCE OF 556.07 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE NORTH 89°55'10" EAST A DISTANCE OF 31.84 FEET TO A POINT ON THE SAID SOUTH MARGIN OF THE RIGHT OF WAY OF BELGROVE AVENUE AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED, SAID POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE CONTINUE NORTH 89°55'10" EAST ALONG SAID SOUTH MARGIN A DISTANCE OF 326.13 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE DEPARTING SAID SOUTH MARGIN SOUTH 00°06'57" EAST A DISTANCE OF 190.19 FEET TO A POINT MARKED BY AN CAPPED IRON ROD (REBAR); THENCE SOUTH 89°56'36" WEST A DISTANCE OF 358.07 FEET TO A POINT ON THE EAST MARGIN OF ALABAMA HIGHWAY 181, SAID POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE NORTH 00°05'10" WEST ALONG SAID EAST MARGIN A DISTANCE OF 162.88 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE NORTH 49°27'09" EAST A DISTANCE OF 41.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 67,633 SQ. FEET (1.55 ACRES), MORE OR LESS.

EXHIBIT: C

NORTHWEST CORNER OF
SECTION 14
T-5-S, R-2-E
BALDWIN COUNTY, ALABAMA



S.E. Civil
Engineering
1800 N. GULF BLVD., SUITE 100
DAPHNE, AL 36628
(904) 281-1111
www.secivil.com



PROPOSED ZONING MAP

2 of 2
SHEET
DATE: 10/1/2014
DRAWN BY: JMM
CHECKED BY: JMM





Danny and Donna Parks Zoning Amendment

Adjacent Property Owner's List

Parks, Danny R. &
Parks, Donna J.
26626 St Hwy 181
Daphne, AL 36526

Kain, Patrick O.
10109 Belgrove Ave
Daphne, AL 36526

Sanders, Raymond Bruce Jr.
26675 St Hwy 181
Daphne, AL 36526

Smith, Larry
1 S. School Street
Fairhope, AL 36532

D R Horton Inc-Birmingham
25366 Profit Dr
Daphne, AL 36526

Graddick, Jessie E. III &
Lynn, Elizabeth
26615 St Hwy 181
Daphne, AL 36526

Bertagnolli, Michael & Dorothy
26573 St Hwy 181
Daphne, AL 36526

Wave Development LLC
82 Plantation Point #213
Fairhope, AL 36532

Quick, Scott S. &
Quick, Christina R.
10111 Belgrove Ave
Daphne, AL 36526

Losie, Earl Judson
26594 St Hwy 181
Daphne, AL 36526

Copenhaver, Cyrus C. &
Copenhaver, Susan
10165 Belgrove Ave
Daphne, AL 36526

Hayden, David L. &
Hayden, Peggy S.
26607 Jan Ct S
Daphne, AL 36526

Douglas, Natalie &
Douglas, Derek
10147 Belgrove Ave
Daphne, AL 36526

Jenkins, Sam M.
26631 Jan Ct S
Daphne, AL 36526

Williams, Donald J. &
Williams, Christ
10174 Belgrove Ave
Daphne, AL 36526

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

September 14, 2018

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for Danny and Donna Parks containing 3.37 acres +/- located at the southeast corner of Belgrove Avenue and Alabama Highway 181, zoned RSF-E, Residential Single Family Estate, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, to be pre-zoned as R-3, High Density Single Family Residential, and B-1(a), Limited Local Business. A petition to annex said property has also been submitted.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, September 19, 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, September 27, 2018 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Danny and Donna Parks Pre-Zoning Amendment

P. O. Box 400 - Daphne, Alabama 36526
Phone: 251.620.1700

Citizen Opposition Letters
Submitted at the 09/27/18
Planning Commission Public Hearing

DEREK & NATALIE DOUGLAS
10147 BELGROVE AVENUE
DAPHNE, AL 36526

SEPTEMBER 24, 2018

CITY OF DAPHNE
Adrienne D. Jones
Community Development
Director/Zoning Administration

Dear Mrs. Jones,

I am writing in response to the proposed zoning change to the southeast corner of Belgrove Avenue and Alabama Highway 181, currently zoned Residential Single Family Estate, to be pre-zoned as R-3 High Density Single Family Residential and B-1 , Limited Local Business. As a citizen that lives directly off of Belgrove Avenue in a single residential dwelling, I find this proposed change to be highly disturbing for many reasons.

These proposed changes WILL compromise the safety of our neighborhood-which is currently single residential dwellings. Our children (we have 3 ages 5 and under) ride their bikes/stroll on this road and inserting businesses beside houses is simply not in the best interest of any children that live on this street. This would open the neighborhood up for traffic congestion, vehicles using our street as a thoroughfare, etc. This will also lead to increased traffic on Highway 181. There are currently NO turning lanes which the city would need to add. The risk of potential accidents with vehicles turning into a business on a residential street cannot be overlooked.

If approved this will set a horrible precedence for every neighborhood in Daphne. When given the choice potential residents will look to live in Fairhope and Spanish Fort. I myself will strongly consider moving cities if this is approved, simply for safety reasons. I will conclude by saying that not one person here would vote to have this done if it was their neighborhood.

Sincerely,

Derek and Natalie Douglas
251-533--1170

A handwritten signature in black ink, appearing to read "Natalie Douglas". The signature is written in a cursive, flowing style with a large loop at the top.

Scott and Christina Quick
10111 Belgrove Avenue
Daphne, AL 36526

September 27, 2018

CITY OF DAPHNE
Adrienne D. Jones
Community Development
Director/Zoning Administration

Dear Ms. Jones,

We are writing in response to the proposed zoning change to the southeast corner of Belgrove Avenue and Alabama Highway 181 which is currently zoned as a Residential Single Family Estate. The proposed change to the front approximately 3 acres to a B-1, limited local business is why we are writing to you today.

This proposed change will greatly impact Belgrove Avenue and its residents - a residential street, neighborhood and entrance – by creating a hazardous and busy intersection and negatively affecting the safety of the many children who live on this very street. As the owners of a single family residence across from the proposed re-zoning property with three children under the age of 6, our goal is and will always be to provide a safe and welcoming home for our children, family and friends. We, and our many neighbors, have worked hard to provide that for all of our families. This single decision could take that away and, not to forget, devalue properties we have all worked so hard to maintain and care for.

