

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
SEPTEMBER 6, 2011
BUSINESS MEETING
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL/INVOCATION / PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council meeting minutes / August 15, 2011

PUBLIC HEARING:

Annexation: Right-of-Way of AL State Highway 181

Location: The right-of-way of AL State Highway 181 from Lawson Road South to the Southernmost Corporate limits of the City of Daphne

Recommendation: Unanimous favorable recommendation / **Ordinance 2011-64**

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

B. BUILDINGS & PROPERTY COMMITTEE - Lake

C. PUBLIC SAFETY COMMITTEE – Boulware

Review minutes / August 10th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Boulware

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Environmental Committee Members Needed

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

Review minutes / August 4th

B. Downtown Redevelopment Authority – Barnette

Review minutes / August 22nd

Need one (1) member

C. Industrial Development Board – Yelding

Review minutes / August 22nd

Need One (1) member

D. Library Board – Lake

E. Planning Commission – Barnette

Review minutes / July 28th

MOTION: Set Public Hearings for **October 17, 2011** to consider:

1.) Amendment to the Land Use & Development Ordinance / Revision to the Zoning Map

Recommendation: Unanimous Favorable

2.) Rezone: Hearthstone Multi-Asset Entity

Location: On the East side of AL Hwy 181, South of Austin Road, North of Dick Higbee Rd.
Lot, 1, Dunmore Subdivision, Phase Two, Part C

Present Zoning: R-1, Low Density Single Family Residential and R-2, Medium Density Single Family Residential

Requested Zoning: R-3, High Density Multi-Family Residential

Recommendation: Unanimous Favorable

- 3.) Rezone: Hearthstone Multi-Asset Entity
 Location: On the East side of AL Hwy 181, South of Austin Road, North of Dick Higbee Rd.
 Lot, 2, Dunmore Subdivision, Phase Two, Part C
 Present Zoning: R-1, Low Density Single Family Residential
 Requested Zoning: R-2, Medium Density Single Family Residential
 Recommendation: Unanimous Favorable

- 4.) Rezone: Hearthstone Multi-Asset Entity
 Location: On the East side of AL Hwy 181, South of Austin Road, North of Dick Higbee Rd.
 Lot, 3, Dunmore Subdivision, Phase Two, Part C
 Present Zoning: R-1, Low Density Multi-Family Residential
 Requested Zoning: R-4, High Density Multi-Family Residential
 Recommendation: Unanimous Favorable

F. Recreation Board – Reese

Need two (2) members

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayor’s Report

- a.) Special Events Permit / Christ the King Church / Prayer Event / October 15, 2011
- b.) ABC License / Harry’s Sound Bar / 010 – Lounge Retail Liquor – Class I
- c.) Parade Permit / Bounds Family YMCA / 5K & 1 Mile Fun Run / October 1, 2011

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Revisions to the City of Daphne Street Map...../Resolution 2011-62
- b.) Re-appoint Two Directors to the Board of Directors of
 Renaissance Improvement District...../Resolution 2011-63
- c.) Re-electing One Director to the Board of Directors of
 Renaissance Cooperative District...../Resolution 2011-64

ORDINANCES:

2nd READ

- a.) Pay Adjustment: \$.50/hour /Ordinance 2011-58
- b.) Amending Pay Table for \$.50 Pay Adjustment. /Ordinance 2011-60
- c.) Pavement Striping & Marking of Roads. /Ordinance 2011-61
- d.) Pay for Appraisals for NRDA Grant with Lodging Tax. /Ordinance 2011-63

1ST READ

- e.) Annexation of AL State Hwy 181 Right-of-Way /Ordinance 2011-64

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING	PRESENT__	ABSENT__	__
COUNCILWOMAN BARNETTE	PRESENT__	ABSENT__	
COUNCILMAN LAKE	PRESENT__	ABSENT__	__
COUNCILMAN REESE	PRESENT__	ABSENT__	__
COUNCILMAN SCOTT	PRESENT__	ABSENT__	__
COUNCILMAN BOULWARE	PRESENT__	ABSENT__	__
COUNCILMAN PALUMBO	PRESENT__	ABSENT__	__

MAYOR

MAYOR SMALL	PRESENT__	ABSENT__	__
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CITY CLERK:

DAVID L. COHEN	PRESENT__	ABSENT__	__
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CITY ATTORNEY:

CITY ATTORNEY JAY ROSS	PRESENT__	ABSENT	
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MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**AUGUST 15, 2011
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

Council President Barnette called the meeting to order at 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Pastor Joe Lee, Eastern Shore Christian Center.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake; Kelly Reese; Ron Scott; Derek Boulware; August Palumbo.

