

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
October 21, 2019
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL

INVOCATION Reverend Thack Dyson, St. Paul's Episcopal Church
PLEDGE OF ALLEGIANCE

PRESENTATION: Beautification Award: Daphne Commons

PUBLIC HEARING: Pre-Zone Amendment for Down by the Bay, LLC located Northeast of County Road 64 and County Road 13, Southeast of Rand Avenue and County Road 13

PUBLIC HEARING: Petition for Annexation for Down by the Bay, LLC located Northeast of County Road 64 and County Road 13, Southeast of Rand Avenue and County Road 13

3. APPROVE MINUTES: Council Meeting – October 7, 2019

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Conaway

B. BUILDINGS & PROPERTY COMMITTEE – Goodlin

C. PUBLIC SAFETY COMMITTEE – Scott
Review the minutes from the September 9, 2019 meeting.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Phillips

E. PUBLIC WORKS COMMITTEE – Coleman
MOTION to close the Recycling Drop Off Center to the public with the exception of the following time: Monday after Thanksgiving Day through the first business day after New Year's Day (closed on weekends).

Review the minutes from the September 2019 Public Works meeting, minutes from the August 2019 Beautification meeting and minutes from the September 2019 History Museum meeting.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones
MOTION to reappoint Willie Robison for a 3 year term (November 2019 – November 2022).

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD - Rudicell

D. LIBRARY BOARD –Phillips
MOTION to reappoint Elliott Riser to the Library Board for a 4 year term (2019-2023).

City Council Agenda – October 21, 2019

- E. PLANNING COMMISSION – Scott**
- F. RECREATION BOARD – LeJeune**
- G. UTILITY BOARD – LeJeune**
- 6. MAYOR’S REPORT**
- 7. CITY ATTORNEY REPORT**
- 8. DEPARTMENT HEAD REPORTS**
- 9. CITY CLERK’S REPORT**
- 10. PUBLIC PARTICIPATION**
- 11. RESOLUTIONS & ORDINANCES**
 - A. RESOLUTIONS:**
 - B. 2ND READ ORDINANCES:**
 - 2019-45 – Appropriation – ADECA Grant Match for the Recreational Trails Program to Construct a Walking Trail at Village Point Reserve**
 - C. 1ST READ ORDINANCES:**
 - 2019-46 – Pre-zoning – Down by the Bay, LLC**
 - 2019-47 – Annexation – Down by the Bay, LLC**
- 12. PUBLIC HEARING: Business License Revocation Hearing**
- 13. COUNCIL COMMENTS**
- 14. ADJOURN**



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted July 22, 2019

Application Number:

Planning Commission Public

ZA- or PZA- 19-01

Hearing Date: Aug. 22, 2019

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): East Side CR 13 (North of CR 64).		PPIN#(s): 22754
Gross Site Area (acreage): 8.74	Requested Zoning or Pre-Zoning: B-2a with permitted use as storage facility	
Current Zoning Designation(s): B-1 (County)	Amended Request:	
	Initials:	Date:
Current Land Use: Undeveloped	Anticipated Land Use: storage facility	
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": see attached		

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

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Name of Current Owner: Down By the Bay, LLC	Phone/Fax: 251-604-2838 E-mail:
Mailing Address: 11850 Jericho Dr, Daphne, AL 36526	
Name of Authorized Agent: Tim Lawley	Phone/Fax: 251-380-8746 E-mail:
Mailing Address: PO Box 1127, Daphne, AL 36526	
Name of Developer*: Down By The Bay, LLC	Phone/Fax: 678-280-6749 E-mail:
Other:	
	Phone/Fax: E-mail: tim.lawley@gmcnetwork.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: <u>[Signature]</u>	Date <u>7/22/19</u>
Agent's Signature: <u>[Signature]</u>	Date <u>7/22/19</u>

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: RF, AF, KB

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: RF, AF, KB

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

Initials: RF, AF, KB

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: RF, AF, KB

Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): B-2, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition.

Initials: RF, AF, KB

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: ~~RF, AF, KB~~

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 22 day of July, 2014.

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)? _____ Acreage _____
Subdivision Name _____ Lot Number(s) _____

Names and Signature of ALL property owners:

Signature: Ken Barber

Signature: Ryan Fields

Printed Name: Ken Barber

Printed Name: Ryan Fields

Mailing Address: 2678 Hickory Level Rd
Villa Rica, GA 30180

Mailing Address: 11850 Jericho Dr, Daphne, AL 36526

Signature: Allison Fields

Printed Name: Allison Fields

Mailing Address: 11850 Jericho Dr, Daphne, AL 36526



REVERSIONARY CLAUSE ACKNOWLEDGEMENT

SKIP THIS PAGE IF REQUESTING PRE-ZONING OR PLANNED UNIT DEVELOPMENT ZONING

Pursuant to Article 22-2 of the Land Use & Development Ordinance, zoning and rezoning may revert back to prior designation if certain conditions are not met. Said conditions are specified in Article 22 of the Land Use Ordinance. Legibly sign and print/type responses below. Indicate N/A or an "X" where item is not applicable. **Submit with rezoning request where applicable.**

CURRENT OWNER'S ACKNOWLEDGEMENT

I, Kenneth L. Barber, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 7/22/19

Kenneth L Barber Kenneth L Barber
PRINTED NAME OF CURRENT OWNER/PETITIONER

DEVELOPER'S ACKNOWLEDGEMENT

I, Ryan Fields, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 7/22/19

Ryan Fields Ryan Fields
PRINTED NAME OF DEVELOPER

PROPERTY ADDRESS OR PPIN#(s): 22754

DEVELOPER'S ACKNOWLEDGEMENT

I, Allison Fields, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 7/22/19

Allison B Fields Allison Fields
PRINTED NAME OF DEVELOPER

Down By the Bay, L.L.C.

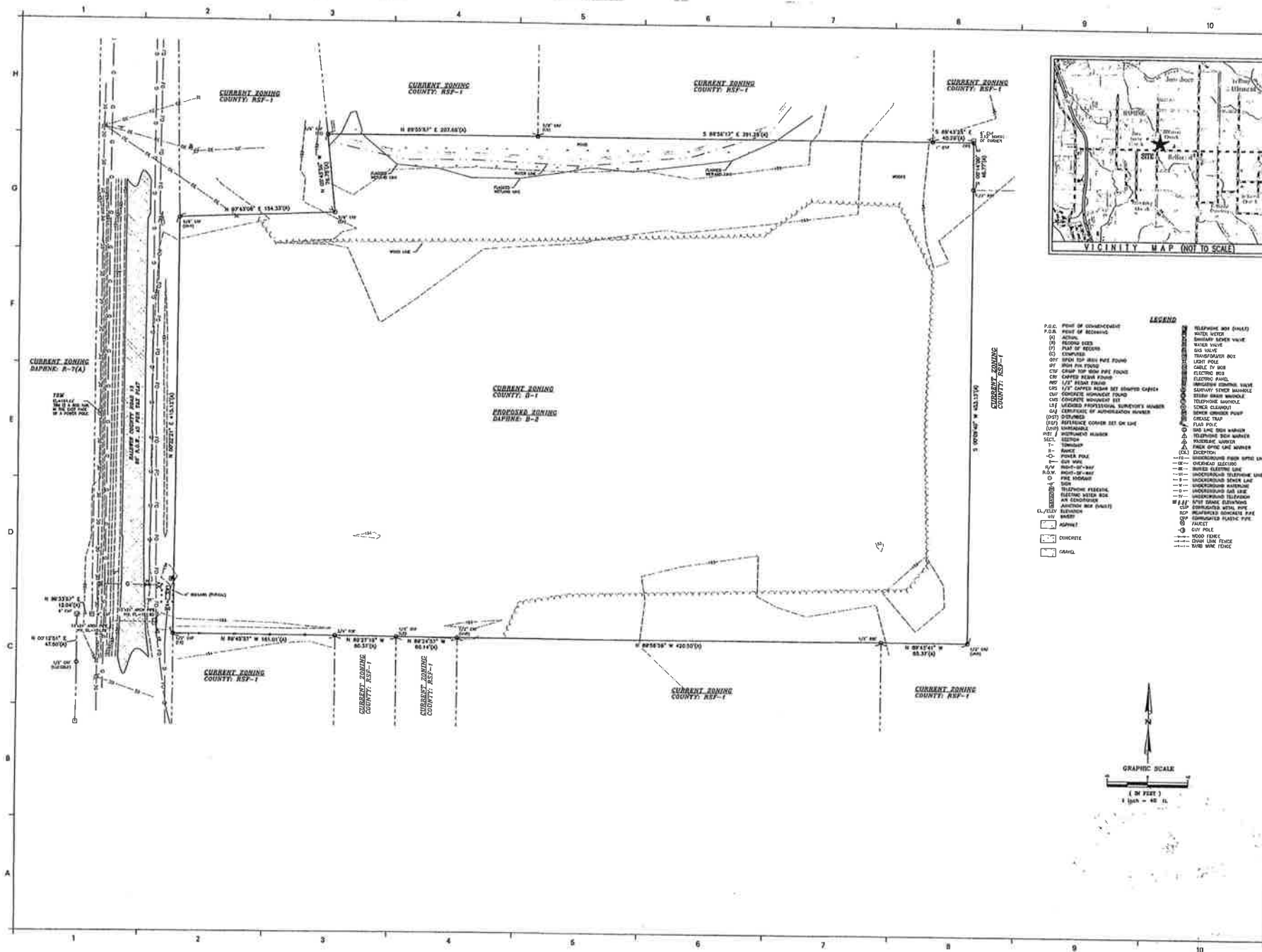
Pre-Zoning Amendment & Annexation

Legal Description

Exhibit "A"

LEGAL DESCRIPTION:

COMMENCING FROM A 1/2" IRON REBAR WITH CAP (CA#604) AT THE NORTHEAST CORNER OF LOT 1, GCOF & WSR 64-13 REPLAT, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2514-A IN PROBATE RECORDS BALDWIN COUNTY ALABAMA; THENCE RUN NORTH 72°55'50" EAST A DISTANCE OF 100.53 FEET TO A 1/2" IRON REBAR WITH CAP (LS#23660) ON THE EAST MARGIN OF BALDWIN COUNTY HIGHWAY 13, AN 80' RIGHT-OF- WAY, FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00°22'21" EAST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 415.12 FEET TO A 5/8" IRON REBAR WITH CAP (ILLEGIBLE); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 87°43'08" EAST A DISTANCE OF 154.33 FEET TO A 5/8" IRON REBAR WITH CAP (CA#597); THENCE RUN NORTH 05°43'56" WEST A DISTANCE OF 76.78 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN NORTH 89°55'57" EAST A DISTANCE OF 207.66 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN SOUTH 89°56'17" EAST A DISTANCE OF 391.26 FEET TO A 1" OPEN TOP IRON PIPE; THENCE RUN SOUTH 89°43'25" EAST A DISTANCE OF 40.29 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00°14'00" EAST A DISTANCE OF 46.77 FEET TO A 1/2" IRON REBAR; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 453.13 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°43'41" WEST A DISTANCE OF 85.37 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTH 89°56'59" WEST A DISTANCE OF 420.50 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°24'57" WEST A DISTANCE OF 60.14 FEET TO A 1/2" IRON REBAR WITH CAP (LS#10675); THENCE RUN NORTH 89°27'19" WEST A DISTANCE OF 60.37 FEET TO A 3/4" IRON REBAR; THENCE RUN NORTH 89°45'57" WEST A DISTANCE OF 161.01 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 8.74 ACRES, MORE OR LESS, AND LYING WITH THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



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COUNTY ROAD 13
ZONING PLAN
DAPHNE, ALABAMA



2039 Main Street
Daphne, AL 36526
T 251.626.2626
GMCNETWORK.COM

GMC Project CMOB90265

Sheet 1 of 1

JULY 2019

CHECKED BY:

DATE:

2039 Main Street
Daphne, AL 36526
T 251.626.2626
GMCNETWORK.COM

JULY 2019

CHICAGO IN
TODAY'S WORLD

COUNTY ROAD 13
CONCEPTUAL SITE PLAN
DAPHNE ALABAMA

GMC Project: CMOB190265

sheet 1 of 1

REZONING PPIN #22754
ADJACENT PROPERTY OWNERS LIST

05-43-05-15-0-000-033.000
Blue Water Services, LLC
10935 Niblick Loop
Fairhope, AL 36532

05-43-05-15-0-000-019.007
Ellis, Irma Lee
25725 Friendship Road
Daphne, AL 36526

05-43-05-15-0-000-016.000
Jackson, Angelo
4205 Rollins Avenue
Mobile, AL 36618

05-43-05-15-0-000-026.000
Jackson, George Roy
PO Box 974
Daphne, AL 36526

05-43-05-15-0-000-019.006
Jackson, Leroy
3891 Harmony Ridge Circle
Semmes, AL 36575

05-43-05-15-0-000-016.001
05-43-05-15-0-000-016.003
Jackson, Raymond
9070 Jackson Way
Daphne, AL 36526

05-43-05-15-0-000-031.000
Jemison, James
PO Box 88
Montrose, AL 36559

05-43-05-15-0-000-019.000
Johns, Alice
PO Box 2
Daphne, AL 36526

05-43-05-15-0-000-025.000
Lawrence, James U.
300 River Route
Magnolia Springs, AL 36555

05-43-05-15-0-000-023.000
McMillian, Sannie
12832 Brittany Road
Desert Hot Springs, CA 92240

05-43-05-16-0-000-021.000
Belforest Apartments, LLC
P.O. Box 1667
Shreveport, LA 71165

05-43-05-15-0-000-017.000
Pine Grove CME Methodist Church
26154 County Road 13
Daphne, AL 36526

05-43-05-15-0-000-021.000
Nicholson, Maria
26060 County Road 13
Daphne, AL 36526

05-43-05-15-0-000-032.000
Rothchild, Thelma
PO Box 3064
Daphne, AL 36526

05-43-05-15-0-000-027.000
Watson, Kema Baker
PO Box 892
Daphne, AL 36526

05-43-05-15-0-000-018.000
Down By The Bay, LLC
11850 Jericho Drive
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
ANGIE PHILLIPS
DISTRICT 7

August 9, 2019

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for Down by the Bay, L.L.C. containing 8.74 acres +/- located northeast of County Road 64 and County Road 13, southeast of Rand Avenue and County Road 13, zoned B-1, Professional Business District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, to be pre-zoned as B-2(a), General Business Alternate District. 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, August 14, 2019 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend; limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, August 22, 2019 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

Down by the Bay, L.L.C. Pre-Zoning Amendment

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

PREZONING REQUEST
DOWN BY THE BAY, LLC

LOCATION:
N.E. of intersection of
County Road 13 and
County Road 64

APPLICANT:
Down by the Bay, LLC

AREA:
8.74 AC

LOTS:
1

PPIN:
22754

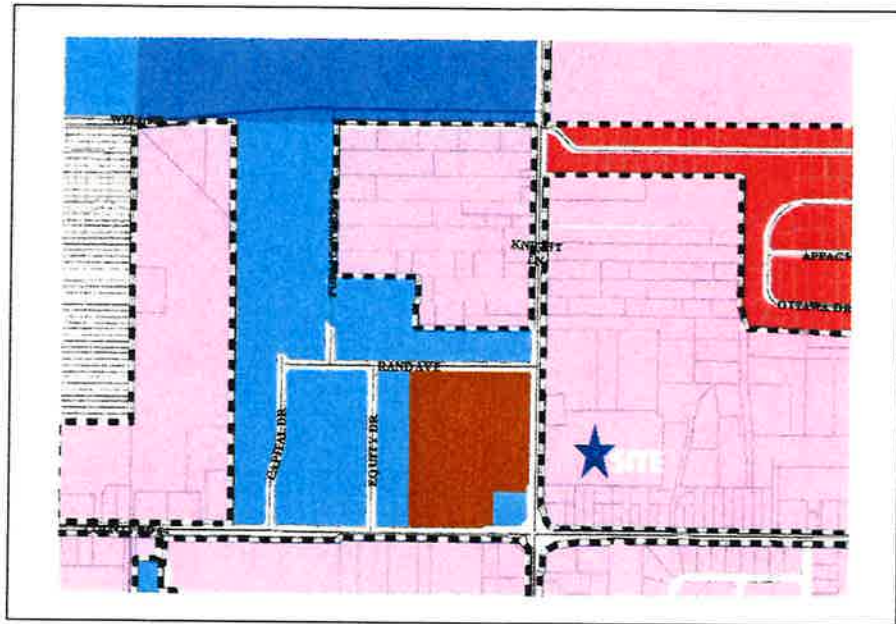
ZONING:
B-1, Professional
Business (ETJ)

PROPOSED ZONING:
B-2(A), General Business
Alternate

EXISTING PRECEDENT:
B-2, General Business to
the southwest at
intersection of CR 64 and
CR 13

COMPREHENSIVE PLAN:
Consistent

RECOMMENDATION:
Approval



PREZONING REQUEST
DOWN BY THE BAY, LLC

Existing Conditions: 8.74 acre+/- Undeveloped

Existing Zoning: B-1, Professional Business (ETJ)

Proposed Zoning: B-2(A), General Business Alternate

Surrounding Zonings/Uses:

North – RSF-1, Residential Single Family in Baldwin County/Church/Residential dwellings

South – RSF-1, Residential Single Family in Baldwin County /residential/church/mini-warehouses/undeveloped

West – R-7(A), Apartments/Belforest Apartments under construction

East – RSF-1, Residential Single Family in Baldwin County/residential

Existing Utility Service Providers:

Water – Belforest Water

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

The Comprehensive Plan

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

Goal: Grow sensibly by anticipating land use needs. **Objective:** Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties.

Existing Conditions

The site is N.E. of intersection of County Road 13 and County Road 64 across from Belforest Apartments (under construction). There are approximately fourteen adjacent properties which range from institutional, commercial, and residential. These uses are also located in unincorporated Baldwin County. In April 2019, the Planning Commission approved a preliminary/final plat request to subdivide the subject property into six lots. Although the property has recently changed hands, the plat approval remains valid through April 2020.

Staff Comments

The petitioner proposes to prezone the site to B-2(A), General Business Alternate, in order to construct a mini-warehouse storage facility. Mini-warehouses are not permitted by right in any district. It requires Planning Approval in B-2, B-2(A) and C/I zones. By comparison, B-2(A) is the most appropriate of the three zoning districts. B-2(A) would meet the owner's needs and be more suitable in terms of community character.

Excerpt from the Land Use & Development Ordinance

Section 12-4 BUSINESS DISTRICTS

(c) B-2, General Business District:

This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve as a regional, as well as, a local market and require location in proximity to major transportation routes.

(d) B-2(a), General Business Alternate District:

This district is intended to provide opportunity for activities that are more compatible with restrictive business districts and residential uses than those allowed in B-2, General Business. These uses may serve as a regional or a local market and may require location in proximity to major transportation routes.

Recommendation: B-2(A) is intended to be more compatible with restrictive business districts and residential uses than those allowed in B-2, General Business. This property is already zoned B-3, General Business in the County. It would therefore be appropriate to rezone the site B-2(A) and annex the land into the City of Daphne.

DANE HAYGOOD
MAYOR

CANDACE G. ANTINARELLA
CITY CLERK

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
ANGIE PHILLIPS
DISTRICT 7

August 23, 2019

Down By The Bay LLC
11850 Jericho Drive
Daphne, AL 36526

Subject: Pre-Zoning Request for the East side of CR 13 (NE of CR 64 & CR 13, SE of Rand Avenue) Project Status #PZA19-01 & Annexation Petition #ANX19-01

Dear Down By The Bay LLC,

On August 22, 2019, the Daphne Planning Commission approved a motion to set forth a made a favorable recommendation to the City Council to pre-zone the subject property to B-2(a), General Business Alternate.

Additionally, the Planning Commission also approved a motion to set forth a favorable recommendation to annex the subject 8.74 acre property into the Daphne city limits.

Documentation of these recommendations will be sent to the City Clerk for further processing. If you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adrienne D. Jones'.

Adrienne D. Jones,
Community Development Director & Zoning Administrator

cc: City Clerk
Tim Lawley – Email
File

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**

(PPIN 22754)

The undersigned, Down By The Bay, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, PIN 22754, 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, Down By The Bay, LLC, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall 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-2(a)

Any other conditions which may apply upon annexation:

permitted use as storage facility

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

DATED this 18th day of July, 2019

Respectfully submitted by,

Allison Fields

Name of Owner (Print)

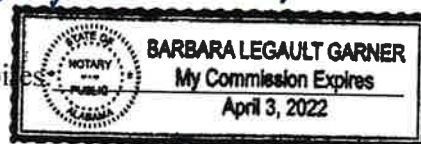
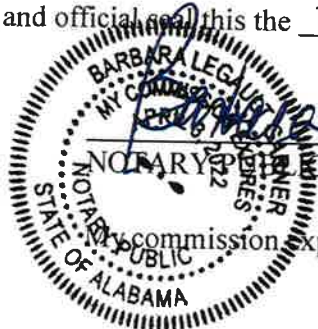
Allison Fields

Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Barbara LeGault Garner, the undersigned Notary Public in and for said county and state, hereby certify that Allison Fields 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 18th day of July, 2019.



Owner's Address

11850 Jericho Lane

Daphne, AL 36526

DATED this 18th day of July, 2019,

Respectfully submitted by,

Name of Owner (Print) Ryan Fields

Name of Owner (Signature) Ryan Fields

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Barbara LeGault Garner, the undersigned Notary Public in and for said county and state, hereby certify that Ryan Fields 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 18th day of July, 2019.



Owner's Address

11850 Jericho Dr

Daphne, AL 36526

DATED this 18th day of July, 2019

Respectfully submitted by,

Kenneth Barber

Name of Owner (Print)

Kenneth Barber

Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Barbara LeGault Garner, the undersigned Notary Public in and for said county and state, hereby certify that Kenneth Barber 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 18th day of July, 2019.



Owner's Address

2678 Hickory Level Rd

Villa Rica, GA 30180

Down By the Bay, L.L.C.

Pre-Zoning Amendment & Annexation

Legal Description

Exhibit "A"

LEGAL DESCRIPTION:

COMMENCING FROM A 1/2" IRON REBAR WITH CAP (CA#604) AT THE NORTHEAST CORNER OF LOT 1, GCOF & WSR 64-13 REPLAT, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2514-A IN PROBATE RECORDS BALDWIN COUNTY ALABAMA; THENCE RUN NORTH 72°55'50" EAST A DISTANCE OF 100.53 FEET TO A 1/2" IRON REBAR WITH CAP (LS#23660) ON THE EAST MARGIN OF BALDWIN COUNTY HIGHWAY 13, AN 80' RIGHT-OF- WAY, FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00°22'21" EAST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 415.12 FEET TO A 5/8" IRON REBAR WITH CAP (ILLEGIBLE); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 87°43'08" EAST A DISTANCE OF 154.33 FEET TO A 5/8" IRON REBAR WITH CAP (CA#597); THENCE RUN NORTH 05°43'56" WEST A DISTANCE OF 76.78 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN NORTH 89°55'57" EAST A DISTANCE OF 207.66 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN SOUTH 89°56'17" EAST A DISTANCE OF 391.26 FEET TO A 1" OPEN TOP IRON PIPE; THENCE RUN SOUTH 89°43'25" EAST A DISTANCE OF 40.29 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00°14'00" EAST A DISTANCE OF 46.77 FEET TO A 1/2" IRON REBAR; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 453.13 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°43'41" WEST A DISTANCE OF 85.37 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTH 89°56'59" WEST A DISTANCE OF 420.50 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°24'57" WEST A DISTANCE OF 60.14 FEET TO A 1/2" IRON REBAR WITH CAP (LS#10675); THENCE RUN NORTH 89°27'19" WEST A DISTANCE OF 60.37 FEET TO A 3/4" IRON REBAR; THENCE RUN NORTH 89°45'57" WEST A DISTANCE OF 161.01 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 8.74 ACRES, MORE OR LESS, AND LYING WITH THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

ANNEXATION REQUEST
DOWN BY THE BAY, LLC

LOCATION:
*N.E. of intersection of
County Road 13 and
County Road 64*

APPLICANT:
Down by the Bay, LLC

AREA:
8.74 AC

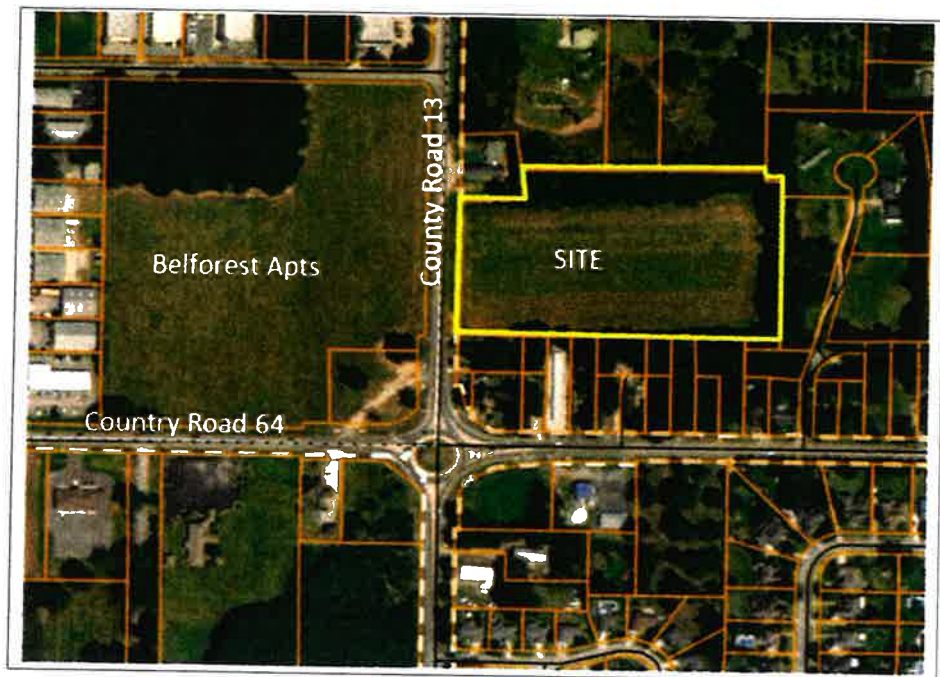
LOTS:
1

PPIN:
22754

ZONING:
*B-1, Professional
Business (ETJ)*

**PROPOSED
PREZONING:**
*B-2(A), General
Business Alternate*

RECOMMENDATION:
Approval



REQUEST

The applicant proposes to annex 8.74 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.)

Down By the Bay, L.L.C.

Pre-Zoning Amendment & Annexation

Legal Description

Exhibit "A"

LEGAL DESCRIPTION:

COMMENCING FROM A 1/2" IRON REBAR WITH CAP (CA#604) AT THE NORTHEAST CORNER OF LOT 1, GCOF & WSR 64-13 REPLAT, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2514-A IN PROBATE RECORDS BALDWIN COUNTY ALABAMA; THENCE RUN NORTH 72°55'50" EAST A DISTANCE OF 100.53 FEET TO A 1/2" IRON REBAR WITH CAP (LS#23660) ON THE EAST MARGIN OF BALDWIN COUNTY HIGHWAY 13, AN 80' RIGHT-OF- WAY, FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00°22'21" EAST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 415.12 FEET TO A 5/8" IRON REBAR WITH CAP (ILLEGIBLE); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 87°43'08" EAST A DISTANCE OF 154.33 FEET TO A 5/8" IRON REBAR WITH CAP (CA#597); THENCE RUN NORTH 05°43'56" WEST A DISTANCE OF 76.78 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN NORTH 89°55'57" EAST A DISTANCE OF 207.66 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN SOUTH 89°56'17" EAST A DISTANCE OF 391.26 FEET TO A 1" OPEN TOP IRON PIPE; THENCE RUN SOUTH 89°43'25" EAST A DISTANCE OF 40.29 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00°14'00" EAST A DISTANCE OF 46.77 FEET TO A 1/2" IRON REBAR; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 453.13 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°43'41" WEST A DISTANCE OF 85.37 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTH 89°56'59" WEST A DISTANCE OF 420.50 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°24'57" WEST A DISTANCE OF 60.14 FEET TO A 1/2" IRON REBAR WITH CAP (LS#10675); THENCE RUN NORTH 89°27'19" WEST A DISTANCE OF 60.37 FEET TO A 3/4" IRON REBAR; THENCE RUN NORTH 89°45'57" WEST A DISTANCE OF 161.01 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 8.74 ACRES, MORE OR LESS, AND LYING WITH THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**October 7, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Pat Rudicell called the meeting to order at 6:32 p.m.

2. ROLL CALL:

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

COUNCIL MEMBERS ABSENT: Joel Coleman

Also Present: Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; Mayor Haygood (arrived 6:41pm); Vickie Hinman, Human Resources Director; Ashley Campbell, Environmental Programs Manager; Troy Strunk, Executive Director of City Development; Tonya Young, Library Director; Jeremy Sasser, Public Works Director; Betsy Schneider, Operations Director; James White, Fire Department; Scott Taylor, Police Department; Ange Baggett, Marketing Director and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Pastor Bryant Evans, Eastern Shore Church of Christ.

PUBLIC HEARING: Jeremy Sasser, Public Works Director, explained the reasons why the Council is debating on closing down the Recycling Center Drop Off facility. He explained that there are individuals who are abusing the drop off facility and leaving trash and garbage instead of recyclable materials.

Public participation opened at 6:36pm.

John Lake, 110 Paige Circle, spoke on behalf of the Environmental Advisory Committee. He encouraged the Council to continue looking at recycling. He said he uses the recycling center.

Councilman Goodlin asked much manpower/employee time is being used to clean up the facility. Mr. Sasser said it takes multiple hours a day.

Becky Grigg said the first public notice, that was recalled, said the Public Hearing was on Solid Waste and Recycling. She said it was a shame that Daphne is looking to utilize an outside service.

Councilman Scott said that in the Public Works meeting the Council chose to reject all the bids.

Mayor Haygood said it is important to give an overview about the original public hearing. He said the original motion was about closing the recycling center. He encouraged citizens to attend the Council Work Session on October 14, 2019.

Robert Dire, 905 Halls Lane, said that the cost went up minimal years ago concerning garbage. He said it should go up more to be able to provide all the service to the citizens.

Allan Dees, 902 Camilla Court, said he has never had a single complaint about city employees.

Freddie Johnson, 3996 Stanton Rd. S, said he knows what the citizens go through when a service like garbage is privatized. He said it is not a good move. He agreed that the City should go up on costs for services.

**October 7, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Stephanie Middleton, 1109 Captain O'Neal Drive, said she agreed that if the Recycling Center Drop Off is being abused, maybe it does need to have services pulled back or cost raised.

Barb Comstock, 107 Wildwood Drive, said there are other ways to handle the trash and recycling than closing down the facility.

Holly Myers, 109 Meadow Circle, said she thinks a lot of people aren't educated enough when it comes to what and how to recycle.

Mayor Haygood explained what the process is on how the City recycles. He agreed that educating people would be a benefit.

Phil Guinness, 115 Donna Circle, said he previously lived in a different residence and their garbage service was private. He explained the process and said it was very confusing for citizens.

Councilwoman Phillips asked the Council to break to recognize the Cub Scouts in the audience. The Council agreed and took a break at 7:15pm.

Jim Ayres introduced and shared about the Cub Scout Pack 87 who were in attendance.

Public Hearing resumed at 7:22pm.

Curt Fonger, 1443 Randall Avenue, jokingly suggested citizens do like he and his wife did. He said they placed an item by the side of the road and it was gone within minutes. He said that the citizens have to decide as a City whether to "do good or feel good" when it comes to recycling.

Councilman LeJeune said the closing of the drop off center might have been a confusing topic. He said he felt that the City offers a first class service and they want more people to move into the City.

Councilwoman Phillips said there is no difference to her between "the City" and citizens. She said Citizens and employees are the City. She thanked everyone for sharing their comments and support

Public participation closed at 7:24pm.

3. APPROVE MINUTES:

The minutes of the August 26, 2019 special called meeting, September 16, 2019 regular meeting and September 30, 2019 special called meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Conaway said the minutes from the September 16th meeting were in the packet. She said the Unrestricted Fund Balance for August 2019 was \$12,917,800, the Total Cash Balance for August 2019 was \$22,072,201, Sales Tax for July 2019 was \$1,626,625 and the Lodging Tax for July 2019 was \$155,871.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Coleman said the next meeting is October 14th at 5:30pm. He said the August 2019 Building Report is in the packet.

**October 7, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

C. PUBLIC SAFETY COMMITTEE

Councilman Scott said the next meeting is October 14th at 4:30pm. He mentioned that the minutes from the August 12th meeting were in the packet.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilwoman Phillips said the committee met that afternoon. She thanked Councilman Scott and Mayor Haygood for their work with the MPO. She said the City received funding from the MPO for a traffic study with Skipper Engineers. MPO will give \$32,000 and the City will match \$8,000.

E. PUBLIC WORKS COMMITTEE

Councilman Coleman said the committee meets the first Monday of each month at 5:30.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

B. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting is October 17th at 5:30pm. The meeting will be held at the Eastern Star Building.

C. Industrial Development Board

Councilman Rudicell said the committee will meet tomorrow at 11:30am. He said they have been in the marketing phase for DISC for many years and believes the Board is moving into the construction phase.

D. Library Board

Councilwoman Phillips said the next meeting is October 10th at 4:00pm.

E. Planning Commission

Councilman Scott said the minutes from the August 2019 meeting are in the packet. He said the next meeting is October 24th at 5:00pm.

F. Recreation Board

Councilman LeJeune said the next meeting is October 9th at 6:30pm.

G. Utility Board

Councilman LeJeune said the minutes from the August 2019 meeting were in the packet. The next meeting is October 30th at 6:00pm.

6. MAYOR'S REPORT:

Mayor Haygood said the Utility Board will have a special called meeting on October 8th at 7:00pm in Chambers. He introduced two new hires with the City: Ange Baggett who is the new Director of Marketing and Events; Conrad Bates who is the new IT Director. Mayor Haygood said the MPO has recently had success with grant funding with two different multimillion dollar projects.

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

Chief White, Fire Department, said Sunday, October 6th, started the Fire Prevention Week 2019.

**October 7, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Chief Carpenter, Police Department, reminded everyone Alabama has a move over law for emergency vehicles.

City Clerk reported on the three upcoming events at the Civic Center.

Jeremy Sasser, Public Works, said the paving project for 2019 has been completed.

9. CITY CLERK'S REPORT:

**MOTION by Councilman Scott to approve the Buckaroo Foundation Stampede 5k/Fun Run on May 30, 2020 from 7:30am – 1:00pm. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to approve the publication and set a public hearing on November 18, 2019 for the Damaris Anderson proposed zoning amendment located northwest of Main Street and Van Avenue. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Phillips to approve the issuance of the 011-Lounge Retail Liquor – Class II (Package) to Sai Blessings LLC dba Legacy Spirits located at 9475 US Highway 90, Space 110, Daphne, AL. Seconded by Councilman LeJeune.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Phillips to approve the issuance of the 020-Restaurant Retail Liquor to Mobile IWC LLC dba Island Wing Company located at 29740 A Urgent Care Drive, Daphne, AL. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to set a business license revocation hearing at the end of the October 21, 2019 City Council meeting by request of the Daphne Police Department and issue notice of the hearing to the licensee. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

10. PUBLIC PARTICIPATION:

Public Participation opened at 7:47pm.

Paul Ordner, 27549 Harbor Place, stated he's been having trouble with his neighbors and having difficulty as well getting Daphne Police's assistance. He said he was recently arrested in his home. He said he wanted the Council to know this was going on.

John Lake, 110 Paige Circle, asked the Council to review the information provided by the Environmental Advisory Board concerning the recycling center. He thanked the Council for the sidewalks being constructed on Ridgewood.

Lynn and Sarah Holloway, spoke on the Eastern Shore Children's Business Fair. Mrs. Holloway said the fair will be on October 26th. This year they have 35 businesses being represented by these children.

Public Participation closed at 7:59pm.

October 7, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

11. **RESOLUTIONS & ORDINANCES:**

RESOLUTIONS:

2019-59 – Bid Award: Village Point Park Boardwalk – ADECA

MOTION by Councilman Scott to waive the reading of Resolution 2019-59. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2019-59. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.

ORDINANCES:

2nd READ:

2019-44 – Amendments to the Olde Towne District Map

MOTION by Councilwoman Conaway to waive the reading of Ordinance 2019-44. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Ordinance 2019-44. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

1st READ:

2019-45 – Appropriation – ADECA Grant Match for the Recreational Trails Program to Construct a Walking Trail at Village Point Reserve

12. **COUNCIL COMMENTS:**

Mayor Haygood said he loves seeing when people invest in the youth like Mrs. Holloway. He encouraged people to get involved with the Children's Business Fair. He said the Council is looking out for the employees in all the decisions they make. He hopes everyone knows that the employees are on the forefront of their minds.

Councilwoman Conaway said the Education Advisory Committee will meet on Wednesday October 9th at 9:00am to discuss their agenda for the meeting with the Daphne Principals at 10:00am.

Councilman Scott said he drove through Trione Park this past weekend and it was a great sight to see so many people involved and enjoying the area.

Councilman LeJeune congratulated Daphne Elementary for winning the award as a Blue Ribbon School. He said he was disappointed that they didn't receive an invitation until last minutes because he would have liked to go celebrate with the school. He thanked Solid Waste and Public Works employees for all their hard work at the Jubilee Festival.

**October 7, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Councilwoman Phillips thanked everyone for coming out to share.

Councilman Rudicell said that the solid waste hearing will be at next week's work session.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:08 P.M.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, City Clerk

Pat Rudicell, Council President

Public Safety Committee

Monday, September 9, 2019

Councilman Ron Scott
Councilman Doug Goodlin
Councilman Robin LeJeune
Councilman Pat Rudicell
Councilwoman Tommie Conaway
Councilman Joel Coleman
Councilwoman Angie Phillips

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

Committee Members Attending:

Councilman Ron Scott, Councilman Doug Goodlin, Councilman Pat Rudicell, Councilwoman Tommie Conaway, Councilman Joel Coleman, Councilwoman Angie Phillips, Police Captain Scott Taylor, Police Lieutenant David Smith, Fire Chief James White, Public Works Director Jeremy Sasser.

CALL TO ORDER

Councilman Ron Scott **convened** the meeting at 4:30 p.m.

PUBLIC PARTICIPATION –

N/A

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from August 12, 2019, were approved as presented.

POLICE DEPARTMENT

A. New Business –

July 2019 stats were presented in the packet. July 2019 D-runs were also presented.

Captain Taylor stated the July 2019 stats are all there, except for the Jail statistics you will see they are blank. This was during a time of personnel changes and he stated they will be added into the next packet.

Councilman Scott inquired about the wave of shootings we have been having in this area (Spanish Fort / Daphne). Captain Taylor stated the one we had in Daphne recently did not come from people that lived in Daphne; they just decided they would come here and do a crime. This occurred at the Park on Park Dr. He stated the “shooter” was from Spanish Fort and the Victim from Plantation Hills area, with this occurrence likely being a drug deal that went bad.

Councilman Scott stated we had a request come in that the speed trailer be placed on Ridgewood near the first Rolling Hills entrance and wanted to see if we could get this out there. Lieutenant Smith stated that we have had some problems with the speed trailer and it is currently out of commission. It is not reading radar right now. He stated that they have applied for a police grant and are hoping to receive that in order to purchase 3-4 of the speed/radar signs that Public Works is currently using. But as of right now, our one and

only speed trailer is not operable. Public Works director Jeremy Sasser stated when they take theirs down from its current location in a week or two, they can get it put up in this area.

Councilman Rudicell stated he received a call from a gentleman who owns a piece of property on Magnolia and had concerns about people parking on the sidewalks, wanting to know what the laws and regulations were behind this and why aren't tickets being given for it. He stated he also wanted to know what we do regarding people leaving garbage cans and recycling cans (as well as yard debris) on the sidewalk. Captain Taylor stated regarding the sidewalks, people are not able/allowed to park on the sidewalks at all. He said that usually if they are we will try to do what we can to get the situation cleared up and the vehicle moved without giving any type of ticket. If there is a repeat offender then we would look into ticketing. He stated often times it's something very short term that's going on and temporary. He also added that we do not get many calls or complaints regarding someone parking on the sidewalk. Jeremy Sasser stated if a can is put on the sidewalk, yes we pick it up. It is put back (cans are not to be placed in the street). They always try to put it back in the yard but sometimes it is not possible to do, especially in many areas in Old Towne Daphne, the grading of the street/right of way area doesn't allow us the ability to put the can anywhere but the sidewalk.

FIRE DEPARTMENT

A. New Business –

The stats were presented for July 2019 in the packet.

Councilman Scott inquired as to when the bid packages were going to go out for Fire Station #5. Jeremy Sasser stated he has the contract put together but is needing to get this to Suzanne for approval with the pre bid and bid date, and then it will need to go to the Mayor for approval following that. He stated he will make this his number one priority this week.

Chief White stated the newest fire engine was put into service this last week at Fire Station 3 (by the high school). There was some accessibility and safety issues that had to be corrected before he would put this truck into active service. He stated they had to go back and forth between the manufacturer and the vendor as to who were going to pay for these issues to be fixed/addressed. They got it all taken care of and it's now in service. He added that they are working on getting the specs taken care of for the truck for Fire Station 5 so that can get out for bid as well.

Chief White stated that the attorneys were able to put some language together for HR regarding the acceptance of 18+ year olds for the fire apprentice program. He also stated he got preliminary drawings for the residence out there for the building for this program at Fire Station 1.

Councilman Scott inquired what the plans are, if any, for the old fire station behind city hall. Chief White stated that he thought the Mayor had some plans for that building that don't really have anything to do with the fire department, so he wasn't really sure what will happen with that space.

Chief White stated he has not heard anything back on the SAFER grant yet, but does not expect to until sometime in the spring, usually March or April.

OTHER BUSINESS –

Councilman Scott stated at the last MPO meeting the Mayor had put forth a proposal to use some MPO planning dollars (can only be used for planning), requesting \$30,000 with the City of Daphne doing the match, which is \$8,000, which would allow us to have a plan developed of the where and the when and the how regarding traffic calming devices throughout the city. He stated they hoped to vote on this at the September 27th meeting.

Councilman Scott stated regarding the request received from Loma Alta Towers POA for traffic calming devices approaching Loma Alta Towers. Scott stated Truland is developing some patio homes across from where Loma Alta is it will line up with Lake Shore Dr., the entrance, so that would be an ideal place to put a 4-way stop sign which is approximately 75 yards from the entrance to Loma Alta Towers.

Councilman Scott stated the site plan and the master plan has been submitted for the 17 acre Medical development on Highway 90. He stated it is his understanding their access point will be where the light is and wants to know if the state will at this point be activating that light (they should). Troy (public works) stated from his understanding, AL DOT is providing a letter (he has not seen it), stating that the AL DOT engineers have stated that a light will not be warranted there at this time. Scott added that it is his understanding that AL DOT has stripped this light for parts, and it will be up to them to get this back up and functioning. Councilman Coleman inquired as to why a light wouldn't be warranted at this intersection. They are putting in a 75,000 square foot medical office buildings here, so not only do you have the number of employees that will be at this location you also have the x-amount of patients that will be utilizing this access every day all day. Jeremy Sasser (public works) stated he has not seen any of their findings or their traffic analysis behind why this is not warranted and why they wouldn't turn this light on, and would like to see why they have stated this.

Councilman Rudicell stated that last month there was discussion regarding the Main St. speed limit issue. He stated he would like to have a comprehensive plan for both what they are going to do in Old Towne Daphne regarding the ASW, however he would like to tie it into the speed proponents of lowering the speed and/or a speed table, he would like this all to be tied in together for this comprehensive plan, not just piece meal it together. He would like to see this decision be a comprehensive decision, not a knee jerk decision.

Councilman Goodlin inquired to Public Works if the "trimming of the trees" were done. Troy stated that Riviera is starting their annual 3 year rotation of the city-wide tree trimming this week, with a primary focus on Old Towne. They made the decision to let them do this first and then the city will come back in and do ours after they finish.

ADJOURN

There being no further business to discuss, Councilman Scott made a motion to adjourn the meeting at 5:05 p.m. The next meeting will be Monday, October 14, 2019, at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee



CALL TO ORDER

II. COMMITTEE MEMBERS PRESENT:

Councilman Robin LeJeune; Councilwoman Tommie Conaway; Councilman Doug Goodlin; Councilman Joel Coleman; Councilwoman Angie Phillips; Councilman Pat Rudicell; Mayor Dane Haygood

Others Present: Jeremy Sasser, Public Works Director; William Eringman, Public Works Deputy Director; Patrick Dungan & Jay Ross, City Attorney; Andy Bobe, Dewberry/Preble-Rish; Kelli Kichler Reid, Finance Director; Candace Antinarella, City Clerk; Troy Strunk, Executive Director, City Development; Betsy Schneider, Municipal Operations Director; Ann Reynolds, Resident Krystal Ridge; Elaine Mead, Resident Victoria Square

PUBLIC PARTICIPATION & CORRESPONDENCE

A. Correspondence and Public Participation—

- Mrs. Ann Reynolds, a resident of Krystal Ridge community on County Road 13, spoke to the committee in regards to erosion challenges since February near her residence. Mrs. Reynolds has been working with Mr. Freddie Johnson (Street Supervisor) to resolve the matter. Mrs. Reynolds stated the Street Department started at the south end of County Road 13 on a road construction project, instead of her location near Champions Way. Mrs. Reynolds is requesting assistance from the city to remedy the erosion situation. Mr. Jeremy Sasser advised Mrs. Reynolds that the Street Department started at the location where he advised his team to begin the project. Mr. Sasser stated the end project is to put in a concrete ditch to stabilize the slope and landscape the location.
- Mrs. Elaine Mead, a resident of Victoria Square, requested NW corner of Victoria Square and Westchester Drive challenges with standing water every times there is a rain event. Mrs. Mead is requesting a drainage and asphalt on her street. Mrs. Mead stated there are two drainages near the location. Mrs. Mead stated she has worked with Mr. Richard Johnson in the past in regards to the challenge.

IV. OLD BUSINESS

- A.** Approval of Minutes – August 5, 2019—Minutes—were reviewed & approved by committee.
- B.** Public Works Recycle Drop Off—Mr. Jeremy Sasser addressed the challenges occurring at the recycle drop off at 26435 Public Works Road in regards to residents leaving non-recycle items at the location. Mayor Dane Haygood requested a public hearing, then vote to close the location with the exception of Christmas holiday—cardboard only. **Motion by Angie Phillips, seconded by Tommie Conaway, ALL IN FAVOR.**
- C.** Keep Daphne Beautiful—Mayor Dane Haygood has approved a limited budget of \$7500, annually with restricted items accepted at the event.

V. PROJECT ENGINEER'S REPORTS

- A.** Mott MacDonald – Lott Park (Construction is substantially complete. Several punch list items remain to be satisfied. Engineer is working though a formal response to request for time extensions for the contractor and establishing a recommended liquidated damages charge to the contractor for contract time violation. This should be submitted to the city staff prior to the Public Works Committee meeting.).
- B.** GMC – Dredging for Lake Forest Yacht Club Boat Ramp (USACE Permit expected to be issued any day), Pollard Road TAP Grant (plans and specs have been submitted to the City of Daphne—waiting for the city to advertise), Pollard Road and Hwy 64 Intersection Improvements (plans are complete; however project on hold at the request of the City of Daphne), Main Street Drainage Study (plans were submitted to the City of Daphne; however project on hold at the request of the City of Daphne), Milton Jones Road Fire Station (approved by Planning Commission—City of Daphne to



- compile specs).
- C. Dewberry – Village Point Boardwalk Extension RTP (Project is out for bid), Corte Road/Austin Road Project (Wearing surface has been placed on Corte Road, there were a significant number of rain days last month, time will be extended to match that number of days), Bay Front Street Scape (NO change in status this month—easements are being processed; waiting on clearance for advertisements, the cost of estimate is in the range of \$1.3 million to \$1.6 million This variance accounts for Phase II going north next to Moe's, and the additive for pervious paving), Hwy 98 Intersection Improvements (Waiting on agreement from Target); Permitting for Pier Extension (plans have been reviewed by the City of Daphne and ADECA)
 - D. Volkert –Montclair Ditch Stabilization Project (The project is substantially complete. A punch list walk through was conducted with the contractor and city on Thursday, August 29. Final completion of all remaining items is anticipated within the next two weeks.)
 - E. Jade—MBMEP-ADEM 319 Tiawasee Creek Restoration Project (Survey work underway for the Brookhaven parcel).

VI. NEW BUSINESS

- A. Gas Tax Depository Project—Mayor Dane Haygood spoke to the committee about the regulations involved with the project.
- B. Heritage Point Christmas Tree Flag—Mr. Troy Strunk spoke to the committee about removing the flag from the flagpole over the holidays and turning the location of the flagpole in to a Christmas tree. The committee did not have a challenge with removing the flag from the flagpole during the holiday. The motion to rename the location Heritage Point was brought to discussion by the committee. **Motion by Pat Rudicell, seconded by Ron Scott. ALL IN FAVOR.**

VII. DIRECTOR'S REPORT (Handouts reviewed by committee)

- A. Work Request Report –June 2018-2019—The Public Works Department completed 433 work orders in July 2019. (Separate Handout)
- B. Vehicle/Equipment Maintenance Reports –July 2018-2019 & FY2017-2018 YTD (Separate Handout)
- C. Public Works Related Overtime Report—The department total used for the year is 55.89%; total YTD used \$92,909.67 (Separate Handout)
- D. Mosquito Report—July 2019 (Separate Handout)
- E. Street Sweeper Report—No Report (Separate Handout)

VIII. DAPHNE SOLID WASTE DISPOSAL ENTERPRISE (Handouts reviewed by committee)

- A. Monthly Recycle Tonnage Report (Tonnage Comparison) – July 2019—138.92 tons; 38 recycle carts delivered (Separate Handout)
- B. Solid Waste New Customer Report – July 2019—18 new residential; 1 new commercial (Separate Handout)
- C. Tallent Lane Facility Report – July 2019—430.10 tons (Separate Handout)

IX. MUSEUM COMMITTEE

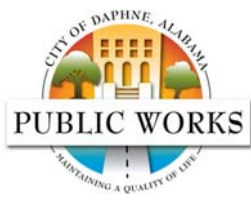
- A. Minutes – No Report

X. BEAUTIFICATION COMMITTEE

- A. Minutes – July 10, 2019—reviewed by the committee.

XI. ENVIRONMENTAL ADVISORY COMMITTEE

- A. Minutes – No Report



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
September 3, 2019 - 5:30 P.M.
DAPHNE CITY HALL

XII. FUTURE BUSINESS

A. Next Meeting – **Monday, October 7, 2019**

XIII. ADJOURNMENT

Motion by Robin LeJeune, seconded by Tommie Conaway to adjourn. Meeting adjourned at 6:25 p.m.

Wednesday, August 7, 2019, 10 AM

CORRECTED

A) Call to order- by Chairperson, Judie Swan, 10am

Roll Call: **Present**-Mimi Boxx, Ann Hostrander, Dorothy Morrison, Judie Swan, Robert Wagner, Tomasina Werner, Mahail Rhodes, Frank Caperton

Also present: Kara Wilbourn, City of Daphne, Council Woman Angie Phillips, **Recipients of Summer 2019 DBC Ambassador Lanyards** and their family members.

B) Approval of Previous Minutes

Judie Swan reported Minutes of July 10th Board Meeting approved by email and by Public Works; called for vote for approval;

Dorothy Morrison so moved Previous Minutes be approved, no corrections; second by Mimi Boxx; motion unanimously approved.

C) Council Woman, Angie Phillips – introduced by Chairperson, Judie Swan

Council woman Angie Phillips, also former teacher, graciously performed presenting lanyard and gifts awards to Recipients of Summer 2019 DBC Ambassador Lanyards: Taliah Wade (5th G) “Sweet T” – outstanding volunteer in DES, DM and DHS; Emmalea Hale (11th G) – outstanding Tireless Volunteer DHS “Farm” and organized “Daphne Martin House Review”, Baldwin County Virtual School student; Pia Hernandez (11th G, DHS) – outstanding artist Designed & painted two rain barrels for DES Garden; Sidney Wyre (11th G DHS) – outstanding Tireless Hard working clean up Daphne Civic Center hedging, weeding; Evelyn Morris (K) – outstanding Participant Student Serve Day August 3rd, built rock planting bed DES/Main; Riley Kidd (1st G) – outstanding Participant Student Serve Day August 3rd, built rock garden bed DES/Main

[Recipients not present: Matthew Kirby (6th G, Daphne East) helped plant DEES front bed; Maggie Paul (8th G Bayside Academy) “ALPALS” Youth Volunteer on campus]

D) Committee Reports

Judicial Liaison, Mahail Rhodes - **In process of obtaining file from previous Judicial Liaison to be able to make letter contact with judges, then follow up with phone calls**

Student Liaison, Selena Vaughn – **None**

City of Daphne – **None**

Media Liaison, Ann Hostrander - None

Volunteer Liaison, Judie Swan

Judie Swan passed out flyer packet "Join the Daphne Beautification Committee" (contains 3 flyers, STUDENT VOLUNTEER SERVICE HOURS letter for duplication, Guide See Something/Report Something and City of Daphne Volunteer Release and Waiver of Liability). This packet can be used to recruit groups and/or individual volunteers – see Judie Swan for any details. Robert Wagner has list of churches this packet can and has been shared with, please add any churches to list (list passed around); 25 rolls of pine straw put out Pollard @ Park Drive; 80 rolls pine straw put out Daphne Sports Complex; Volunteer Doug hedged and continues to hedge Civic Center as City bought new hedger; Church of the Highlands, Aug 3rd 40 volunteers turned out for "Serve Day", tremendous results; DHS "Farm" – volunteers including students detail of grounds; Sept 21st "ALPALS" Coastal Clean Up; Oct 5th "3 Circle" Church Serve Day"; Oct 8th and 9th Prep Day; Oct 10th DES Garden Club Plant Demonstration Garden.

Wetlands Project, Mimi Boxx – After a year, tree trail is complete, two entrances; from Daphne Middle School to Pavillian have identified 20 native trees, put into a brochure, with help of Kara Wilbourn and Ann Hostrander; will develop decomposition area for student study; pier will get new face from two companies donating lumber, **Swift Lumber and Midway Lumber**; this is an Eagle project; Dorothy Morrison asked if we have a home school contact – answer Yes; Mahail Rhodes asked if bridge or something was being done about the ditch – answer Yes monies are being put aside to pipe the ditch; Mahail Rhodes asked if the Wetlands Trail was on the Daphne City website and part of the Eastern Shore Trail – answer by Kara Welbourn and Mimi Boxx: both promotional avenues are being pursued, work in progress.

Daphne Beautification Award Nominees, Dorothy Morrison

Dorothy Morrison reported Board needs to be searching for nominees now in districts 6 and 7 per July 10th Board Minutes "- Committee by unanimous verbal agreement to use districts 6 and 7 in which to find the next quarterly nomination." Judie Swan will have Mahail Rhodes attach district map to Minutes so board members can see what area is covered by districts 6 and 7.

E) Old Business

Volunteer Photos Posted to City Website

After discussion, Judie Swan called for a move and second on Motion that Ann be appointed Media Liaison; Dorothy Morrison so moved and Mimi Boxx second, motion passed by unanimous vote. Kara Wilbourn to work

with Ann Hostrandrt to coordinate photos onto City of Daphne Facebook page.

F) New Business

By-Laws

After discussion, Judie Swan called for move and second on Motion to Send Daphne Beautification By-Laws as updated to City Council. Dorothy moved and Ann second, motion unanimously passed.

G) Public Works Update- No report

H) Committee Members Comments and Ideas – Frank Caperton asked what is purpose of levy on Well Road, Dorothy Morrison answered – created to separate ball field from road view; Frank Caperton commented would look better as a rolling hill; Judie Swan commented this could be pointed out to the Public Works and there is something in the works to plant Crepes along this area; discussion re City has asked Beautification Committee to clean up Crepes along **Hwy 181 from I10 to Hwy 32** and due to safety concerns, Judie Swan has enlisted the assistance of a volunteer **Daphne** police officer, **Jessica Orso**, to get this done; Dorothy Morrison asked if this same procedure could be done on Hwy 98 median—Frank, Dorothy and Judie to review. Committee Annual Photo to be taken out front immediately upon adjournment today, August 7, 2019.

I) Adjourn – Dorothy Morrison moved, Robert Wagner second, majority affirmed, adjourned 10:45am.

J) NEXT MEETING: Sept. 4, 2019, 10:am, Daphne City Hall, Mayor's Conf. Rm.

Daphne History Museum

Meeting Minutes

August 12, 2019

I. Call to order

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

- II. Attendees:** Ken Balme, Rachel Burt, Helen Baroco, Arva Brown, Lee Swetman, Dooley & Scott Berry, Candice Bishop, Mickey Boykin, Ty Sturtevant, Emily Hammond, Al Guarisco, Lucy Cunningham, Greg McRae- Guest & speaker: Malcomb Pegues Director of Extension Services, AU Baldwin Co

- III. Exhibits/Events :** No current plans

- IV. Approval of minutes from last meeting:** Minutes June 10, 2019 approved.(No July meeting held)

- V. Treasures Report:** Period 5/31/19-7/31/19 Opening balance \$3,147.54 Deposits: \$101 (donations & books) Checks: USPS \$40 6mo box rental, BCHS \$200 40 Brief History BC, Rachel B \$125.04 Chair tips, paper products(Sam's) & bug spray Ending balance \$2,883.50. Petty Cash \$20.50

- VI. Volunteer Assignments/Schedules-** Al will work the 30th and Jeanne the 31st.

VII. Committee Reports:

- a) Publicity/Social Media:* No reports
- b) Cemetery:* None
- c) Fund Raising & Volunteer Recruitment:* Nothing scheduled No report
- d) Special Tours :* None
- e) Archives, Curation:* No report
- f) Events:* BC Fair 9/17-21 Jubilee festival 9/28-29

VIII. Unfinished/Ongoing business

- a) Part-time employee:* Rachel Burt is being hired by the City for the part-time Museum tech. This is a temp position to be evaluated in 6 months to make sure is it a viable position for the museum and the city. This should take place within a week or so. She will step down as Secretary as that could be a conflict of interest.
- b) Building Integrity :* No update.
- c) Bricks:* 6 bricks have been installed.

IX. New Business & Announcements

- With Rachel stepping down as Secretary, we need someone to fill in until new elections are held in December.
- Summary of Mr Pegues talk to us is at the end of meeting minutes.

- Lee shared that Doris Allegri passes away last month. Her service/burial will be here on Friday at 10AM. It is a private service but he will be here to open for the family. Any members that want to come and/or help is welcome. She was an originating volunteer that worked tirelessly to make our museum possible.

X. Adjournment

Ken Balme adjourned the meeting.

Minutes submitted by: Rachel Burt



Next regular meeting: Monday September 9 @ 10AM!

- Our Guest speaker Malcomb Pegues is the Director of Auburn Experiment Station here in Baldwin County. This station is 1 of the first 5 stations opened throughout the state in 1929-30. There is now a total of 14. Most of the researchers are at the University sending outlines and guidelines for them to use and return results. Communications and reports used to be mail and carriers but technology has made it much more efficient today. The mission is to provide support and research to growing agricultural area. This station does research on fruit/nuts, vegetables & cattle and operates about 800 acres on both sides of Hwy 104. Satsumas and potatoes are some the first crops studied. It has changed through the years adapting to the times and interest. Pecans have been studied for over 50 years, even with the dwindling amount of pecan growers in the area.

The climate of this area is unique to the rest of the state. With the huge amount of rainfall, disease and insects are a large part of studies. The temperatures are mild enough to integrate feeding the cattle herds by planting (feed) during off seasons of the other crops. They have also done research on protecting different fruit trees and crops on protecting from a hard freeze.

The change in technology has been drastic over the years. Most of the tractors and combines are automated with built in technology and/or GPS. The tractors are very accurate (within inches) in disking fields and combines can harvest & weigh (and other data) to produce an immediate report, saving manpower, time and waste. This also includes irrigation & soil sampling through fields, isolating what areas need how much of what/when or even the weight/info on each head of cattle.

★ We learned grapes & plums do not grow well here. Hemp is very expensive to grow and could be a gamble if it tests too high in oil. (Auburn has not gotten into that study). Satsumas and pecans typically have a good year then off a year. New cotton picking machines can cost \$750k. Newer machines need IT more than old school mechanics.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-45**

**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**

WHEREAS, Ordinance 2019-43 approved and adopted the Fiscal Year 2020 Budget on October 1, 2019; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2020 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2020 budget; and

WHEREAS, the City of Daphne submitted a grant to the Alabama Department of Economic and Community Affairs (ADECA) Recreational Trails Program (RTP) to construct a walking trail at Village Point Preserve; and

WHEREAS, the ADECA selected the City of Daphne to participate in the Recreational Trails Program with a Federal Grant Award of \$210,206 and City match of \$52,552 (Ordinance #2018-45).

WHEREAS, the project was bid resulting in a base bid amount of \$246,720 which will require an additional appropriation of \$29,392 to complete the project.

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

1. Additional appropriation in the amount of \$29,392 from the General Fund are appropriated and made a part of the Fiscal Year 2020 Budget for the construction of a Boardwalk at Village Point Preserve.
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 ADECA and to participate in such project.

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

ADECA RTP Grant Summary of Costs and Funds Needed

	<u>Design Fees</u>	<u>Construction</u>	<u>CEI</u>	<u>Less: Grant Proceeds</u>	<u>Less: Ord 2018-45</u>	<u>Appropriation Required</u>
Base Bid	23,870.62	246,720.00	21,384.56	(210,061.48)	(52,522.00)	29,391.70
Add Alt#1 w/Ded	23,870.62	210,840.00	21,384.56	(187,768.50)	(52,522.00)	15,804.68
Add Alt#1 - Repair Existing Pier	23,870.62	373,370.00	32,362.00	(210,061.48)	(52,522.00)	167,019.14
Add Alt#1 less Ded + Pier Repairs	23,870.62	337,490.00	29,252.09	(187,768.50)	(52,522.00)	150,322.21

Project Cost Estimate

The Recreational Trails Program provides **80/20 matching** fund grants. That is, the RTP will fund up to 80 percent of the project cost and the grant recipient must provide at least 20 percent in the form of cash, in-kind, and/or donated contributions.

Eligible Costs

1. Design, engineering, construction oversight services (may not exceed 10% of the total construction cost)
2. Direct labor
3. Special tradesmen secured under a service purchase contract
4. Rental of equipment
5. Construction contracts
6. Project materials
7. Signage¹
8. Land acquisition
9. Professional project administration (grant consultant) (may not exceed 5% of total project cost)

PROJECT DEVELOPMENT BUDGET

BUDGET ITEM	TOTAL	RTP SHARE	MATCHING SHARE
Acquisition			
Construction Contracts	<u>\$237,606.23</u>	<u>\$190,084.98</u>	<u>\$47,521.25</u>
Equipment Rental			
Labor			
Signage	<u>\$1,100.00</u>	<u>\$880.00</u>	<u>\$220.00</u>
Supplies/Materials			
Administration			
Engineering	<u>\$23,870.62</u>	<u>\$19,096.50</u>	<u>\$4,774.12</u>
TOTAL PROJECT COST	<u>\$262,756.85</u>	<u>\$210,061.48</u>	<u>\$52,515.37</u>

¹ Signs which function as traffic control devices must conform with the Manual on Uniform Traffic Control Devices (MUTCD). Part IX of the MUTCD, Traffic Controls for Bicycle Facilities, covers the bicycle related signs, pavement markings, and signals which may be used on highways or bikeways. Part IX is applicable to shared use paths (nonmotorized multiple-use trails which may provide a transportation purpose). The publication Standard Highway Signs has the detailed drawings for the highway signs prescribed in the MUTCD. These documents are available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Signs which do not function as traffic control devices are not subject to the MUTCD. However, informational signs and kiosks must take into consideration the needs of various users, such as: people who are blind or who have low vision, people who use wheelchairs, and children.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2019-46**

**Ordinance to Pre-zone Amendment for Property
Located Northeast of County Road 64 and County Road 13, southeast of Rand Avenue and
County Road 13
Down by the Bay, LLC**

WHEREAS, Down by the Bay, LLC, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned B-1 Professional Business District, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as B-2(a), General Business Alternate District prior to annexing into the City of Daphne; and

WHEREAS, said real property is Northeast of County Road 64 and County Road 13, southeast of Rand Avenue and County Road 13, and more particularly described as follows:

Legal Description for Pre-zone:

COMMENCING FROM A 1/2" IRON REBAR WITH CAP (CA#604) AT THE NORTHEAST CORNER OF LOT 1, GCOF & WSR 64-13 REPLAT, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2514-A IN PROBATE RECORDS BALDWIN COUNTY ALABAMA; THENCE RUN NORTH 72°55'50" EAST A DISTANCE OF 100.53 FEET TO A 1/2" IRON REBAR WITH CAP (LS#23660) ON THE EAST MARGIN OF BALDWIN COUNTY HIGHWAY 13, AN 80' RIGHT-OF- WAY, FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00°22'21" EAST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 415.12 FEET TO A 5/8" IRON REBAR WITH CAP (ILLEGIBLE); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 87°43'08" EAST A DISTANCE OF 154.33 FEET TO A 5/8" IRON REBAR WITH CAP (CA#597); THENCE RUN NORTH 05°43'56" WEST A DISTANCE OF 76.78 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN NORTH 89°55'57" EAST A DISTANCE OF 207.66 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN SOUTH 89°56'17" EAST A DISTANCE OF 391.26 FEET TO A 1" OPEN TOP IRON PIPE; THENCE RUN SOUTH 89°43'25" EAST A DISTANCE OF 40.29 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00°14'00" EAST A DISTANCE OF 46.77 FEET TO A 1/2" IRON REBAR; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 453.13 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°43'41" WEST A DISTANCE OF 85.37 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTH 89°56'59" WEST A DISTANCE OF 420.50 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°24'57" WEST A DISTANCE OF 60.14 FEET TO A 1/2" IRON REBAR WITH CAP (LS#10675); THENCE RUN NORTH 89°27'19" WEST A DISTANCE OF 60.37 FEET TO A 3/4" IRON REBAR; THENCE RUN NORTH 89°45'57" WEST A DISTANCE OF 161.01 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 8.74 ACRES, MORE OR LESS, AND LYING WITH THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on August 22, 2019, the Commission considered said request and set forth a unanimous favorable recommendation to the City Council to pre-zone the property B-2(a), General Business Alternate 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, a public hearing was held before the City Council on October 21, 2019; and,

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

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

SECTION I: ZONING

That above described real property is hereby pre-zoned to B-2(a), General Business Alternate 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 be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was B-1 Professional Business District.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Candace G. Antinarella,
City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-47**

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

**Located Northeast of County Road 64 and County Road 13, southeast of Rand
Avenue and County Road 13
Down by the Bay, LLC**

WHEREAS, on the 18th day of July 2019, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

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

WHEREAS, after proper publication, a public hearing was held by the City Council on October 21, 2019 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on August 22, 2019, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

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

SECTION TWO: ZONING

At the November 4, 2019 regularly scheduled City Council meeting Ordinance 2019-__ was adopted pre-zoning the said property as B-2(a), General Business Alternate District.

SECTION THREE: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

COMMENCING FROM A 1/2" IRON REBAR WITH CAP (CA#604) AT THE NORTHEAST CORNER OF LOT 1, GCOF & WSR 64-13 REPLAT, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2514-A IN PROBATE RECORDS BALDWIN COUNTY ALABAMA; THENCE RUN NORTH 72°55'50" EAST A DISTANCE OF 100.53 FEET TO A 1/2" IRON REBAR WITH CAP (LS#23660) ON THE EAST MARGIN OF BALDWIN COUNTY HIGHWAY 13, AN 80' RIGHT-OF-WAY, FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00°22'21" EAST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 415.12 FEET TO A 5/8" IRON REBAR WITH CAP

(ILLEGIBLE); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 87°43'08" EAST A DISTANCE OF 154.33 FEET TO A 5/8" IRON REBAR WITH CAP (CA#597); THENCE RUN NORTH 05°43'56" WEST A DISTANCE OF 76.78 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN NORTH 89°55'57" EAST A DISTANCE OF 207.66 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN SOUTH 89°56'17" EAST A DISTANCE OF 391.26 FEET TO A 1" OPEN TOP IRON PIPE; THENCE RUN SOUTH 89°43'25" EAST A DISTANCE OF 40.29 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00°14'00" EAST A DISTANCE OF 46.77 FEET TO A 1/2" IRON REBAR; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 453.13 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°43'41" WEST A DISTANCE OF 85.37 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTH 89°56'59" WEST A DISTANCE OF 420.50 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°24'57" WEST A DISTANCE OF 60.14 FEET TO A 1/2" IRON REBAR WITH CAP (LS#10675); THENCE RUN NORTH 89°27'19" WEST A DISTANCE OF 60.37 FEET TO A 3/4" IRON REBAR; THENCE RUN NORTH 89°45'57" WEST A DISTANCE OF 161.01 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 8.74 ACRES, MORE OR LESS, AND LYING WITH THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

SECTION FOUR: MAP OF PROPERTY

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

SECTION FIVE: PUBLICATION

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

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

Dane Haygood,
Mayor

ATTEST

Candace G. Antinarella,
City Clerk

DANE HAYGOOD
MAYOR

CANDACE G. ANTINARELLA
CITY CLERK

DAVID CARPENTER II
CHIEF OF POLICE

JAMES "Bo" WHITE
FIRE CHIEF

KELLI KICHLER REID
TREASURER



TOMMIE B. CONAWAY
COUNCIL DISTRICT 1

DOUG GOODLIN
COUNCIL DISTRICT 4

PAT RUDICELL
COUNCIL DISTRICT 2

RON SCOTT
COUNCIL DISTRICT 5

JOEL COLEMAN
COUNCIL DISTRICT 3

ROBIN LEJEUNE
COUNCIL DISTRICT 6

ANGIE PHILLIPS
COUNCIL DISTRICT 7

October 10, 2019

Via Hand Delivery and US Mail

Sheng Yun Zhou
Tranquility Massage
27955 Highway 98 Unit P
Daphne, Alabama 36526

Re: Tranquility Massage Business License Revocation Hearing

Please take notice that the Daphne City Council will hold a hearing on Monday, October 21, 2019, to determine whether or not to revoke Tranquility Massage's license to conduct business in the City of Daphne. This revocation hearing is being held by request of the City of Daphne Police Department and pursuant to City of Daphne Ordinance 2002-26, § 19.

The hearing will be an agenda item during the City Council's regularly held meeting, which begins at 6:30 p.m. in Council Chambers at Daphne City Hall, located at 1705 Main Street in Daphne. Anyone is welcome to appear at the hearing and present evidence bearing on the question of business license revocation. You are encouraged to appear for said hearing and you will be permitted, if you desire, to speak on behalf of Tranquility Massage during the hearing. At the conclusion of the hearing, the Daphne City Council will vote on whether or not to revoke your business license.

Please direct any questions regarding the business license revocation hearing to the Office of the City Clerk.

Sincerely,

Candace G. Antinarella
City Clerk

cc: Daphne Police Department
City of Daphne Revenue Department