Clearly, the proposed residential lot would not provide a satisfactory location for any business. With limited and hazardous turning capacity onto Belgrove Avenue from Hwy 181 and the presence of single family dwellings on all sides, the lot would simply fail to provide the City of Daphne with any consistent long term income.

We are not here today to fully prevent development on the proposed re-zoning property. Should Mr. and Mrs. Parks be inclined, selling parcels of the land for the development of single family homes would be within the zoning, confines and identity of Belgrove Avenue and its surroundings. We would support this opportunity and be glad to welcome new neighbors to our special street.

Sincerely,

Scott and Christina Quick

Brooke Whittington
Patrick Kain
10109 Belgrove Ave.
Daphne, AL 36526
(225) 936-2666

September 27, 2018

Daphne City Council
Daphne City Hall
1705 Main St.
Daphne, AL 36526

Ladies and Gentlemen:

We are homeowners in Daphne and are writing to express our concern about the petition for pre-zoning a parcel of land located at the southeast corner of Belgrove Avenue and Alabama Highway 181. We understand that, at the request of the property owner, a decision is being considered to pre-zone this property as R-3, High Density Single Family Residential and B-1(a), Limited Local Business and that there also exists a concurrent petition to annex said property. While we are not in opposition to pre-zoning some or all of the parcel as R-3, High Density Single Family Residential, nor are we in opposition to the annexation of the property in question, we are in opposition to any of the property being pre-zoned as B-1(a), Limited Local Business. We believe that pre-zoning any portion of this property for any use other than Single Family Residential is in direct conflict with the Daphne Comprehensive Plan document.

Per the Daphne Comprehensive Plan document entitled "Preparing Daphne for the Future: A Comprehensive Plan 2000 – 2020", prepared by the South Alabama Regional Planning Commission and adopted on June 26, 2003, the Plan of Action calls for "retail commercial development to be clustered along major arterial roads and major intersections, while office-commercial uses are concentrated in the Daphne Avenue and downtown areas. Residential development forms a hierarchical pattern, with higher density residential uses abutting commercial areas" and further states that that the "intent of this pattern is to preserve the cohesiveness and stability of low density neighborhoods" (p II-5). It should be noted that the Transportation section of the document designates the Functional Classification of State Highway 181 as a "Collector" and not as either a "Major Arterial" or "Minor Arterial" road – making the proposed pre-zoning in direct conflict with the approved Plan of Action.

As early as Phase One of the Comprehensive Plan a primary goal was to "protect and preserve established neighborhoods" including "service roads and access, preservation of residential traffic circulation, aesthetics, sidewalks, etc." (p II-10). While one of the three Population and Economy goals is to "Provide for the future social and economic growth of Daphne by... offering the... business environment necessary for continued expansion", another is to "Promote *desirable* residential environments..." (p III-1). The Cornell Law School defines Quiet Enjoyment as "A property owner or tenant's right to possess and use his

or her property without disturbance, including by a person with superior title. A disturbance of an owner or tenant's possession or use may constitute a nuisance." We believe that pre-zoning of districts earmarked for residential use as business districts will undermine the quiet enjoyment guaranteed to homeowners along Belgrove Avenue adjacent to the property and that the proposal is in conflict with the stated goal of preserving *established* neighborhoods - *including* service roads and access, preservation of residential traffic circulation, and aesthetics. Damages in the form of reduced property values, noise, odor, and visual intrusions on peace and privacy would occur to deny, in varying degrees, the homeowners' right to Quiet Enjoyment and would represent a nuisance.

One listed Housing goal of the Comprehensive Plan was to "Develop moderate to high end residential uses East of Daphne" and this has, in fact, occurred - with homes along Belgrove Avenue selling for as much as 30% more than the mean sales price for homes in Daphne. Several factors have influenced this substantial increase over the mean, including proximity to excellent local schools, swift access to I-10, and the promotion of quiet enjoyment of residential areas through extremely limited retail and commercial development as outlined in the Comprehensive Plan. We assert that any action taken in a residential neighborhood that inadvertently negatively affects the value of adjacent residential properties would undermine the stated goal of developing moderate to high end residential uses.

For these enumerated reasons, it is our opinion that the proposed changes are not in keeping with the stated goals of the Daphne Comprehensive Plan and we respectfully request that the Council deny the proposal to pre-zone any portion of the property in question as B-1(a), Limited Local Business.

As property owners, we understand the many situations that may arise necessitating a property owner liquidate a portion of his or her property. We also appreciate the financial motivations inherent in seeking a financially favorable zoning prior to the sale of a parcel of land as land zoned for retail or commercial use traditionally commands a higher price than comparable property zone for residential use. As one stated low-cost goal in Phase Six of the Comprehensive Plan is to "proactively seek the purchase or donation of recreational land to service future residents", we believe alternative solutions are available that will benefit not only the landowner, but the adjacent homeowners, the neighborhood, and the community as a whole. We further request that this Council and the property owner work collaboratively to investigate these alternatives.

We appreciate your service on this Council and the time and effort you have dedicated to hearing our concerns on this matter.

Thank you,

A handwritten signature in black ink, appearing to be 'Brooke Whittington', written over the 'Thank you,' text.

Brooke Whittington
Patrick Kain

APPLICATION:
Rezoning S.E. of
intersection of State
Highway 181 and
Belgrove Ave.

10092 Belgrove Avenue

APPLICANT:
Danny & Donna Parks

AREA:
3.37 ac

LOTS:
1

PPIN:
98465

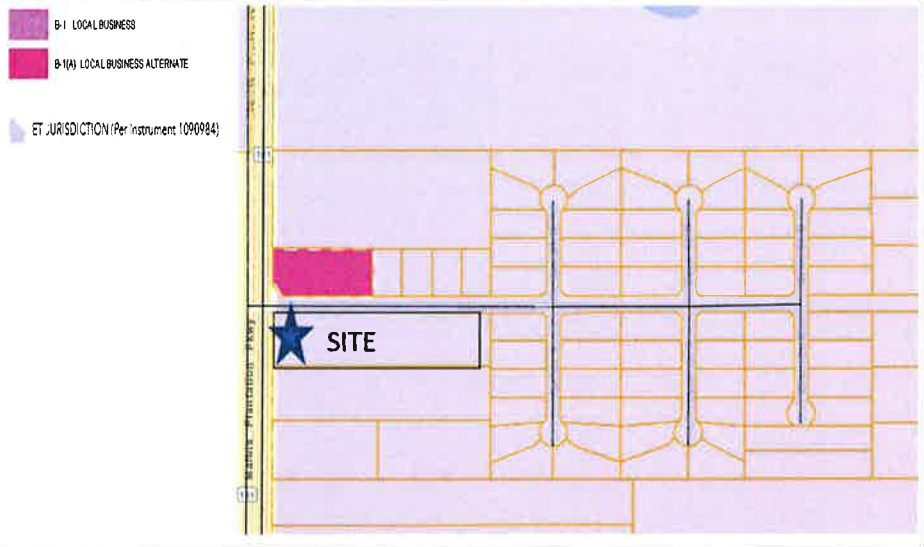
ZONING:
RSF-E, Residential Single
Family Estate (ETJ)

PROPOSED ZONING:
B-1(A), Local Business
Alternate
&
R-3, High Density
Residential

EXISTING PRECEDENT:
For B-1(A) Yes,
North

COMPREHENSIVE PLAN:

REZONING REQUEST By Danny & Donna Parks



REZONING REQUEST DANNY & DONNA PARKS

Existing Conditions: 3.37 acre+/- Single Family Residence
Existing Zoning: RSF-E, Residential Single Family Estate (ETJ)
Proposed Zoning: B-1(A), Local Business Alternate & R-3 High Density Residential

Surrounding Zonings/Uses:

North – B-1(A), Local Business Alternate / vacant

South – RSF-E, Residential Single Family Estate / house

West – R-R, Rural Residential / residence and storage building sales lot

East – RSF-2, Residential Single Family in Baldwin County

Existing Utility Service Providers:

Water – Belforest Water

Sewer – Baldwin County Sewer

Gas – Fairhope Gas

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 3

Police Protection-Police Beat 3

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 10092 Belgrove Avenue/26626 State Highway 181

The subject property is a 3.37 acre lot located along Highway 181 at the southeast intersection of Belgrove Avenue. According to the Baldwin County Revenue Commissions Office, the house on the subject property was constructed in/around 1998. The property was zoned Residential Single Family (RSF-E) in 2008 in Baldwin County with the establishment of District 15.

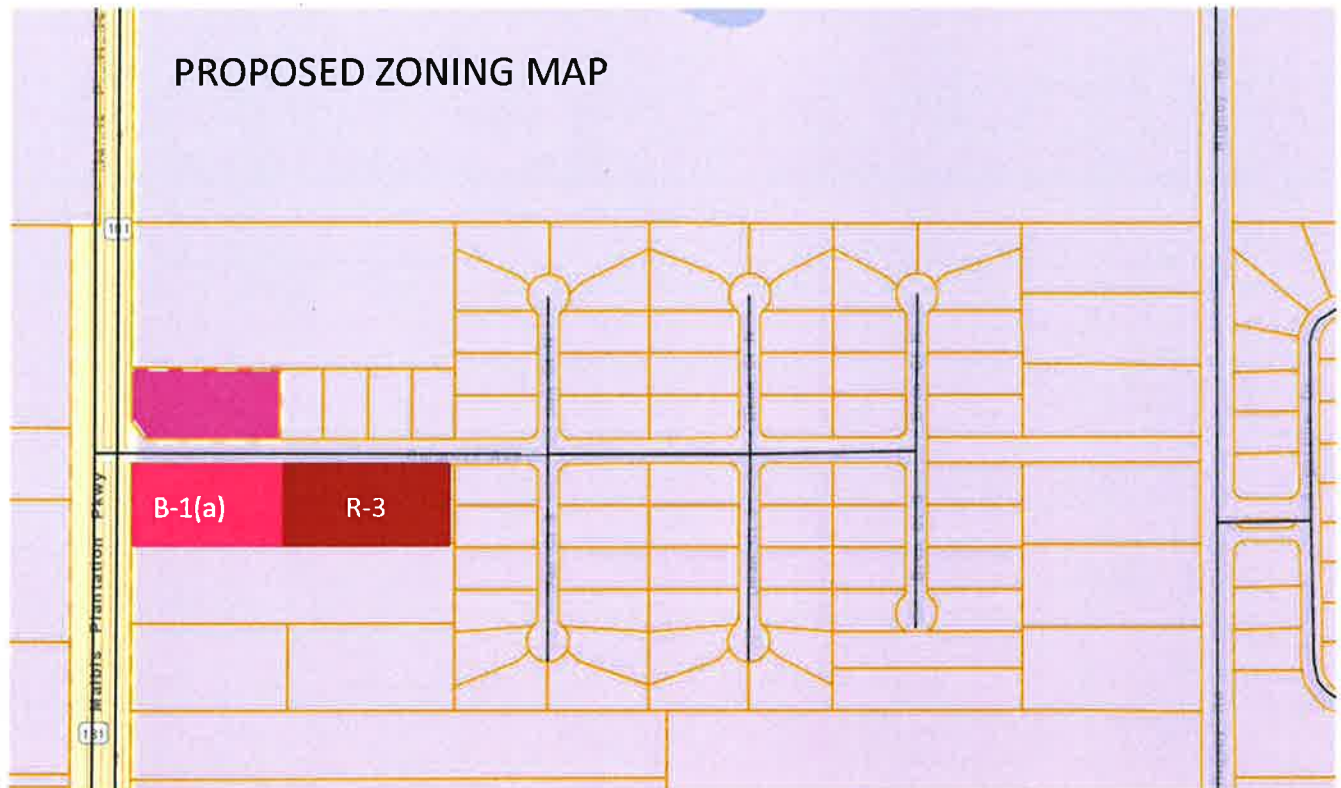
North of the subject property is an undeveloped lot annexed into the city a year ago on August 21, 2017 and rezoned B-1(A) (Ordinances 2017-74 & 2017-75). Also, there are newly constructed residences located across Belgrove Avenue.

Belgrove Avenue is a 60-ft wide right of way which currently provides access to Belle Pointe Subdivision (recorded as slide 2452-C in Baldwin County Probate Records in 2011) and Belgrove Estates (recorded as slide 1708 A & B in Baldwin County Probate Records in Baldwin County Probate Records in 1997).

Late 2016 land located to the west of the subject property (26675 Highway 181) was rezoned by the County Commission from RSF-E to RR, Rural Residential, according to the application to allow storage buildings to be sold on the parcel. The newest business in the area is Belforest Pointe Events Center located at 26503 State Highway 181, southwest of the subject property which is zoned B-3.

There are other commercial properties located north of the subject property at the intersection of Pleasant Road and Highway 181 zoned B-3 and to the south along Highway 181, Dollar General, which is zoned B-2(a) and was annexed into the city limits in 2017.

Additionally, the DISC (Daphne Innovation + Science Complex) site at the northwest intersection of Highway 181 and Champions Way was zoned B-3, Professional Business and annexed in 2016.



Staff Comments:

The applicant proposes to zone the property to B-1(a), Limited Local Business and R-3, High Density Single Family Residential. There is an existing precedent for B-1(a) and for residential zoning mirrored across Belgrove Avenue.

According to *Ordinance 2016-39, An Ordinance Amending the City of Daphne, Alabama Land Use & Development Ordinance 2011-54, as adopted by the City Council on July 18, 2011 Creating a New Zoning District, B-1(a), Limited Local Business District*, the district might be appropriate in situations where the more extensive business districts would allow businesses that could threaten to have too adverse an impact on the surrounding neighborhood. B-1(a) was created to be a more restrictive subset of the B-1, Local Business district. See Ordinance 2016-39 for the full list of permitted uses and conditions of the B-1(a) district.

Staff Recommendation:

Staff recommends approval. R-3 zoning specifications are similar to the minimum standards of the County's R-SF2. Because the zonings would mirror the existing zoning to the north across Belgrove Avenue, staff recommends approval of B-1(a) and R-3.

Recommendation for future planning and zoning along Highway 181:

Highway 181 is spotted with commercial zoning from Highway 31 in Spanish Fort to Highway 98 in Fairhope. As a matter of natural progression, this north-south corridor that connects traffic to Interstate 65 much like Highway 98 and Highway 59 will continue to be developed for commercial usage. Commercial zoning at and near major intersections such as Highway 31 and 90, County Road 64, 104, 48 and 44 is to be expected. The territory between those intersections along Highway 181 is considered to be transitional in nature.

The subject property is in a transitional area, flowing from commercial to residential back to commercial between Highway 181 intersection with Pleasant Road and the Highway 181 intersection with County Road 64. The proposed B-1(a) zoning is one of two zoning districts that may be considered in this transitional area. B-3, Professional Business is the second option.

Precedent for commercial zoning was established upon the City Council's zoning and annexing the land to the north to B-1(a). Though the agents for that particular application were emphatic that a local title company would build and use the land for an office, no application for site plan for such business has been submitted to the City. Here we are presented with a new zoning application with no proposed use and it seems that our hands are tied.

It is imperative that efforts toward planning, development standards, and annexing land along Highway 181 begin sooner rather than later. Hodge-podge, uncoordinated, unplanned growth will lead to problems that could otherwise have been prevented.

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

Consider the following Land Use & Development Ordinance excerpts from Article 12, Establishment of Districts in the decision making process of the appropriateness of both:

12-1 GENERAL PROVISIONS

The City of Daphne is hereby divided into zoning districts as described below and as shown on the official Zoning District Map, for the purpose of:

- (a) Providing a residential environment free of incompatible uses and safe from natural and manmade hazards.
- (b) Promoting, where possible, planned residential, commercial, and industrial areas in appropriate locations with appropriate standards and minimum service cost to local government.
- (c) Providing a compact convenient urban pattern for urban areas.
- (d) Providing a level of flexibility of control sufficient to promote innovation and creativity in community development and to encourage maximum living comfort and convenience at the lowest cost.
- (e) Promoting the Comprehensive Plan for the City of Daphne.

12-3 RESIDENTIAL DISTRICTS

- (c) R-3, High Density Single Family Residential District:

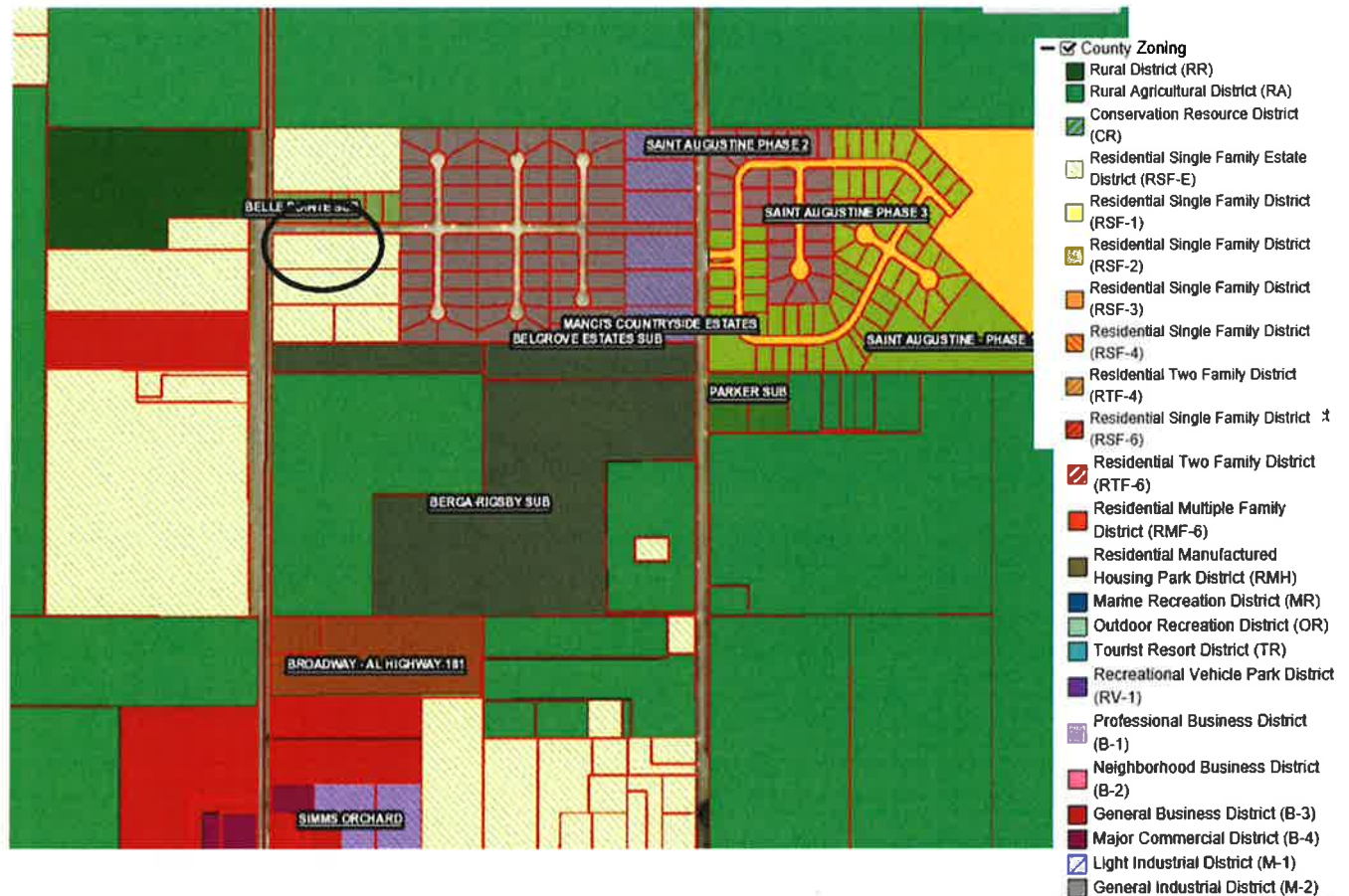
This district is provided to afford the opportunity for moderately higher density of single family residences on smaller lots than those allowed in the R-1, Low Density Single Family Residential, and R-2, Medium Density Family Residential, districts.

12-4 BUSINESS DISTRICTS

- (b) B-1(a), Limited Local Business District: B-1(a), Limited Local Business District: This district is intended to allow a restricted variety of small retail stores as well as personal service establishments in or near residential neighborhoods. In general where B-1, Local Business District, is a permissible district so shall B-1(a), Limited Local Business District also be allowed. And, where B-1, Local Business District, is a prohibited district so shall B-1(a), Limited Local Business District also be prohibited.

REZONING REQUEST DANNY & DONNA PARKS

(e) B-3, Professional Business District: This district is established to provide an opportunity for business establishments of a professional nature and is restricted to offices and businesses which provide specific corporate functions or professional services to the general public, but not the sale of goods or services at retail or wholesale.



REZONING REQUEST DANNY & DONNA PARKS

MINIMUM LOT REQUIREMENTS

	Minimum Lot Area Square feet (sq ft)	Minimum Lot Width at Setback Line (ft)	Maximum Lot Coverage Percent (%) ^a	Maximum Density ^b (units/acre)	Maximum Height ^c (stories) (ft)
R-1, Low Density Single Family	20,000	100	25	2.0	2.5 stories 35 ft
R-2, Medium Density Residential	15,000	90	25	2.5	2.5 stories 35 ft
R-3, High Density Single Family	12,000	80	30	3.5	2.5 stories 35 ft

SETBACKS

Zoning District	Front Yard				Rear Yard	Side Yard	Corner Lot Side Yard	
	Arterial & Collector Streets	Local Streets & Service Roads	U.S. Highway 98 ^e	U.S., State or County Roads			Arterial & Collector Streets	Local Streets & Service Roads
R-1	40	40	50	e	40	15	40	25
R-2	35	35	50	e	35	10	35	20
R-3	30	30	50	e	30	10	30	20

Section 4.3 RSF-2, Single Family District

Baldwin County Zoning Ordinances

4-6

Maximum Height of Structure in Feet	35-Feet
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones, 
Director of Community Development

Subject: Danny & Donna Parks
Annexation Petition

Date: October 1, 2018

PRESENT ZONING: RSF-E, Residential Single Family
Estate, Baldwin County District 15,
in the Extraterritorial Planning
Jurisdiction of Daphne

PROPOSED REZONING: R-3, High Density Single Family
Residential & B-1(a), Limited Local
Business

LOCATION: Southeast corner of Belgrove Avenue
and Alabama Highway 181

RECOMMENDATION: At the Thursday, September 27, 2018,
regular meeting of the Daphne
Planning Commission, six members were
present, and the motion carried
unanimously for a favorable
recommendation for the above
mentioned annexation for Danny &
Donna Parks.

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 to set
a public hearing.

Thank you,
ADJ/jv

Attachment(s)

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

FILE
10/1/18
11:00 PM

STATE OF ALABAMA

COUNTY OF BALDWIN

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

(Land located at the South East intersection of AL St Hwy 181 & Belgrove Ave)

The undersigned, Danny & Donna Parks, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, Parks' Residence, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

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

3. **Owner:** The petitioner, Danny & Donna Parks, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

Requested zoning, if other than R-1: B-1(A) & R-3

Any other conditions which may apply upon annexation: Subject to approval of Parks' Subdivision

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

ADDITIONAL INFORMATION

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

Initials: DP dp

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

Initials: DP dp

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

Initials: DP dp

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

Initials: DP dp

Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): B-1(A) & R-3, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition.

Initials: DP dp

Or

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

Initials: _____

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 23 day of August, 2018.

Legal Description Attached (Exhibit A)? X Map or Survey Attached (Exhibit B)? X

Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission

Attached (Exhibit C)? X Acreage 3.37

Subdivision Name Parks' Subdivisions Lot Number(s) 1-3

Names and Signature of ALL property owners:

Signature: [Signature]

Signature: [Signature]

Printed Name: Danny R. Parks

Printed Name: Donna Parks

Mailing Address: 26026 Hwy 181

Mailing Address: 26626 St. Hwy 181

Daphne, AL 36526

Daphne, AL 36526

DATED this 23 day of August, 2018

Respectfully submitted by,

Danny R Parks
Name of Owner (Print)

[Signature]
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Cynthia C. Saxon, the undersigned Notary Public in and for said county and state, hereby certify that Danny R. Parks has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 23rd day of August, 2018

Cynthia C. Saxon
NOTARY PUBLIC

My commission expires: 02/13/2021

Owner's Address

26626 Hwy 181
Daphne, AL 36526

DATED this 23 day of August, 2018

Respectfully submitted by,

Name of Owner (Print) Donna Parks

Name of Owner (Signature) Donna Parks

STATE OF ALABAMA
COUNTY OF BALDWIN

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

Given under my hand and official seal this the 23 day of August, 2018

NOTARY PUBLIC Maria A. Adams

My commission expires: _____

MY COMMISSION EXPIRES:
December 22, 2018

Owner's Address

26626 St. Hwy 181
Daphne, AL 36526

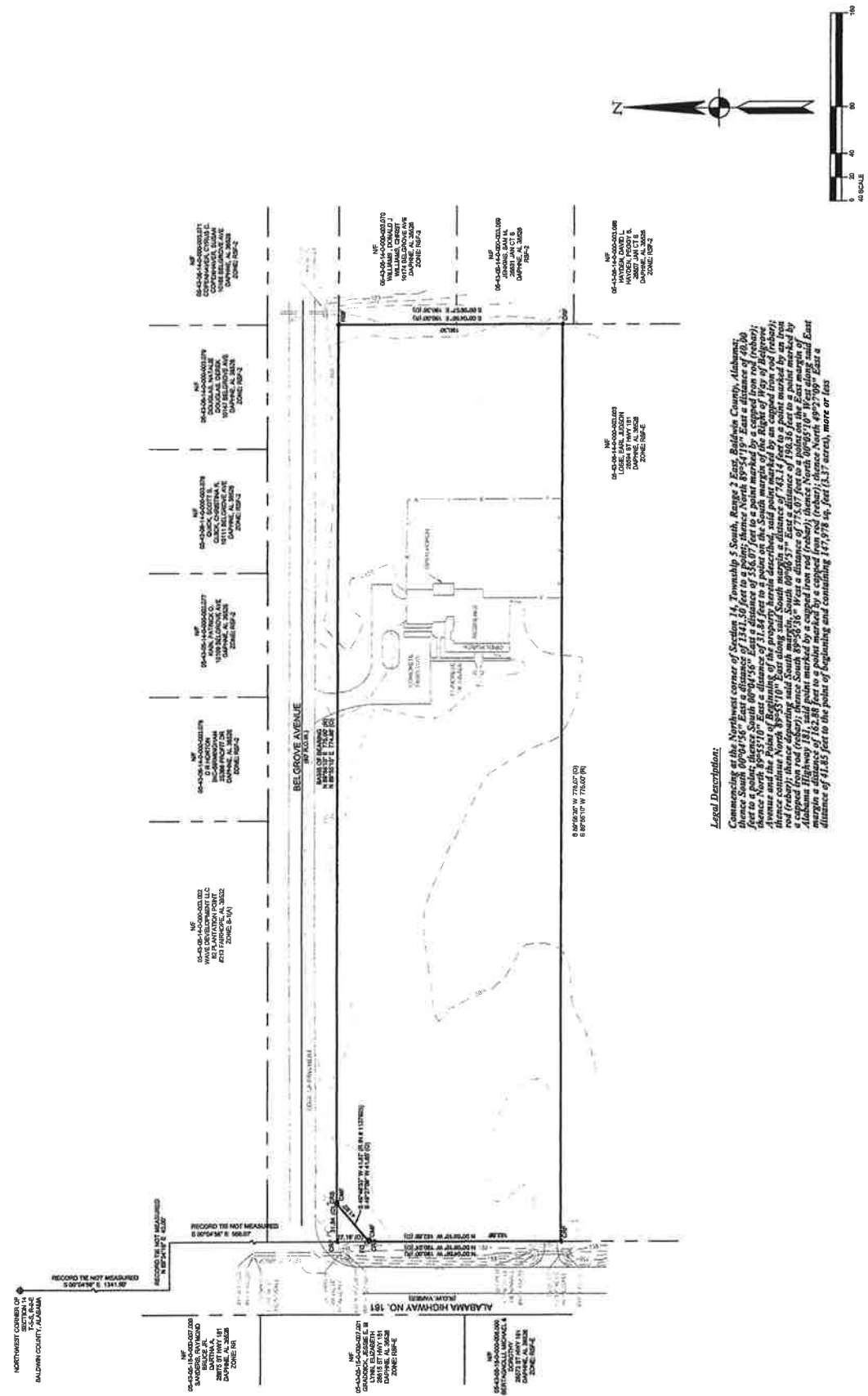
DANNY R. & J. DONNA PARKS.
ANNEXATION REQUEST
SOUTHEAST OF BELGROVE AVENUE AND ALABAMA HIGHWAY 181

EXHIBIT "A"

LEGAL DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE SOUTH 00°04'56" EAST A DISTANCE OF 1,341.50 FEET TO A POINT; THENCE NORTH 89°54'19" EAST A DISTANCE OF 40.00 FEET TO A POINT; THENCE SOUTH 00°04'56" EAST A DISTANCE OF 556.07 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE NORTH 89°55'10" EAST A DISTANCE OF 31.84 FEET TO A POINT ON THE SOUTH MARGIN OF THE RIGHT OF WAY OF BELGROVE AVENUE AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED, SAID POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE CONTINUE NORTH 89°55'10" EAST ALONG SAID SOUTH MARGIN A DISTANCE OF 743.14 FEET TO A POINT MARKED BY AN IRON ROD (REBAR); THENCE DEPARTING SAID SOUTH MARGIN, SOUTH 00°06'57" EAST A DISTANCE OF 190.36 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE SOUTH 89°56'36" WEST A DISTANCE OF 775.07 FEET TO A POINT ON THE EAST MARGIN OF ALABAMA HIGHWAY 181, SAID POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE NORTH 00°05'10" WEST ALONG SAID EAST MARGIN A DISTANCE OF 162.88 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE NORTH 49°27'09" EAST A DISTANCE OF 41.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 146,978 SQ. FEET (3.37 ACRES), MORE OR LESS.

Exhibit B:



ANNEXATION REQUEST DANNY & DONNA PARKS

APPLICATION:

Rezoning S.E. of
intersection of State
Highway 181 and
Belgrove Ave.

10092 Belgrove Avenue

APPLICANT:

Danny & Donna Parks

AREA:

3.37 ac

LOTS:

1

PPIN:

98465

ZONING:

RSF-E, Residential Single
Family Estate (ETJ)

PROPOSED ZONING:

B-1 (A), Local Business
Alternate
&
R-3, High Density
Residential

EXISTING PRECEDENT:

For B-1 (A) Yes,
North

RECOMMENDATION:

Approval

REQUEST

The applicant proposes to annex 3.37 acres into the corporate limits. Associated pre-zoning application has been submitted for consideration.

RECOMMENDATION

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



Code of Alabama Section 11-52-85

PRE-ZONING TERRITORY PROPOSED FOR ANNEXATION

Section 11-52-85 of the Code of Alabama allows “pre-zoning of property.” In this case, both requests have been submitted concurrently and are moving on the same path. The Planning Commission will make a recommendation to Council for zoning and also make a recommendation for annexation.

Code of Alabama Section 11-52-85

Pre-zoning of territory proposed for annexation by municipality. *(Highlights by staff)*

(a) A municipality which exercises its authority to zone territory within its corporate limits may pre-zone territory proposed for annexation into the corporate limits of the municipality prior to the effective date of the annexation by complying with this article. If all the requirements, including all notice and public hearing requirements, of this article are met, **the zoning shall become effective upon the date the territory is annexed into the corporate limits, or upon the date the zoning process is completed, whichever is later.**

(b) A municipality which exercises its authority to zone territory within its corporate limits shall pre-zone territory as provided in subsection (a) and issue a statement of zoning classification to an affected property owner if the individual property owner residing in the area to be annexed requests in writing that a zoning determination be made pursuant to this section prior to being annexed.

(c) Any pre-zoning established by a municipality pursuant to this section for territory proposed for annexation shall be null and void as to any portion of the territory that is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law.

(d) Nothing contained in this section shall allow a municipality to zone territory outside the corporate limits of the municipality that is not in the process of being annexed into the corporate limits of a municipality as provided by law.

(e) Section 6-5-127 shall be applicable to any property pre-zoned pursuant to this section.

(Act 2009-629, p. 1926, §1.)



The Jubilee City

INTERNAL MEMORANDUM

To: Candace Antinarella, City Clerk
Daphne City Council

From: Mayor Dane Haygood

Date: October 2, 2018

Re: Veto of Ordinance 2018-37

WHEREAS, the City Council passed Ordinance No. 2018-37 regarding the rezoning of property located west of the Lavender Lane/Hwy 98 intersection and east of the Daphne Ct/Falkenberry Lane intersection at its regular business meeting on October 1 2018; and

WHEREAS Section 11-45-4 of the Code of Alabama authorizes the Mayor to veto ordinances and resolutions passed by the Council and states, "if the mayor shall disapprove of any ordinance or resolution transmitted to him as provided in Section 11-45-3, he shall, within 10 days of the time of its passage by the council, return the same to the clerk with his objections in writing, and the clerk shall make report thereof to the next regular meeting of the city council"; and

WHEREAS, as Mayor, I am concerned about several of the aspects of this ordinance, including but not limited to, (i) the passing of the ordinance to rezone is not consistent with the will of the community as evidenced by the concern expressed by neighboring property owners and a large contingent of the Olde Towne Daphne community; (ii) the fundamental tenant that the City may not unilaterally alter the PUD documents submitted with the rezoning request, notwithstanding the applicants right to amend the documents or otherwise agree to Planning Commission or City Council requested changes in furtherance of the approval sought, and must vote on the rezoning based on the submission was not observed as the motion to adopt prescribed changes to the PUD without consent by the applicant; (iii) the ordinance as published is flawed as it did not include the definitive PUD documents for the project which are necessary and proper to be included as part of the ordinance; and (iv) there was not an opportunity to hear from the public as to whether or not the proposed PUD modification which was included as part of the motion lessened the overwhelming objection of the community on this rezoning effort.

NOW THEREFORE, I, Dane Haygood, Mayor of the City of Daphne, Alabama, do hereby VETO and disapprove Ordinance No. 2018-37 for the reasons stated above. This VETO is filed with the City Clerk on the date signed below and the City Clerk shall report the same at the next regular meeting of the Council.

DATED this the 2nd day of October, 2018.



Dane Haygood, Mayor

**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 1ST day of OCTOBER, 2018.

Dane Haygood,
Mayor

ATTEST:

Candace G. Antinarella,
City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2018 - 51**

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

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

WHEREAS, the items listed below is recommended for disposal.

WHEREAS, the Guardians of the Ribbon are an organization that tour across the country every year to spread their awareness campaign which supports all women and their families in their fight against cancer; and

WHEREAS, the Guardians of the Ribbon also bring their pink Fire Trucks and automobiles to help raise money and awareness for local and state non-profit entities; and

WHEREAS, the City of Daphne supports the efforts of Guardians of the Ribbon; and

WHEREAS, the City of Daphne has determined the Guardians of the Ribbon could utilize this Equipment; and

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

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

DEPT	EQ/VEH/#	DESCRIPTION	VIN/SN
PD Admin	1017	2004 FORD CROWN VIC	2FAFP71W74X129321

2. The Mayor is authorized to donate the such personal property to Guardians of the Ribbon; and

3. The Mayor is further authorized to sell such personal property through Govdeals.com to the highest bidder and deposit any and all proceeds to the appropriate City Fund if for any reason the donation is not needed and sign all necessary documents.

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

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2018 - 52**

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

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

WHEREAS, the item listed below is recommended for disposal.

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

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

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

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

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

DEPT	EQ/VEH/#	DESCRIPTION	VIN/SN
Mowing	1376	2011 JD GATOR TX	M0X4X2XD

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

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

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA
RESOLUTION – 2018-53
AUTHORIZING RESOLUTION FOR FY2019 LEASED EQUIPMENT: USED
CATERPILLAR 316EL FROM CATERPILLAR FINANCIAL SERVICES
CORPORATION

WHEREAS, the laws of the State of Alabama (the “State”) authorize the CITY OF DAPHNE, ALABAMA (the “City”), a duly organized municipal corporation of the State, to purchase, acquire and lease personal property for the benefit of the City and its inhabitants and to enter into any necessary contracts related to the same; and

WHEREAS, the City desires to lease, purchase, and/or finance equipment (“Equipment”) from Caterpillar Financial Services Corporation and/or an authorized Caterpillar dealer (“Caterpillar”) by entering into that certain Governmental Equipment Lease-Purchase Agreement (the “Agreement”) with Caterpillar; and

WHEREAS, the form of the Agreement has been presented to the Daphne City Council at this meeting.

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

1. That the Agreement, including all schedules and exhibits attached to the Agreement, is approved in substantially the form presented at the meeting, with any Approved Changes (as defined below); and
2. That the Mayor is authorized to enter into the Agreement with Caterpillar on behalf of the City; and
3. That the Agreement shall be adopted as a binding obligation of the City; and
4. That changes may later be made to the Agreement if the changes are approved by the City’s legal counsel or the Mayor (the “Approved Changes”) and that the signing of the Agreement and any related documents is conclusive evidence of the approval of the changes; and
5. That the persons listed below, who are the incumbent officers of the City (the “Authorized Persons”):

Name (Print or Type)

Title (Print or Type)

Dane Haygood

Mayor

Kelli Kichler

Finance Director

be, and each is, authorized, directed and empowered, on behalf of the City, to (i) sign and deliver to Caterpillar, and its successors and assigns, the Agreement and any related documents, and (ii) take or cause to be taken all actions he/she deems necessary or advisable to acquire the Equipment, including the signing and delivery of the Agreement and related documents; and

6. That the City Clerk is authorized to attest to these resolutions and affix the seal of the City to the Agreement, these resolutions, and any related documents; and
7. That nothing in these resolutions, the Agreement, or any other document imposes a pecuniary liability or charge upon the general credit of the City or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the City as provided in the Agreement; and
8. That a breach of these resolutions, the Agreement, or any related document will not impose any pecuniary liability upon the City or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the City as provided in the Agreement; and
9. That the authority granted by these resolutions will apply equally and with the same effect to the successors in office of the Authorized Persons.

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

Dane Haygood, Mayor

I, the City Clerk of CITY OF DAPHNE, ALABAMA, certify that the resolutions above are a full, true, and correct copy of resolutions of the Daphne City Council. I also certify that the resolutions were duly and regularly passed and adopted at a meeting of the Daphne City Council. I also certify that such meeting was duly and regularly called and held in all respects as required by law, in the Council Chambers at City Hall.

I also certify that at such meeting, a majority of the Daphne City Councilmembers were present and voted in favor of these resolutions. I also certify that these resolutions are still in full force and effect and have not been amended or revoked.

ATTEST: _____
Candace G. Antinarella, City Clerk

{S E A L}

**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

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-40**

**Ordinance to Re-Zone Property Located
Southeast Corner of Randall Avenue and Guarisco Street
Cynthia Dixon, L.L.C.**

WHEREAS, Cynthia Dixon, L.L.C. as the owner of certain real property located within the City of Daphne, has requested that said property that is currently under zoning as R-2, Medium Density Single Family Residential District, to be Re-Zoned as R-6(G) Garden or Patio Home District; and

WHEREAS, said real property is located at the southeast corner of Randall Avenue and Guarisco Street, and more particularly described as follows:

Legal Description for Re-Zone:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, BALDWIN COUNTY, ALABAMA, RUN NORTH 00 DEGREES 07 MINUTES 30 SECONDS WEST, ALONG THE WEST BOUNDARY OF SAID SECTION 17 A DISTANCE OF 1,410.9 FEET TO THE PROJECTED INTERSECTION OF THE CENTERLINE OF RANDALL AVENUE; THENCE RUN NORTH 89 DEGREES 47 MINUTES EAST, ALONG SAID CENTERLINE A DISTANCE OF 657.8 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 30 MINUTES 40 SECONDS EAST, A DISTANCE OF 22.51 FEET TO AN IRON PIN MARKER LYING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID RANDALL AVENUE FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 47 MINUTES 00 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 160.50 FEET TO AN IRON PIN MARKER; THENCE RUN SOUTH 00 DEGREES 06 MINUTES 00 SECONDS WEST, A DISTANCE OF 122.30 FEET TO AN IRON PIN MARKER WHICH BEARS NORTH 00 DEGREES 06 MINUTES 00 SECONDS EAST, A DISTANCE OF 139.90 FEET FROM THE SOUTHEAST CORNER OF THE "OLD SCHOOL LOT"; THENCE RUN SOUTH 89 DEGREES 47 MINUTES 00 SECONDS WEST, A DISTANCE OF 159.19 FEET TO AN IRON PIN MARKER WHICH BEARS NORTH 00 DEGREES 30 MINUTES 40 SECONDS WEST, A DISTANCE OF 139.90 FEET FROM THE SOUTHEAST CORNER OF THE "OLD SCHOOL LOT", LYING ON THE EAST RIGHT-OF-WAY LINE OF GUARISCO STREET; THENCE RUN NORTH 00 DEGREES 30 MINUTES 40 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 122.27 FEET TO THE POINT OF BEGINNING.

WHEREAS, at the regular Planning Commission meeting on August 23, 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 October 15, 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-2, Medium Density Single Family Residential District, to R-6(G) Garden or Patio Home 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