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; David Carpenter, Police Chief; Adrienne Jones, Planning Director; Vickie Hinman, Human Resources Director; Kim Briley, Finance Director; Richard Merchant, Building Official; Tonja Young, Library Director; Richard Johnson, Public Works Director; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Captain Scott Taylor, Police Department; Employees of the City; Officer Mike Dawson, Police Department; Jane Ellis, Mayors Assistant; Scott Hutchinson, City Engineer; Ed Kirby, Planning Commission; Rob McElroy, Daphne Utility; Bob Segalla, Utility Board; Al Guarisco, Village Point Foundation; Joe Lemoine, Planning Commission; Dorothy Morrison, Beautification Committee; Tomasina Werner, Beautification Committee.

Absent: Mayor Small.

Council President Barnette pulled Resolution 2011-58 from the agenda.

3. APPROVE MINUTES

MOTION BY Councilman Boulware to adopt the August 1, 2011 Council meeting minutes. *Seconded by Councilman Yelding.*

AYE Yelding, Lake, Scott, Boulware, Palumbo, Barnette

ABSTAIN Reese

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilman Boulware to adopt the August 8, 2011 Special Called Council meeting minutes. *Seconded by Councilman Scott.*

AYE Yelding, Lake, Scott, Boulware, Palumbo, Barnette

ABSTAIN Reese

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilman Boulware to adopt the August 8, 2011 Council Work Session minutes. *Seconded by Councilman Scott.*

AYE Yelding, Lake, Scott, Boulware, Palumbo, Barnette

ABSTAIN Reese

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilman Scott to authorize the Mayor to explore the feasibility of authorizing the expenditure of BP funds for the paving of the parking lot of Daphne High School. *Seconded by Councilman Yelding.*

Mr. Ross stated that he has had some conversations with the Homeland Security Director, Spencer Collier, and now he is dealing with somebody at the state EMA, whom Mr. Collier said has jurisdiction over that, and they have been playing phone tag since last Friday. He is working on that, and the Mayor is looking for an update as soon as he has some information.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

PRESENTATION: Daphne Utility Rate Increase / Rob McElroy

Mr. McElroy stated that if it was not necessary they would not be raising the water and sewer rates, but they must keep up with mandates imposed by regulations. If they do not raise the rates they will violate the bond. Simply repairing the pipes they will not be able to meet Daphne's water needs next summer. They need to repair existing wells, and they do not have any spare wells from which to draw. A new well costs about \$1 million each. They also need another tank to store water at a cost of \$1 million. The Utility Board has implemented cost cutting measures for the Utility.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Boulware

The minutes for the August 8th meeting are in the packet.

Mr. Pfil Hunt gave a short presentation on the savings if the city refunds the 2006 Limited Obligation Revenue Warrants. They can get an interest rate would go from 7.5% to around 4.5%.

MOTIONS:

MOTION BY Councilman Boulware to authorize the Finance Director to work with Gardnyr Michael Capital & Hand Arendall to structure the refunding and take the steps necessary to refund the 2006 Limited Liability Revenue Warrants. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to go out for bid for two (2) F150 Trucks: Street & Solid Waste for FY12 Budget. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Treasurers Report / July 31, 2011:

MOTION BY Councilman Boulware to accept the Treasurers Report as of July 31, 2011, in the amount of \$19,421,404.41. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Sales and Use Tax Reports June 30, 2011:

Sales and Use Tax Collected for June 2011	-	\$946,356
Sales and Use Tax Budgeted for June 2011	-	<u>\$876,618</u>
Over Budget (for June)	-	\$ 69,738

YTD Budget Collections Variance – Over Budget - \$755,045

Lodging Tax Collections, June 2011:

The Lodging Tax Collections report shows \$67,544.77 collected for June, 2011

The next meeting will be September 12th at 4:00 p.m. in the Executive Conference Room.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The minutes for the August 1st meeting are in the packet. The committee discussed retiring the Zydeco Festival due to lack of interest by the community. It is mainly people from out of state that attend, and they have not gotten any reports from the hotels as to the revenue generated by the festival. Mrs. Thigpen is looking at other options.

C. PUBLIC SAFETY COMMITTEE –

No report.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE –

The minutes for the August 10th meeting are in the packet.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The minutes for the July 26th meeting are in the packet. The Lake Forest road project will be completed by April 13, 2012, and they are ahead of schedule. There is a dangerous tree on Van Avenue that needs to be cut down, and he hopes the council will suspend the rules to authorize the work to be done.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Mrs. Jones

The minutes for the April 7th meeting are in the packet. There will not be a meeting in September.

B. Downtown Redevelopment Authority – Barnette

The Authority needs one (1) member.

C. Industrial Development Board – Yelding

Appoint member / Angela L. Mayer:

MOTION BY Councilman Palumbo to appoint Angela L. Mayer to the Industrial Development Board. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Councilman Yelding stated that the board still needs one (1) member, and asked that they contact him or David Cohen with the nomination.

D. Library Board – Lake

No report.

E. Planning Commission – Jones

There are three (3) sets of minutes in the packet June 15th Special meeting minutes, June 23rd meeting minutes and July 14th Special meeting minutes.

David Carpenter – Police Chief – reported that last week 30 mailboxes and 10 cars were damaged. They caught the juveniles that damaged the 10 cars.

David McKelroy – Recreation Director – reported that the fall registration is closed, and there were 225 that signed up for soccer, 203 for football and 75 cheerleaders.

David Cohen – City Clerk – reported that he has the estimates back on the appraisals for the NRDA property for \$11,000 instead of \$7,500.

Adrienne Jones – Planning Director – reminded everyone that the Site Preview meeting is Wednesday at 8:30 a.m. in the Council Chambers.

7. PUBLIC PARTICIPATION

Mr. Chester McConnell – 8803 Pine Run – spoke against the Memorandum of Understanding (MOU) with Academy Sports, and he also submitted a printout of e-mails of people against the MOU.

Mr. Kevin Spriggs – Business owner in Daphne - spoke regarding government controlling people’s lives. He also spoke in favor of the proposed sign ordinance.

Mr. Henry Lawson – 104 Booksketuh Circle – spoke regarding seeing a site plan for the project.

Mr. Thom Hickman – New Horizon Retail Development – addressed misconceptions people have regarding the Academy Sports project.

Mrs. McConnell – 8803 Pine Run – read a statement against the MOU with New Horizon Retail Development. (*Statement is spread out upon these minutes*)

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) Accept Property / ROW / Patricia T. Gipson...../Resolution 2011-58
- b.) Change Name of Lawson Road to Champions Way/Resolution 2011-59
- c.) Declare City Property Surplus...../Resolution 2011-60
- d.) Apply for LWCF Grant for Tennis Courts at Lott Park. /Resolution 2011-61

RESOLUTION 2011-58 WAS PULLED FROM THE AGENDA EARLIER IN THE MEETING.

MOTION BY Councilman Scott to waive the reading of Resolutions 2011-59, 2011-60 and 2011-61. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED **MOTION CARRIED**

MOTION BY Councilman Scott to adopt Resolution 2011-59. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED **MOTION CARRIED**

MOTION BY Councilman Scott to adopt Resolution 2011-60. *Seconded by Councilman Yelding.*

AYE Yelding, Reese, Scott, Boulware, Palumbo, Barnette NAY Lake

MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2011-61. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED **MOTION CARRIED**

ORDINANCES:

2ND READ.

- a.) Memorandum of Understanding / New Horizon Retail Development. /Ordinance 2011-59

1ST READ

- a.) Pay Adjustment: \$.50/hour /Ordinance 2011-58
- b.) Amending Pay Table for \$.50 Pay Adjustment. /Ordinance 2011-60
- c.) