

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
January 7, 2019
6:30 P.M.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
INVOCATION: Reverend Thack Dyson, St. Paul's Episcopal Church
PLEDGE OF ALLEGIANCE
- 3. APPROVE MINUTES:** Council Meeting – December 17, 2018
- 4. REPORTS OF STANDING COMMITTEES**
 - A. FINANCE COMMITTEE – Conaway**
Review minutes from December 2018 meeting.
 - a. Lodging Tax – November 2018 - \$105,108**
 - b. Sales Tax – October 2018 - \$1,376,431**
 - c. Unassigned Cash Balance – November 2018 - \$10,717,978**
 - B. BUILDINGS & PROPERTY COMMITTEE – LeJeune**
 - C. PUBLIC SAFETY COMMITTEE – Scott**
 - D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Phillips**
 - 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 - Rudicell**
 - D. LIBRARY BOARD – Rudicell**
 - E. PLANNING COMMISSION – Scott**
Review the Report and Minutes from the November 29, 2018 and the December 20, 2018 meeting.
 - F. RECREATION BOARD – LeJeune**
 - G. UTILITY BOARD – LeJeune**
- 6. MAYOR'S REPORT**
- 7. CITY ATTORNEY REPORT**
- 8. DEPARTMENT HEAD REPORTS**

City Council Agenda – January 7, 2019

9. CITY CLERK’S REPORT

MOTION to approve the issuance of the 010 – Lounge Retail Liquor – Class 1 license for Downtown Cigars LLC located at 1714 Main Street, Daphne, Alabama.

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2019-01 – Acceptance of Streets and Rights-of-Ways Located South and West of Oldfield Subdivision, Phase 3A

2019-02 – Mosquito Management Program

B. 2ND READ ORDINANCES:

2018-42 – Ordinance to Re-Zone Property Located Southwest of Van Avenue and Main Street Claymark Properties, LLC

2018-43 – Ordinance to Pre-Zone Property Located at the Southeast Corner of Belgrove Avenue and Alabama Highway 181- Danny & Donna Parks

2018-44 – Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne – Southeast Corner of Belgrove Avenue and Alabama Highway 181 – Danny & Donna Parks

2018-47 - ADEM 319-Tiawasee Creek Sub Watershed

C. 1ST READ ORDINANCES:

2019-01 – Additional Appropriation: Daphne Sports Complex

2019-02 – Additional Appropriation: Legal Fees

2019-03 – Additional Appropriation: Lodging Tax – Village Point Boardwalk

12. COUNCIL COMMENTS

13. ADJOURN

**December 17, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
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1. CALL TO ORDER:

There being a quorum present Council President Rudicell called the meeting to order at 6:31 p.m.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Pat Rudicell, Joel Coleman, Doug Goodlin, Ron Scott, Robin LeJeune and Angie Phillips

Also Present: Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; David Carpenter, Police Chief; Vickie Hinman, Human Resources Director; Adrienne Jones, Planning Director; Kelli Kichler Reid, Finance Director/Treasurer; Betsy Schneider, Operations Director; Troy Strunk, Executive Director, City Development; Margaret Thigpen, Civic Center Director; James White, Fire Chief; Tonja Young, Library Director; and Jessica Linne, Assistant City Clerk

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Father Tuck Bowen, St. Stephen's Charismatic Episcopal Church.

OATH OF OFFICE:

Councilwoman elect, Angie Phillips, was sworn into office by Judge Michael Hoyt.

PRESENTATION:

Eddie McDonald introduced Lower Alabama's chapter of *Guardians of the Ribbon* Board Member, Sam Jackson, who shared about the *Guardians of the Ribbon* organization. Judy Hamman helped the Daphne Fire and Rescue. Mrs. Hamman is a cancer survivor that the new "pink car" is named after.

Mayor Haygood recognized Eddie as an employee at the City of Daphne in the Grounds Department.

PRESENTATION:

Mayor Haygood presented the Finance Department with the CAFR Award. He explained that it is a part of the annual audit process. It is the highest achievement you can receive in governmental accounting and financial reporting. Kelli Reid and Suzanne Henson accepted the award on behalf of the department.

PUBLIC HEARING:

Public hearing on Claymark Properties, LLC Zoning Amendment located Southwest of Van Avenue and Main Street.

Presenter, Larry Chason, represented Claymark Properties stated that the company is seeking the zoning of the property located Southwest of Van Avenue and Main Street. The property currently has 7 mobile homes and 1 older home on the premises. It is the hope of Claymark Properties to revitalize the property to better fit into Olde Towne Daphne. The developers are hoping to build an office building on this property. He said that this would not be a rushed development, but that the residents would be given time to find a new location and be given financial compensation to move.

Councilman Coleman asked if the rezoning was from an R2 to a B3. Mr. Chason confirmed that was right. He said that currently it is one lot off of Main St. He said all lots from this property to Main Street are currently zoned for offices.

Public hearing opened at 6:48pm.

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Patricia Bertagnolli Anderson, 706 Van Avenue Lot, Daphne, stated she was coming to voice her objection to the land rezoning. She has lived at this property for 25 years. She asked what is the time limit before the development will begin, what money assistance will be offered to the residents and once everything gets put into place, what is the time frame that residents will need to move?

Tom McKinney, 702 Van Avenue, Daphne, says that his property adjoins to the trailer park. He moved into his home in 2000 and said the trailer park has never been a problem. He said he believes that nothing west of Main Street should be zoned anything but residential.

Mr. Chason said that the developers will give the residents a year and that they would receive finance compensation.

Public hearing ended at 6:52pm.

PUBLIC HEARING:

Public hearing on Danny and Donna Park Pre-Zoning Amendment and Annexation Petition of property located Southeast corner of Belgrove Avenue and Alabama Highway 181.

Presenter, Larry Smith, who represented the Parks shared that the corner piece of property located at 181 be pre-zoned to 1A and the two pieces of property that would be created, should the pre-zone move forward, be zoned R3. He said the property to the north has gone through an annexation to become 1A as well.

Councilman Scott said this application came before the Planning Commission. It was unanimous for the annexation. He said he is glad they now have a plan for the development.

Councilman LeJeune asked if Mr. Smith had a proposed use for the property.

Mr. Smith said that currently there is not a plan, but the owner wants to sell the corner lot which is commercial as well as sell the other residential lot. This would allow the lots to be 1A zoning.

Public hearing opened at 6:57pm.

Public hearing closed at 6:58pm.

3. APPROVE MINUTES:

The minutes of the December 3, 2018 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Committee met that afternoon prior to the Council Meeting. Committee meets each month on the third Monday of the month at 4:30pm.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman LeJeune said that the November 2018 Building and Properties Report was in the packet.

C. PUBLIC SAFETY COMMITTEE

Councilman Scott said that minutes from the November 13th meeting are in the packet. The next meeting will be on January 14th.

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D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Goodlin said the next meeting will be January 7th at 4:30 p.m.

E. PUBLIC WORKS COMMITTEE

Councilman Coleman said the minutes from the December 3rd meeting are in the packet as well as the October 2018 Director's Report. The next meeting is January 7th at 5:30 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Adrienne Jones said that the BZA will not meet in January. Mrs. Jones also shared that Mr. Willie Robinson was re-elected as Chair of the BZA and Mr. Thomas Warner, Vice Chair.

B. Downtown Redevelopment Authority

Councilman Rudicell said that Councilwoman Conaway is the liaison for this committee and she was not present at the meeting.

C. Industrial Development Board

Councilman Rudicell said there is not a liaison at the time being, but a Council Member will be appointed to the board in the near future. Mayor Haygood said IDB met last Tuesday, December 4th discussing bills and the DISC project. City Clerk said IDB will meet on December 18th at 5:30 p.m.

D. Library Board

Councilman Rudicell said the statistics from the year are on the desk. He said the Porch Project is moving forward.

E. Planning Commission

Councilman Scott said the minutes from the October 25th and November 29th meetings are in the packet. The next Planning Commission meeting will be December 20th at 5 p.m.

F. Recreation Board

Councilman LeJeune said there was no meeting in December. There is no report.

G. Utility Board

Councilman LeJeune said minutes from the September meeting are in the packet. There is also no meeting in December due to the holidays.

6. MAYOR'S REPORT:

Mayor Haygood mentioned the Daphne Librarian provided statistics for the 2018 year. The Porch Project will create more of an interactive environment for young people. He welcomed new Councilwoman Angie Phillips. Mayor Haygood also shared pictures from the Beautification Committee with Ms. Rogers' 6th grade class from Daphne East Elementary. Flowerwood Nursery and Southern Living Plants donated some plants and the kids got to plant these.

7. CITY ATTORNEY REPORT:

City Attorney said he had one matter of pending litigation that he'd like to discuss with the Council in executive session in accordance with the requirements of the Alabama Open Meetings Act. He said it shouldn't take any more than 10-15 minutes and should require not action by the Council. It shouldn't require

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any staff attendance either. He recommended meeting after Council comments when he could certify the executive session and the chair could entertain a motion.

8. DEPARTMENT HEAD COMMENTS:

Chief White wished everyone a safe, happy holiday.

Adrienne Jones congratulated Angie Phillips on her new position on the City Council.

9. CITY CLERK'S REPORT:

**MOTION by Councilman LeJeune to appoint Donny Parker to the Education Advisory Committee.
Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

City Clerk noted that this position became vacant due to a resignation by another committee member. The Committee motioned at their last meeting that the Council fill that position with Mr. Parker.

Councilman Goodlin asked if this person was representing a district or being an appointee. City Clerk stated he would be replacing Nicole Sims.

Councilman Coleman asked if this would make the committee whole. City Clerk said that there would still be one vacancy.

Councilman Rudicell asked when the next Education Advisory Committee would be held. City Clerk said it would be in January.

10. PUBLIC PARTICIPATION:

Public Participation was opened at 7:09 p.m.

John Lake, 110 Paige Circle, Daphne, thanked the Mayor for all the beautiful decorations on the northern part of the city. He expressed concern about a noise complaint in his neighborhood. He said there is a particular resident who is driving through people's yards. The police have been made aware. Mr. Lake asked the Council to help the citizens protect their homes.

Councilman Coleman stated that he would call Mr. Lake on Tuesday to discuss this matter. Mayor Haygood said the police are aware and are taking steps to remedy this situation.

Alfred Guarisco, 1205 Randall, Daphne, reminded everyone of the original name of Van Avenue. That name is Vanette.

Curt Fonger, 1443 Randall Avenue, thanked the Mayor for updating the City's website. He asked the Mayor not to close the City of Daphne on December 24 and 25. He stated it was impractical and a waste of taxpayer's dollars.

Rod Drummond, Ridgewood Drive, proposed to the City Council that they accept the 18 hole golf course, club house and yacht club from the Lake Forest Home Association.

Councilman LeJeune stated that if it is freely given to the city, then the city might be interested.

Public Participation closed at 7:17 p.m.

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11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

2018-57 – Q – Well Road Boardwalk – ADEM 319 Project

MOTION by Councilman Scott to waive the reading of Resolution 2018-57. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

**MOTION by Councilman Scott to adopt Resolution 2018-57. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

ORDINANCES:

2nd READ:

2018-45 – Appropriation: Alabama Department of Economic and Community Affairs (ADECA) Grant Match for the Recreational Trails Program (RTP) to Construct a Walking Trail at Village Point Preserve – Grant #18-RT-54-05

2018-46 – Additional Appropriation: FY2019 Road Surfacing Initiative

**MOTION by Councilman Scott to waive the reading of Ordinance 2018-45 and Ordinance 2018-46.
Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2018-45. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2018-46. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

1st READ:

2018-42 – Ordinance to Re-Zone Property Located Southwest of Van Avenue and Main Street Claymark Properties, LLC

2018-43 – Ordinance to Pre-Zone Property Located at the Southeast Corner of Belgrove Avenue and Alabama Highway 181- Danny & Donna Parks

2018-44 – Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne – Southeast Corner of Belgrove Avenue and Alabama Highway 181 – Danny & Donna Parks

2018-47 - ADEM 319-Tiawasee Creek Sub Watershed

12. COUNCIL COMMENTS:

Mayor Haygood wished everyone a Merry Christmas. He said he hoped everyone has enjoyed the holiday events.

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Councilwoman Phillips thanked everyone for their support and stated she doesn't enter this position on the Council lightly.

Councilman LeJeune welcomed Angie Phillips. He wished everyone a Merry Christmas and a Happy New Year.

Councilman Scott welcomed Angie Phillips. He wished everyone a Merry Christmas and a Happy New Year. He said he is looking forward to working with the Council in 2019.

Councilman Goodlin welcomed Angie Phillips. He reminded everyone that the kids are now out of school and to watch speed in neighborhoods. He wished everyone a Merry Christmas and Happy New Year.

Councilman Coleman welcomed Mrs. Phillips. He wished everyone a Merry Christmas and safe travels.

Councilman Rudicell welcomed Angie Phillips. He said that there will be a review of strategic plan at the next work session in January. He wished everyone a Merry Christmas and Happy New Year.

City Attorney said as an attorney licensed and in good standing to practice law in the state of Alabama he certified that there was a valid reason to enter in to Executive Session in accordance with the Alabama Open Meetings Act specifically to discuss pending litigation. He asked for a roll call vote and a motion to state the purpose. He asked if Council President would state if the Council would reconvene and the approximate time they would return. He said that the Council should not have to take any action and that it should not take any longer than 5-10 minutes.

MOTION by Councilman Scott to enter into Executive Session. Seconded by Councilman Coleman.
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Councilman Rudicell said the Council would convene and not return. City Attorney asked for a roll call vote.

City Clerk called roll call vote.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:24 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Candace G. Antinarella, City Clerk

Pat Rudicell, Council President

Finance Committee Report

December 17, 2018

(Includes items from November's agenda – Nov meeting cancelled-no Quorum)

Ordinances:

- Village Point Park Preserve–Additional Appropriations: Guardrail/Tree Removal–Ordinance 2018-
- Additional Appropriation: Legal Fees: Final Judgement-Civil Action Number 2015-900239, captioned *Fannon v. City of Daphne, et al.* – Ordinance 2018-
- Daphne Sports Complex – Additional Appropriation – Ordinance 2018-
- Well Road Boardwalk & Sidewalk Addition – Ordinance 2018- (2nd Read)

Resolutions:

- Bid: 2019-C-Mosquito Management Program – Resolution 2018-

Motions:

Financial Reports:

- Business License Report, November 2018
- Treasurers Report, November 2018
- Sales Tax, October 2018
- Lodging Tax, November 2018

Items below were discussed at Finance Meeting but were already addressed on a previous Council agenda:

- Bid: 2018-Q-Well Road Boardwalk– Resolution 2018- Res was on the 12-17-18 Council agenda
- Grant Match for: Walking Trail at Village Point Preserve (ADECA) Grant #18-RT-54-05-\$52,552 (2nd Read on 12-17-18 Council Agenda)
- Road Paving Initiative – Additional Appropriation - \$290,000 (2nd Read on 12-17-18 Council Agenda)

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

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:36 p.m.

Present were:

Chairman Mr. Pat Rudicell

Councilman Mr. Ron Scott

Councilwoman Mrs. Tommie Conaway – not present

Councilman Mr. Robin LeJeune arrived at 6:17p.m.

Councilman Mr. Joel Coleman

Councilman Mr. Doug Goodlin

Also Present: Mayor Dane Haygood, Finance Director Mrs. Kelli Reid, Senior Accountant Mrs. Suzanne Henson, Public Works Director Mr. Jeremy Sasser, Operations Manager Mrs. Betsy Schneider, Civic Center Director Mrs. Margaret Thigpen, City Clerk Mrs. Candace Antinarella, Library Director Ms. Tonja Young, Mrs. Ashley Campbell Environmental Program Manager, Executive Director of City Development Troy Strunk, City Attorney City Attorney Mr. Patrick Dungan and Mrs. Angie Phillips.

II. PUBLIC PARTICIPATION

- A. Presentation: Annual Insurance Renewal Proposal–Ms. Christine Kennedy attended on behalf of Mr. Allen Chapman, Hub International

Mrs. Henson stated that Mrs. Christine Kennedy would be representing Hub International on behalf of Mr. Allen Chapman. Mrs. Henson discussed that she had met with Mr. Chapman last year when he decided to wait and submit a proposal for the 2019 policy to allow him more time to prepare it. Mrs. Henson also noted she had met with Mr. Chapman back in August and September and they had been corresponding by e-mail the last couple months. Mrs. Henson stated she had completed an extensive list of information request for buildings and answered questions for each policy that was requested in the RFP. Mrs. Henson noted that Mr. Allen had discussed some issues in agencies not quoting for the automobile policy. Ms. Christine Kennedy reviewed Hub International's insurance proposal for property and equipment only. Ms. Kennedy handed out a sheet showing options for increasing the deductible for Named Storm damage policy to decrease the premium. Mr. Scott noted that since FEMA and State of Alabama reimburse expenditures for named storms that increasing the deductible would not work for the City

- B. Presentation: Annual Insurance Renewal Proposal-Mr. Robbie Robertson, Robertson Insurance Agency, Inc.

Mr. Robertson stated that the City was in the second year of the three year policy with the Alabama Municipal Insurance Corporation (AMIC). Mr. Robertson noted that the City of Daphne is a founding member of AMIC and are therefore eligible for a dividend reimbursement. Mr. Roberson reviewed the City's current policies and the proposed policy and the deductibles. Mr. Robertson also noted there is a \$5 million umbrella that covers and discussed the 3% inflation guard increasing building coverage for buildings. Mr. Robertson summarized that the premium has went down, the City will receive the AMIC dividend, and presented a couple options of increasing deductibles for a savings.

Mr. Scott discussed considering the options presented to increase in deductibles. Mrs. Reid stated she would want to look at the claim history before making a recommendation. Mrs. Angie Phillips asked would the higher deductible be advantageous. Mr. Robertson said that based on the past few years of historical claims the City would have had savings if they had increased the deductible.

Mr. Goodlin asked if the Buildings and Property proposals were apples to apples. Mrs. Henson stated they both cover the same list of property and equipment and the only difference is that Robertson proposal includes the 3% increase in building values (for inflation) and 3-4 new addition equipment items that were just added to the policy and Robertson included in their proposal.

Mrs. Henson reviewed the spreadsheet listing the different policies the City requires annually and the three Insurance agencies that requested to present a proposal (*Willis Towers responded that they needed additional time and would respond next year for the 2020 annual renewal*). Mrs. Henson stated that Robertson Insurance Agency, Inc. was lower than Hub International on the property and equipment and Robertson quoted all policies required annually.

Discussion continued a Motion could be made at the Council meeting after the deductible options are evaluated.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

Mr. Scott asked about when the quote would be obtained for the Bocce Court. Mr. Sasser discussed the project and noted he was working on getting that quote.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resource Report:

- Posted positions – 5
- Reviewing/Testing/Interviewing/Background check - 5
- Promotion/Internal Transfer - 4
- New Hires – 3
- Open positions/Vacant - 1

Mrs. Hinman reviewed the monthly Safety Committee meeting topics discussed and other Human Resource projects and events.

Other HR projects/meetings/events:

- RSA Employer Self-Service: Testing Phase
- Applicant Tracking System: Research Phase
- Longevity Pay 11/21/2018
- Distributed Safety awards Dec. 11

Volunteer Coordinator RSVP recruiting/events:

- PT Temp. (16 hrs. a wk.) @ Civic Center
- Dept. Christmas ornaments contest November 26
- Awarded Christmas ornament winners from Elementary Schools Dec. 11
- Established partnership with United Way and Joy of Life
- Continuous recruitment and orientation of volunteers

Discussion was made on the museum position and the job description. Discussion continued on the long timeframe it took to obtain job descriptions from Archer.

B. Overtime Report

The Overtime Report was included in the packet for review.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – November, 2018

Mrs. Coleman stated the 2019 Business License renewals have been sent out and reviewed the following reports and information:

- Code enforcement issued 6 warnings resulting in businesses becoming compliant and \$602.50 in revenue.
- New Businesses with a physical location in Daphne - 23.
- Simplified Sellers Use Tax collections - \$12,664.88.

BUSINESS LICENSE COUNT through 11/30/2018	
NEW Licenses	20
RENEWAL Licenses (2018)	13
PRIOR YEAR Licenses (2017 and Prior)	3
Total Issued THIS MONTH	36
Total Issued THIS MONTH - PREVIOUS YEAR	61
Net Gain/-Loss Current VS Previous Yr MONTH	-25
Total Issued YTD 2018	4,621
Total Issued YTD - PREVIOUS YEAR	4,676
Net Gain/-Loss Current VS Previous Yr YTD	-55

Business License Fee Historical Comparison 2018 / 2019				
	FY 18	FY 19	+/- Previous Year	Budget 2018 * \$2,215,000
October	\$5,258.84	\$7,486.91	\$2,228.07	(\$2,207,513.09)
November	\$8,566.59	\$3,983.03	(\$4,583.56)	(\$2,203,530.06)
Year to Date	\$13,825.43	\$11,469.94	(\$2,355.49)	(\$2,138,530.06)
* Amounts include penalty and interest.				

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: October, 2018

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,376,431.03 was collected for October, 2018 which was up \$110,942.85 from September 2018's collections:

- YTD Variance over Budget - \$ 72,978.20

B. Lodging Tax Collections, October, 2018

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for October, 2018 were \$105,108.14 which is up \$16,343.48 from October 2017's collections.

- YTD Variance over Budget: \$16,343.48

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

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

- Unreserved balance for Bayfront related purchases - \$1,402,568.27
- Recreation related purchases - \$ 962,520.52

Mrs. Henson noted that there was activity for Bay Front Park Improvements and Village Point Boardwalk ADECA project reported for November 2018. Mrs. Reid noted the Bayfront balance will increase once monies are reimbursed from FEMA for the Village Point Park project.

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: November, 2018

Mrs. Reid reviewed the Treasurer's Report:

TREASURER'S REPORT					
As of November 30, 2018					
Account Type/Title	11/30/2018	10/31/2018	Increase (Decrease) from last Month	11/30/2017	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	\$ 4,898,935	\$ 4,816,549	\$ 82,386	\$ 7,154,245	\$ (2,255,310)
CERTIFICATE OF DEPOSIT	504,979	504,979	(0)	-	504,979
INVESTMENT FUND	5,302,088	5,320,680	(18,592)	5,353,794	(51,706)
CREDIT CARD ACCOUNT	11,976	10,158	1,819	9,902	2,074
Total Unrestricted Cash Balance	10,717,978	10,652,366	65,613	12,517,941	(2,304,942)
Total Restricted Cash Balance	15,000,871	17,489,211	(2,488,339.49)	19,767,439	(4,766,568)
Total City Cash Balance	\$ 25,718,850	\$ 28,141,576	\$ (2,422,727)	\$ 32,285,380	\$ (7,071,509)
Encumbrance Total as of			11/30/2018	\$ 824,140.57	

Mrs. Reid noted that the 2,304,942 decrease in unrestricted Cash Balance was mainly due to payment made the 2017 Construction Fund for Daphne Sports Complex and Corte Road projects.

The Treasurer's Report as of OCTOBER, 2018 Total Unrestricted Cash Balance - \$10,717,978 and Total City Cash Balance - \$25,718,850 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance is - \$824,140.57 as of November, 2018.

Mrs. Reid reviewed the Encumbrance Report. Discussion continued on the status of projects listed.

3. Outstanding Appropriations

Mrs. Reid reviewed the report and noted there were a lot of ongoing projects at this time with the largest project being Corte Road. Discussion continued on the projects. Mayor Haygood discussed Bayshore Christian School plans to build a High School on property located off of Friendship Road.

4. Financial Overview: Debt Summaries & Monthly Financial Statements, FY2018

Mrs. Reid stated the final Financial Statements for FY2018 will be included in the meeting following the completion of the annual audit.

- Debt Summary Schedules (General & Enterprise Funds), October, 2018
 - Jubilee Square: Debt payments are currently fully paid through December 2016 thus 23 months in arrears. Arrearage includes \$485,920 in principal and \$338,076 in interest.

General Fund:

	<u>FY 2019</u>	<u>FY 2018</u>	<u>Change</u>
YTD Net Income:	\$<2,268,465>	\$352,810	\$<2,261,275>
Sales tax is approximately \$73,000 over budgeted income and \$111,000 over prior year to date income			
Transfers were made to the Capital Reserve Fund in the amount of \$2,135,404 for Lott Park and Corte Road			
There were three payrolls in the month of October			
Unassigned Fund Balance: \$10,929,385			
Outstanding Encumbrances: \$842,676			

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of October 31, 2018: \$38,826,240
- Outstanding Note Payable Balance as of October 31, 2018: \$779,102
- Outstanding Capital Lease Balance as of October 31, 2018:

- o General Fund: \$1,213,062
- o Enterprise Fund: \$459,729

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

- Recreation Improvements YTD Expenditures: \$324,600
- See transfers noted above

Special Revenue Funds (11 separate funds):

- Lodging Tax Fund –
 - o Bayfront Unreserved Fund Balance: \$1,472,457
 - o Recreation Unreserved Fund Balance: \$950,562
 - o Total lodging tax collected was \$16,343 over budgeted income and prior year to date income.

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

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

	<u>FY 2019</u>	<u>FY 2018</u>	<u>Change</u>
Solid Waste Fund	\$ -0-	\$ -0-	\$ -0-
Civic Center Fund	\$ 2,343	\$ 8,819	\$ <6,476>
Bayfront Park Fund	\$ 6,409	\$ 1,623	\$ 4,786

The Solid Waste fund did not require a transfer to cover net operating losses in the month of October

5. Unfunded Future Projects Expenditure Summary

Mrs. Reid noted that there was not really any change on the Unfunded Future Projects Expenditure Summary.

B. Bills Paid Reports – October & November, 2018

The Bills Paid Report was presented in the packet.

VIII. BIDS (Resolution)

A. 2018-Q-Well Road Boardwalk – ADEM 319 (Ord: On 12-17-18 Council Agenda-1st Read)

Mrs. Reid stated because of the time sensitive nature of this grant the Resolution is on the Council agenda for the meeting following as well as the Ordinance as a first read to appropriate the additional monies required. Mrs. Reid noted the bid includes Add Alternate #1

MOTION BY Mr. Scott to adopt an ordinance amending the budget for an additional appropriation in the amount of \$51,000 out of the General Fund for the ADEM 319 Tiawasee Creek Sub-Watershed Management Project and authorize the Mayor to execute all documents required. Seconded by Mr. Coleman.
MOTION CARRIED UNANIMOUSLY

MOTION BY Mr. Scott to award the 2018-Q-Well Road Boardwalk – ADEM 319 bid to Blade Construction, Inc in the amount of \$87,687 (including Add Alternate #1). Seconded by Mr. Goodlin.
MOTION CARRIED UNANIMOUSLY

B. 2019-C-Mosquito Management Program

Mrs. Henson discussed that Mosquito Control LLC was the sole bidder and they bid \$6,872/month for designated spray times and fees were listed for additional requested services as required in the bid specifications. Mrs. Henson noted that additional fees would only be performed and billed at the City's request as was needed to maintain mosquito control. Mr. Strunk reviewed the bid and that Mrs. Reid had prepared some budget information in the packet. Mrs. Reid stated that the information in the packet shows the funds available for the mosquito spraying program through FY2019 (\$45,195) which is six months of the eight month annual spray schedule. Discussion continued on the funds the County provides for Mosquito spraying program and that a line item transfer would be required to combine currently budgeted monies for the outsourced services. Mr. Strunk discussed that the City still has mosquito chemical inventory. Mrs. Henson stated that the current inventory value is approximately \$40,800 according to Mr. Shannon Burroughs, Grounds Supervisor. Mrs.

Henson noted that some of the barrels of Aqueslin, the bulk of the chemicals, were part of a buy one get one free promotion making the actual cost per drum \$2,970. Mrs. Henson noted that Mississippi Mosquito Control offered to purchase two drums a year at \$2,500/ea. Mrs. Henson stated she would bring more information to the next Building and Properties Committee meeting for a recommendation on how to surplus and sale the City's chemical inventory if the bid is awarded. Discussion was made on what the City would do with the current mosquito spraying equipment. Mrs. Henson noted that one truck and sprayer is older (2011 Ford Ranger) and that this equipment has been recommended to be surplused soon due to the condition of the equipment. The second truck (2018 F150) will be kept but the spray tank can be removed and sold. Mrs. Henson also discussed that Mr. Burroughs had advised that if the City sold the equipment and later decided to return to an internal spraying program that it would cost an estimated \$100,000 to purchase the required equipment. Discussion continued that this is a one year contract with two annual renewal options for a potential three year contract.

MOTION BY Mr. Scott to recommend to Council to award the 2018-C-Mosquito Management Program bid to Mississippi Mosquito Control LLC in the amount of \$6,872/month for designated spray times and fees as bid for additional requested services. Seconded by Mr. Goodlin.

MOTION CARRIED UNANIMOUSLY

IX. APPROPRIATION REQUESTS: (Ordinance)

A. Grant Match for: Walking Trail at Village Point Preserve (ADECA) Grant #18-RT-54-05-\$52,552 (2nd Read on 12-17-18 Council Agenda)

Mrs. Reid reviewed the project. This is an ADECA grant project and the additional monies are available from the Lodging Tax Fund. This will be a second read on the 12-17-18 Council agenda.

MOTION BY Mr. Scott to recommend to Council to adopt an Ordinance amending the budget to appropriate \$52,552 from the General Fund for the Walking Trail at Village Point Park Preserve (ADECA) Grant #18-RT-54-05. Seconded by Mr. Coleman.

MOTION CARRIED UNANIMOUSLY

B. Village Point Park Preserve – Additional Appropriations: Guardrail/Tree Removal - \$4,000

Mrs. Reid reviewed the project and that an additional appropriation is needed for safety purposes (Guardrail and tree removal).

MOTION BY Mr. Scott to recommend to Council to adopt an Ordinance amending the budget for an additional appropriation in the amount of \$4,000 from the Lodging Tax Fund for the Village Point Park Preserve guardrail and tree removal. Seconded by Mr. Coleman.

MOTION CARRIED UNANIMOUSLY

C. Legal Fees – Helmsing Leach - Fannon Lawsuit - \$50,000

Mrs. Reid stated that the City has not appropriated any monies for the Fannon Lawsuit and this is an estimate of the monies that will be needed to cover the legal fees for this case.

MOTION BY Goodlin to adopt an ordinance amending the budget to appropriate \$50,000 out of the General Fund for legal fees for the Fannon lawsuit. Seconded by Mr. Coleman.

MOTION CARRIED UNANIMOUSLY

D. Road Paving Initiative – Additional Appropriation - \$290,000 (2nd Read on 12-17-18 Council Agenda)

Mrs. Reid reviewed that this \$290,000 would be in addition to \$710,000 that was budgeted in the FY2019 Budget for a total of \$1 million for the FY2019 Road Paving Initiative. Discussion was made that this will be a second read on the 12-17-18 Council agenda.

E. Daphne Sports Complex – Additional Appropriation - \$115,000

Mr. Sasser discussed the list of items that make up the \$115,000. The list included: electrical upgrades for an Irrigation well, ryegrass to over seed the sod to get to spring, fire hydrant needs to be re-located...etc. Mr. Sasser said he was still working on getting a cost to repair a drainage issue for Carolina Wood area.

***MOTION BY Mr. Scott to recommend to Council to adopt an Ordinance amending the budget for an additional appropriation \$115,000 for the Daphne Sports Complex project. Seconded by Mr. Coleman.
Conaway-Not present / LeJeune-Refrained from Voting / AYE: Goodlin, Coleman, Rudicell, Scott
MOTION CARRIED***

X. NEW BUSINESS

There was no new business discussed.

XI. OLD BUSINESS

There was no old business discussed.

XII. ADJOURN

The meeting adjourned at 6:20p.m.

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Planning Commission Minutes and Report
Date: December 21, 2018

MEMORANDUM

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of November 29, 2018, and the report of the regular meeting of December 20, 2018 for placement on the Monday, January 7, 2019 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
12/21/18
4:00pm

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 29, 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 5:02 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

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

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 October 25, 2018. There being none, minutes are approved as submitted.*

The next order of business is site plan review for Thompson Properties, L.L.C.

An introductory presentation was given by Paul Marcinko, representative of Jade Consulting, requesting site plan review of a parking lot addition located northwest of U.S. Highway 98 and Stanton Road.

Chairman asked for Commission questions or comments. Ms. Phillips asked about the status of the subdivision re-plat. Ms. Jones responded the plat was given administrative approval pending recording after site plan review.

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Smith **to approve Thompson Properties, L.L.C. site plan, contingent upon recording of the re-plat of the subject property in Baldwin County Probate Office. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Parks' Subdivision.

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 29, 2018
Council Chamber, City Hall - 5:00 P.M.

An introductory presentation was given by Larry Smith, representative of S. E. Civil, requesting preliminary/final plat review of a three-lot subdivision consisting of approximately three-point three-seven acres located southeast corner of Belgrove Avenue and Alabama Highway 181 pending annexation into the city as a residential/commercial development.

Ms. Jones stated the City Council meeting was not held due to the lack of a quorum. Mr. Dungan responded the public hearing was reset for December 17, 2017 at 6:30 p.m.

Chairman asked for Commission questions or comments.

Mr. Scott commented although he was against the pre-zoning to B-1(a) because it was speculative, it will serve as a good buffer between Alabama Highway 181 and the residential development along Belgrove Avenue.

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 Ms. Phillips and Seconded by Mr. Prescott to approve Parks' preliminary/final plat contingent upon City Council's approval of the pre-zoning and annexation of the subject property. 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 Five.

An introductory presentation was given by Jared Landry, representative of Dewberry, requesting preliminary plat review of a nineteen-lot subdivision consisting of approximately twelve-point seven-three acres located northeast of County Road 64 on Rigsby Road and a request for a waiver to the wetland buffer requirements.

Chairman asked for Commission questions or comments and stated deficiencies outlined by the Public Works Director have been addressed. She also commented about approval of a master plan revision.

Cathy Barnette, representative of Dewberry, responded that the master plan was presented along with Saint Augustine Subdivision, Phase Four two months ago.

Ms. Campbell spoke regarding the necessity of maintenance of the existing detention pond. Ms. Barnette responded that the developer does not own the pond. Mr. Landry advised that he would reach out to the POA regarding maintenance.

Ms. Jones reminded Commissioners that they will see the subdivision again prior to approval of the final plat.

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

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 29, 2018
Council Chamber, City Hall - 5:00 P.M.

Chairman asked for Commission questions or comments and a motion.

A **Motion** was made by Mr. Scott and **Seconded** by Ms. Phillips **to approve the waiver request and preliminary plat for Saint Augustine Subdivision, Phase Five. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is master plan revision and preliminary plat review for the Reserve at Daphne Subdivision, Phase Two.

An introductory presentation was given by Jared Landry, representative of Dewberry, of a master plan revision and preliminary plat review of a one hundred thirty-eight lot subdivision consisting of approximately seventy-one point three-one acres located north of the intersection of County Road 64 and Montelucia Way. He stated the revision reflects the acquisition of additional land, but maintains the density. He also advised that the subject property was rezoned by Baldwin County to a PRD, Planned Residential Development.

Chairman asked for Commission questions or comments. She stated a master plan is required for a subdivision to develop in phases, and phase two is the next phase of this development. She also noted that buffer requirements and wetland areas have reduced the lots.

Mr. Smith asked about location of the portion added. Ms. Barnette responded that the master plan revision is the area shown that extends to west to County Road 54 and includes the school site.

Mr. Scott asked the size of the school site. Ms. Barnette responded seventeen-point seven acres.

Chairman stated deficiencies outlined by the Public Works Director have been addressed. Ms. Campbell confirmed. Cathy Barnette, representative of Dewberry, stated the Environmental Programs Manager asked that signage be placed on wetland buffer lines prior to issuance of a site disturbance permit and construction, and the developer agreed to place the signs as requested.

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

Chairman asked for Commission questions or comments and a motion.

A **Motion** was made by Mr. Prescott and **Seconded** by Ms. Phillips **to approve a master plan revision for the Reserve at Daphne Subdivision, Phase Two. There was no discussion on the motion. The Motion carried unanimously.**

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **to approve the waiver request and preliminary plat for the Reserve at Daphne Subdivision, Phase Two. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is Planning Commission discussion.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of November 29, 2018
Council Chamber, City Hall - 5:00 P.M.**

Ms. Jones commented about the revision of should to shall in references to single family applicability and public input prior to presentation of a draft to the Commission. She also presented a draft of a proposed amendment of Article 9 to the Commission for review and discussion at the next meeting. Planning Commission also requested input from Sandy Robinson and Starke Irvine at the October meeting.

Sandy Robinson, 1500 Main Street, spoke and expressed her concern that an amendment to the Land Use Ordinance may go too far by granting the Commission discretion to grant approval of variations to perimeters outlined in the district requirements when re-platting nonconforming lots of record.

Mr. Scott commented that the amendment will basically address the issue of fairness.

Starke Irvine, 809 Daphne Avenue, spoke and expressed his support, and commented that the necessity to rezone lots of record prior to subdividing cannot be accomplished unless a similar zoning is contiguous.

Mr. Strunk concurred and encouraged public input.

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 that the upcoming meeting dates are site preview, December 12 & regular meeting, December 20, 2018.

There being no further business, the meeting was adjourned at 5:51 p.m.

Respectfully submitted by: .


Jan Vallecillo, Planning Coordinator

Approved: December 20, 2018


Marybeth Bergin, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 20, 2018
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

1. **CALL TO ORDER:** Marybeth Bergin, Phillip Hodgson, Hudson Sandefur, Andrew Prescott, Charles Smith and Ron Scott

2. **CALL OF ROLL:** 5:01 p.m.

3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of November 29, 2018. **(Approved as submitted)**

4. **NEW BUSINESS:**

A. SITE PLAN REVIEW:

1. **File SP18-16: (Approved site plan with condition that revisions shall be approved by the Public Works Director)**

Site: 1809 Main Street

Zoning: *B-2, General Business*

Location: Northwest of Main Street and Belrose Avenue

Area: 0.17 ± Acres

Owner(s): Dennis Baldwin

Engineer: Bethel Engineering - Vince LaCoste

2. **File SP18-17: (Approved)**

Site: Signs Now

Zoning: *B-2, General Business*

Location: Northeast of Stanton Road and U.S. Highway 98, Lot 3, Block A
Daphne Business Park, Unit Two

Area: 2.13 ± Acres

Owner(s): Dunn Unlimited, Inc. - Mark Dunn

Engineer: Element³ Engineering - Steve Fisher

B. FINAL PLAT REVIEW:

1. **File SDF18-09: (Approved)**

Subdivision: Oldfield, Phase 4

Zoning(s): *R-2, Medium Density Single Family Residential, and R-6(G),
Garden/Patio Home*

Location: West of Oldfield Subdivision, Phase One

Area: 17.39 Acres ±, (53) lots

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

Surveyor: Smith, Clark & Associates - Daniel Clark

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

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 20, 2018
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

C. PRELIMINARY/FINAL PLAT REVIEW:

1. **File SDPF18-10:** **(Approved)**
- Subdivision:** **Vlahos**
- Present Zoning:** ***RSF-1, Single Family Residential, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne***
- Location:** Southeast corner of Vlahos and Malbis Lane
- Area:** 2.36-acre parcel of a 190-acre tract
- Owner:** Malbis Plantation Inc. - Lewis Stirling, President
- Surveyor:** Dewberry - David Diehl
- Agent:** Dewberry - Mark Pumphrey

D. ZONING AMENDMENT:

1. **File Z18-09:** **Cynthia Pierce **(Favorable recommendation)****
- Present Zoning:** ***R-1, Low Density Single Family Residential***
- Proposed Zoning:** ***R-6(G), Garden/Patio Home***
- Location:** Southwest of Whispering Pines and Pollard Road
- Area:** 0.89 Acres $\pm$
- Owner:** Cynthia Pierce
2. **File Z18-10:** **TH Tanglewood 2018, L.L.C. **(Favorable recommendation)****
- Present Zoning:** ***R-1, Low Density Single Family Residential***
- Proposed Zoning:** ***R-2, Medium Density Single Family Residential***
- Location:** Southeast of Whispering Pines and Caroline Avenue
- Area:** 4.74 Acres $\pm$
- Owner:** TH Tanglewood 2018, L.L.C. - Andrew Dolan
- Developer:** 68V Pay Dirt, L.L.C. - Nathan Cox
- Agent:** Dewberry- Steve Pumphrey

E. REDBARN, L.L.C PRE-ZONING AMENDMENT AND ANNEXATION:

1. **File PZA18-02:** **Redbarn, L.L.C. (Tabled the application until the January 24, 2019 Planning Commission meeting)**
- Present Zoning:** ***RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne***
- Proposed Zoning:** ***R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential & R-6(G), Garden/Patio Home***
- Location:** Southeast of County Road 13 and Corte Road
- Area:** 107.93 Acres $\pm$
- Owner:** Red Barn, L.L.C. - Julio Corte
- Developer:** D.R. Horton - Taylor Henseler
- Agent:** Dewberry - Steve Pumphrey

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 20, 2018 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

2. ANNEXATION:

File ANX18-02: (Tabled the application until the December 21, 2017 Planning Commission meeting)

Presentation to be given by Steve Pumphrey, representative of Dewberry, requesting annexation of one hundred seven-point nine three acres into the City of Daphne located at the southeast of County Road 13 and Corte Road as R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential & R-6(G), Garden/Patio Home. The subject property is currently zoned, RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne. Owner: Julio Corte.

F. ADMINISTRATIVE PRESENTATIONS:

1. File AP18-10: (Favorable recommendation)

OLDFIELD SUBDIVISION, PHASE 3A STREET ACCEPTANCE PETITION:

Presentation to be given by Adrienne Jones, Director of Community Development, recommending acceptance of all right-of-ways contained within Oldfield Subdivision, Phase 3A. Said right-of-ways being Nottoway Lane (162 linear feet) and Dunleith Loop (1,650 linear feet).

G. PLANNING COMMISSION DISCUSSION:

City Council Request - Presentation to be given by Adrienne Jones, Director of Community Development, of a proposed amendment to Article 9, 13 and 14 of the Land Use and Development Ordinance. (No action taken)

5. **PUBLIC PARTICIPATION:** Comments on land use amendment Articles 9 and 14 (see minutes for details).

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

7. **COMMISSIONER'S COMMENTS:** Merry Christmas!

8. **DIRECTOR'S COMMENTS:**

Ms. Jones presented the following:

a. City Council Actions:

1. Public hearing held for Danny & Donna Parks Pre-zoning Amendment and Annexation, and Claymark Properties, L.L.C. Zoning Amendment;

b. The upcoming meeting dates are site preview, January 16 & regular meeting, January 24, 2019.

9. **ADJOURNMENT:** 6:09 p.m.



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20181218131559228



Type License: 010 - LOUNGE RETAIL LIQUOR - CLASS I State: \$300.00 County: \$400.00
Type License: State: County:
Trade Name: **DOWNTOWN CIGARS** Filing Fee: \$50.00
Applicant: **DOWNTOWN CIGARS LLC** Transfer Fee:
Location Address: 1714 MAIN STREET DAPHNE, AL 36526
Mailing Address: 728 OAK BLUFF DRIVE DAPHNE, AL 36526
County: BALDWIN Tobacco sales: YES Tobacco Vending Machines: 0
Type Ownership: LLC

Book, Page, or Document info: INST 1611891

Date Incorporated: 01/10/2018 State incorporated: AL County Incorporated: BALDWIN

Date of Authority: 01/10/2017 Alabama State Sales Tax ID: R010209512

Federal Tax ID: 81-4514696

Name:	Title:	Date and Place of Birth:	Residence Address:
ANTONIO NOTARANGELO 8353154 - AL	MEMBER	05/31/1974 NAPLES, ITALY	728 OAK BLUFF DRIVE DAPHNE, AL 36526

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: ANTONIO NOTARANGELO

Business Phone: 251-625-2447

Fax:

Home Phone: 985-869-4663

Cell Phone:

E-mail: NOTARANGELO23@YAHOO.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20181218131559228

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
Name of Property owner/lessor and phone number: **SANDBANK LLC 251-454-0317**
What is lessors primary business? **INVESTMENTS**
Is lessor involved in any way with the alcoholic beverage business? **NO**
Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **NO**
Is the business used to habitually and principally provide food to the public? **NO**
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: **2125** Display Square Footage:
Building seating capacity: **16** 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: 20181218131559228



Initial each

☐

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

☐

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

☐

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

☐

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

☐

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

☐

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

☐

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

☐

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

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

Applicant Name (print): **Antonio Notarangelo**

Signature of Applicant:

Notary Name (print): Betty G. Dean

Notary Signature: Commission expires: 01/13/2019

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: **20181218131559228**
Application Payment Confirmation Number: 39509674

Payment Summary	
Payment Item	Fee
Application Fee for License 010	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
010 - LOUNGE RETAIL LIQUOR - CLASS I	\$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: 010 - LOUNGE RETAIL LIQUOR - CLASS I
License Type 2:
License County: BALDWIN
Business Type: LLC
Trade Name: **DOWNTOWN CIGARS**
Applicant Name: **DOWNTOWN CIGARS LLC**
Location Address: 1714 MAIN STREET
 DAPHNE, AL 36526

Mailing Address: 728 OAK BLUFF DRIVE
 DAPHNE, AL 36526

Contact Person: ANTONIO NOTARANGELO
Contact Home Phone: 985-869-4663
Contact Business Phone: 251-625-2447
Contact Fax:
Contact Cell Phone:
Contact Email Address:
Contact Web Address:

CITY OF DAPHNE

RESOLUTION 2019-01

**Acceptance of Streets and Rights-of-Way
Oldfield Subdivision, Phase 3A**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Oldfield Subdivision, Phase 3A on December 20, 2018, and the City of Daphne hereby recommends acceptance of said street(s) located in Oldfield Subdivision, Phase 3A, and

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

Whereas, an inspection was made by the Director of the Division of Public Works, and said director has recommended acceptance said streets and storm water drainage of Oldfield Subdivision, Phase 3A, and

Whereas, the developer has provided to the City a two-year maintenance bond in the amount of \$62,674.67 as required and now requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the Procedures for Subdivision Review of the City of Daphne Land Use and Development Ordinance, and

Whereas, the developer has caused the plat to be recorded on slide 2661-D of the records in the Baldwin County Judge of Probate Office, and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Oldfield Subdivision, Phase 3A, a portion of Nottoway Lane (162 linear feet) a 50-ft right of way; and, a portion of Dunleith Loop (1,650 linear feet) a 50-ft right of way according to the plat presented by Mullins, LLC as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2019.

DANE HAYGOOD, MAYOR

ATTEST:

CANDACE ANTINARELLA, CITY CLERK

To: Office of the City Clerk
From: Adrienne D. Jones, 
Director of Community Development
Subject: Oldfield Subdivision, Phase 3A
Acceptance of Roads and Rights-of-Ways
Date: December 21, 2018

MEMORANDUM

LOCATION: South and west of Oldfield Subdivision,
Phase Two B

RECOMMENDATION: At the, December 20, 2018, regular meeting of the City of Daphne Planning Commission, six members were present. The motion carried unanimously for a ***favorable recommendation*** for the acceptance of Nottaway Lane and Dunleith.

Attached please find said documentation for placement on the Monday, January 7, 2019 City Council agenda.

Thank you,
ADJ/jv

cc: file
Jeremy Sasser, Public Works Director

attachment(s)

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

FILE
12/21/18
4:00pm

PLANNING COMMISSION OLDFIELD PHASE 3A STREET ACCEPTANCE REQUEST

[illegible]

- **Plat has been recorded-Slide 2661-D**
- **Street Maintenance Bond submitted in proper form and value**
- **Staff recommends approval**
 - **Dunleith Loop, 1,650 linear feet**
 - **Nottaway Lane, 162 linear feet**

November 13th, 2018

City of Daphne - Community Development Dept.
Adrienne Jones
1705 Main St.
Daphne, AL 36526

RE: Old Field Phase 3A
Request for Street Acceptance

I, Micah James Jones, a professional engineer registered in the State of Alabama (No. 29240), hereby certify that the streets for Old Field Phase 3A appear to have been constructed in accordance with the approved construction plans.

Test reports prepared by a geotechnical engineer confirm base densities and pavement thicknesses are acceptable.

It is requested that the City of Daphne accept the the streets for Old Field Phase 3A.

Please advise is you require any further information. Thank you.

Sincerely,



Micah Jones PE
Engineering Manager
Mullins, LLC

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

SUBDIVISION NAME: Old Field-Phase 3A

THIS PETITION FOR ACCEPTANCE OF ROADS AND/OR RIGHTS-OF-WAY is made this ____ day of _____, 20____ by Smart Living, LLC, hereinafter called "the subdivider," owner of certain property located in the City of Daphne, Alabama known as Old Field-Phase 3A to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

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

WHEREAS, a bond is required by the City as a condition of the acceptance of any new roads or rights-of-way as outlined in Article XVII in an amount equal to twenty percent (20%) of all street and drainage improvements in the subdivision as a warranty for such improvements to last for a period of two (2) years after the date of dedication and upon acceptance by the City Council, the subdivider has provided a \$ 62,674.67 maintenance bond; and,

WHEREAS, the project engineer, Micah James Jones, P.E., acting on behalf of the subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards for construction as outlined in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments, and further warrants that the same are free from defects from any cause; and,

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

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the favorable recommendation of the City of Daphne Planning Commission voted upon at its meeting held on _____. Said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named as follows:

Name of Right of Way	Length (linear feet)	Width (feet)
Nottoway Lane	162	50
Dunleith Loop	1,650	50

Are each hereby dedicated to the City of Daphne, Alabama as a city street.

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

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

Respectfully submitted,

SMART LIVING, LLC
Name of Individual or Corporation (Printed)

By:

LOUIS W. BRELAND
(Print Legibly and Sign)

Its:

MANAGER
(Print Legibly)

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said State and County, hereby certify that LOUIS W. BRELAND whose name as MANAGER of SMART LIVING, LLC an Alabama corporation or as owner of SMARTLIVING LLC is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 6 day of NOVEMBER, 2018.

Patricia Ackler (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: 4/10/22



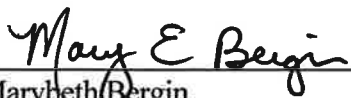
**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

Favorable recommendation on behalf of Daphne Public Works:



Jeremy Sasser
Public Works Director
City of Daphne

Favorable recommendation on behalf of Daphne Planning Commission:



Marybeth Bergin
Planning Commission Chairman
City of Daphne

**CITY OF DAPHNE, ALABAMA
RESOLUTION NO. 2019-02**

2019-C-MOSQUITO MANAGEMENT PROGRAM

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

WHEREAS, the City of Daphne acknowledges that the cost for the Mosquito Management Program will exceed this amount; and

WHEREAS, the City of Daphne obtained bids for the Mosquito Management Program; and

WHEREAS, Staff has reviewed the bids for the Mosquito Management Program and determined that the sole bid as presented is reasonable; and

WHEREAS, Staff has recommended to award to the sole bidder, Mississippi Mosquito Control LLC, for the amount of \$6,872 per month for the timeframe as designated by the City and other services as required as specified in the bid; and

WHEREAS, monies have been appropriated in the FY2019 Budget for City mosquito spraying services and are available to fund the Mosquito Management Program as bid by Mississippi Mosquito Control LLC.

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

1. The City hereby accepts the bid submitted by Mississippi Mosquito Control LLC in the amount of \$6,872 per month for the timeframe as designated by the City and other services as specified in BID SPECIFICATION NO. 2019-C-MOSQUITO MANAGEMENT PROGRAM; and
2. The Mayor is hereby authorized to enter into any agreements on behalf of the City of Daphne associated with the Mosquito Management Program.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-42**

**Ordinance to Re-Zone Property Located
Southwest of Van Avenue and Main Street
Claymark Properties, LLC**

WHEREAS, Claymark Properties, LLC, as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as R-2, Medium Density Single-Family Residential District, be re-zoned as B-3, Professional Business District; and

WHEREAS, said real property is located at the Southwest of Van Avenue and Main Street, and more particularly described as follows:

Legal Description of Property to be Re-Zoned to B-3, Professional Business District:

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)

WHEREAS, at the regular Planning Commission meeting on September 27, 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, and a public hearing was held before the City Council on November 19, 2018; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the recommendation and 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

The above described real property is hereby re-zoned from R-2, Medium Density Single-Family Residential District, to B-3, Professional Business District, and the zoning ordinance and zoning map shall 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 DATE AND REVERSION.

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. This zoning classification is subject to a two (2) year reversionary clause. Two years from the date this Ordinance is enacted, if the site development has not started for the purpose listed herein, the zoning shall be null and void and the property shall revert to the prior zoning district. Refer to Section 22-2, Reversionary Clause, of the Daphne Land Use and Development Ordinance.

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

Dane Haygood,
Mayor

ATTEST:

Candace G. Antinarella,
City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-43**

**Ordinance to Pre-Zone Property Located at the
Southeast Corner of Belgrove Avenue and Alabama Highway 181
Danny & Donna Parks**

WHEREAS, Danny & Donna Parks, as the owners of certain real property located within the unincorporated area of Baldwin County, Alabama, have requested that said property that is currently zoned by the County as RSF-E, Residential Single Family Estate, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as R-3, High Density Single-Family Residential, and B-1(a), Limited Local Business District, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located at the southeast corner of Belgrove Avenue and Alabama Highway 181, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

LEGAL DESCRIPTION FOR PROPERTY TO BE PRE-ZONED 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 FOR PROPERTY TO BE PRE-ZONED 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.

WHEREAS, at the regular Planning Commission meeting on September 27, 2018, the Commission considered said request and set forth a unanimous favorable recommendation to the City Council to pre-zone the property R-3, High Density Single-Family Residential, and B-1(a), Limited Local Business District; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at City Hall, and a public hearing was held before the City Council on November 19, 2018; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property and as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A" is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby pre-zoned to R-3, High Density Single-Family Residential, and B-1(a), Limited Local Business District, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map shall be amended to reflect said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

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

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

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

Dane Haygood,
Mayor

ATTEST:

Candace G. Antinarella,
City Clerk

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
44



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

098465

181

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 Attachedd 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: 	Date <u>8-23-18</u>
Agent's Signature: 	Date <u>8-23-18</u>

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.



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 some loops and flourishes.

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

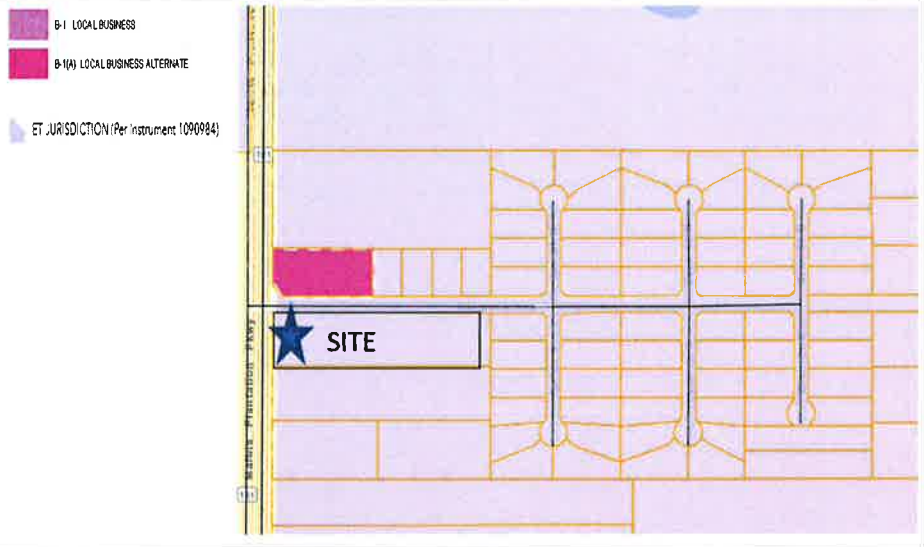
ZONING:
RSF-E, Residential Single
Family Estate (ETJ)

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.

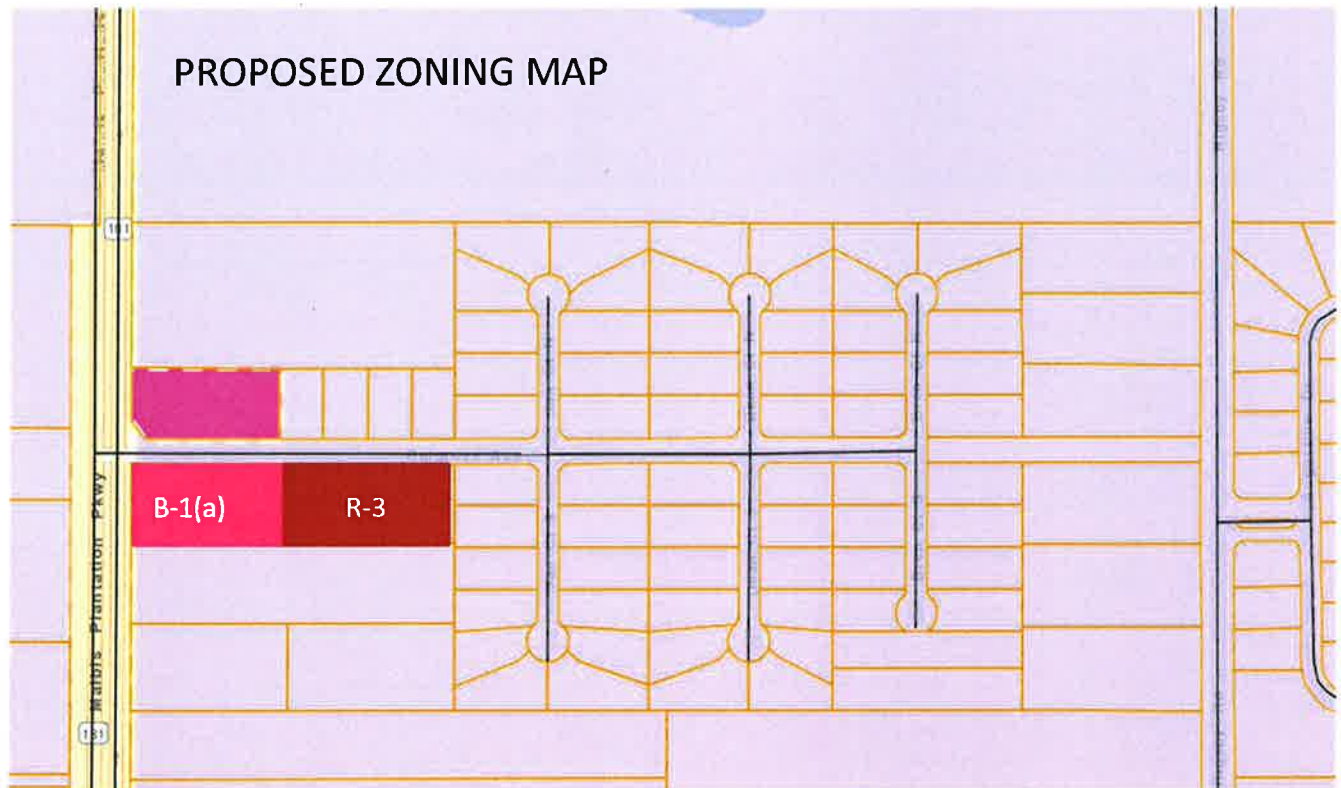
North of the subject property is an undeveloped lot annexed into the city a year ago on August 21, 2017 and rezoned B-1(A) (Ordinances 2017-74 & 2017-75). Also, there are newly constructed residences located across Belgrove Avenue.

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:

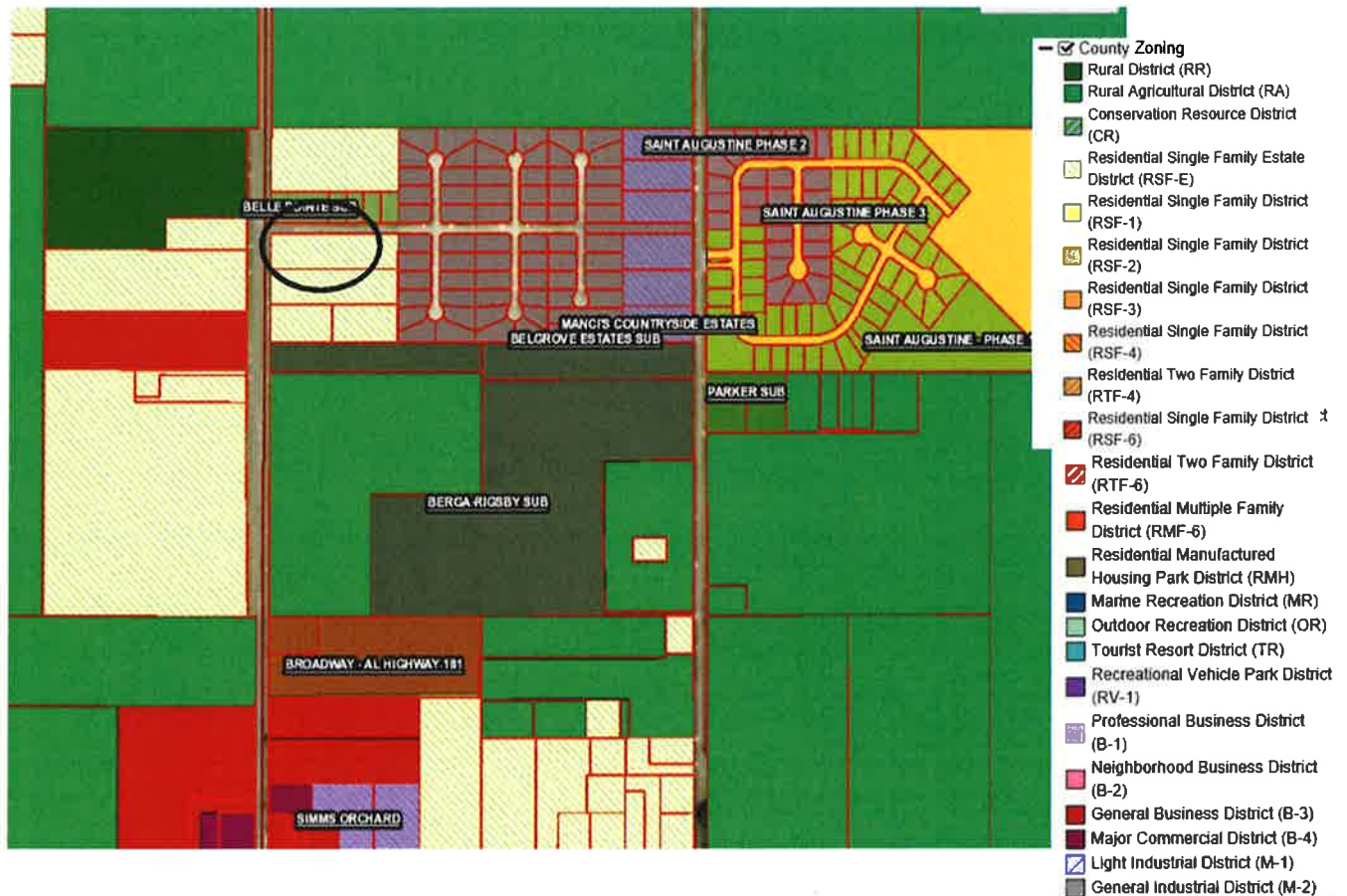
This district is provided to afford the opportunity for moderately higher density of single family residences on smaller lots than those allowed in the R-1, Low Density Single Family Residential, and R-2, Medium Density Family Residential, districts.

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

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-44**

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

**Southeast Corner of Belgrove Avenue and Alabama Highway 181
Danny & Donna Parks**

WHEREAS, on the 23rd day of August, 2018, Danny and Donna Parks, being the owners of certain real property hereinafter described, did file with the City Clerk a petition requesting that said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama (the “City”); and

WHEREAS, said petition did contain an accurate description of the property to be annexed together with a map of the said territory showing its relationship to the corporate limits of the City of Daphne, Alabama, and the signatures of all owners of the property described; and

WHEREAS, after proper publication, a public hearing was held by the City Council on November 19, 2018, concerning the petition for annexation; and

WHEREAS, said petition was presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on September 27, 2018, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

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

SECTION TWO: ZONING

At the December 3, 2018, regularly scheduled City Council meeting, Ordinance 2018-___ was adopted pre-zoning the said property as R-3, High Density Single-Family Residential and B-1(a), Limited Local Business District, with the apportionment of said zoning districts to the subject property described therein.

SECTION THREE: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

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.

SECTION FOUR: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama, as described in Section Three of this Ordinance, is set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A" showing its relationship to the corporate limits of the City of Daphne.

SECTION FIVE: EFFECTIVE DATE AND PUBLICATION

This Ordinance shall become effective upon its date of publication as required by Section 11-42-21 Code of Alabama (1975), as amended, and the property described herein shall be then annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama, in accordance with Section 11-42-21, Code of Alabama (1975), as amended.

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

Dane Haygood,
Mayor

ATTEST

Candace G. Antinarella,
City Clerk

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.

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.

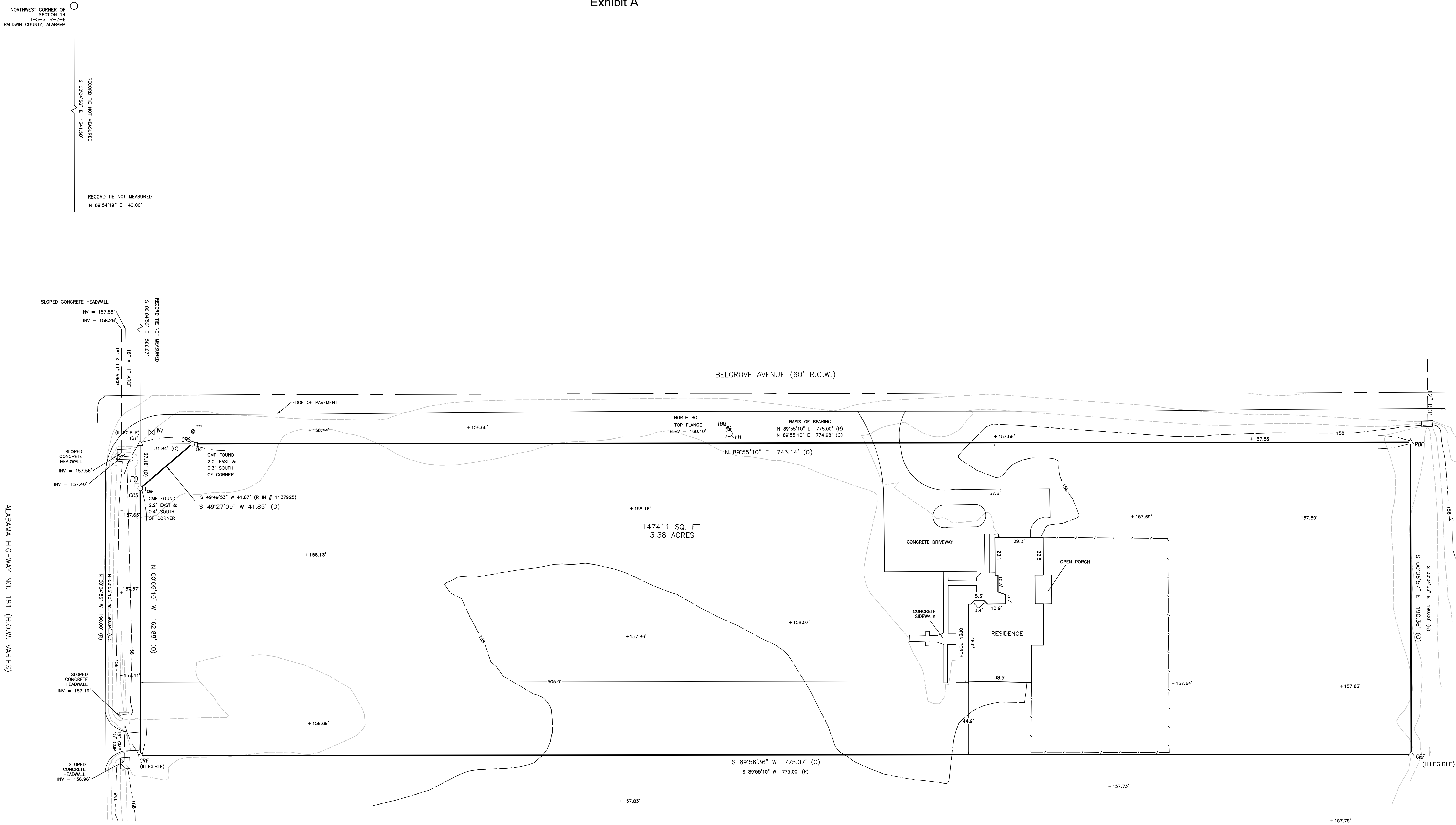
(c) Any pre-zoning established by a municipality pursuant to this section for territory proposed for annexation shall be null and void as to any portion of the territory that is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law.

(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.)

Exhibit A



- LEGEND
- CRF CAPPED IRON ROD FOUND
 - CTF CRIMPED TOP IRON PIPE FOUND
 - OTF OPEN TOP IRON PIPE FOUND
 - RBF REBAR IRON FOUND
 - IPF IRON PIN FOUND
 - CRS CAPPED IRON ROD SET
 - (R) RECORD
 - (O) OBSERVED
 - R.O.W. RIGHT OF WAY
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - CHAIN LINK FENCE
 - WIRE FENCE
 - WOOD FENCE
 - LP LIGHT POLE
 - PP POWER POLE
 - WV WATER VALVE
 - TP TELEPHONE PEDESTAL
 - TBM TEMPORARY BENCHMARK
 - FH FIRE HYDRANT

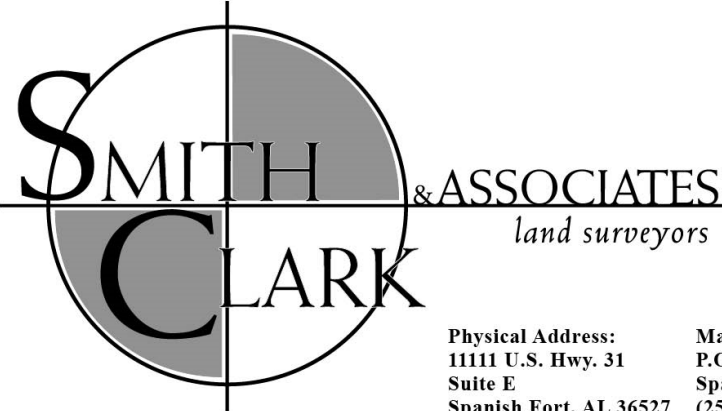
BALDWIN COUNTY
ALABAMA

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 1341.50 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 566.07 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 AN 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 CAPPED 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 NO. 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 147411 SQUARE FEET (3.38 ACRES), MORE OR LESS.

I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

DANIEL D. CLARK
ALABAMA LICENSE # 27720

- NOTES:
1. TYPE OF SURVEY: BOUNDARY/TOPOGRAPHIC
 2. RECORD DIMENSIONS BASED ON WARRANTY DEED AS RECORDED IN INSTRUMENT NUMBER 909310 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA. ELEVATIONS DETERMINED FROM RTK GPS OBSERVATIONS USING THE ALDOT CORS NETWORK (NAVD88). CONTOURS CREATED AT 0.5' INTERVALS.
 3. THIS DRAWING AND DESCRIPTION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE OR PROVIDED BY THE CLIENT'S CONVEYANCE. SETBACK LINES ESTABLISHED BY STATUTE, ORDINANCE OR RESTRICTIVE COVENANTS ARE NOT SHOWN.
 4. THIS DRAWING IS THE PROPERTY OF SMITH, CLARK & ASSOCIATES. IT IS SOLELY FOR THE USE OF THE CLIENT NAMED HEREON AND IS NONTRANSFERABLE TO ANY OTHER PARTY. IT MAY NOT BE USED WITHOUT PRIOR CONSENT FROM SMITH, CLARK & ASSOCIATES.
 5. THIS DRAWING IS TO SCALE WHEN PRINTED ON 24X36 PAPER IN LANDSCAPE VIEW WITH NO SCALING.



Physical Address: 11111 U.S. Hwy. 31 Suite E Spanish Fort, AL 36527
Mailing Address: P.O. Box 7082 Spanish Fort, AL 36527 (251) 626-0404

DRAWN:	CHECKED:	APPROVED:	CLIENT:
BS	HCS	DDC	
DATE:	SCALE:	TITLE:	
7/25/18	1"=30'	S.E. CIVIL	
DRAWING NUMBER:	FB/PD:	BOUNDARY & TOPOGRAPHIC SURVEY 10092 BELGROVE AVENUE DAPHNE, ALABAMA	
180628	66/09		

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-47**

**ADDITIONAL APPROPRIATION: ADEM 319 – TIAWASEE CREEK SUB-
WATERSHED MANAGEMENT PROJECT**

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 submitted a grant to the Alabama Department of Environmental Management for management of the Tiawasee Creek sub-watershed; and

WHEREAS, the City of Daphne has received an Alabama Department of Environmental Management (ADEM) 319 grant for the Tiawasee Creek sub-watershed project; and

WHEREAS, Ordinance 2015-76 appropriated \$91,844.75 cash match and City share of in-kind labor in the amount of \$305,936.25.

WHEREAS, construction submittals have been evaluated and an additional appropriation will be required to complete the project in the amount of \$51,000.

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

1. Funds in the amount of \$51,000 from the General Fund are appropriated and made a part of the Fiscal Year 2019 Budget to appropriate additional grant match funding to complete the ADEM 319 Project.
2. The Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to request funding consideration from ADEM and to participate in such project.

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

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE # 2019-01

Additional Appropriation: Daphne Sports Complex

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

WHEREAS, Ordinance 2018-31 was adopted to approve additional changes to the Daphne Sports Complex Phase III project and appropriate additional funds for a maintenance building, pond liner, batting cages, hardscape enhancements, sod in lieu of sprigging, and natural gas lines for concession stand; and

WHEREAS, further additional changes and appropriations are needed for the Daphne Sports Complex and have been requested through the change order process as required; and

WHEREAS, an additional appropriation of \$115,000 is immediately needed for said work to progress on improvements to the park; and

WHEREAS, further additional improvements to address the Caroline Woods storm water concerns, playground equipment, and additional unexpected items that may arise will be necessary in the future;

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

1). The following additions will be needed to complete the Daphne Sports Complex:

- Change from pond irrigation to 200 GPM wells - \$65,000
- Overseed ball fields - \$11,000
- Excess cost for Pond Liner – \$7,500
- Changes to water main lines and fire hydrant - \$9,000
- Brick wall changes to grill area (fire code compliance) - \$11,500
- Contingency for any additional unexpected costs - \$11,000

2) Funds in the amount of **\$115,000 from the General Fund and transferred to the Capital Reserve Fund** are appropriated and made a part of the Fiscal Year 2019 budget for additional improvements for the Daphne Sports Complex project.

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

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS _____ DAY OF _____, 2019.**

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-02**

ADDITIONAL APPROPRIATION: LEGAL FEES

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, an additional appropriation is needed for legal services related to the City's appeal of the Final Judgment entered by the Baldwin County Circuit Court in Civil Action Number 2015-900239, captioned *Fannon v. City of Daphne, et al.*

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that monies from the **General Fund** in the amount of **\$50,000** are hereby appropriated for the above-stated purpose and made a part of the Fiscal Year 2019 Budget.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-03
ADDITIONAL APPROPRIATION: VILLAGE POINT BOARDWALK

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 received damages from Hurricane Nate which made landfall on October 8, 2017; and

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

WHEREAS, the City of Daphne previously bid out the Village Point Boardwalk Replacement and awarded the project; and

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

WHEREAS, Ordinance 2018-11 appropriated \$27,408 for cost not reimbursed by FEMA or the State of Alabama and an additional appropriation of \$4,000 is needed additional improvements for the project.

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

1. This project is deemed as key to the recovery efforts associated with this rain event and the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public.
2. Fiscal Year 2019 Budget is hereby amended to include an appropriation in the amount of **\$4,000** from the **Lodging Tax Fund** for additional improvements for the Village Point Boardwalk for cost not reimbursed by FEMA or the State of Alabama.
3. The Mayor is hereby authorized to sign and execute all documents associated with the described project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE ALABAMA this ____ day of _____, 2019.

Attest:

Dane Haygood, Mayor

Candace G. Antinarella, City Clerk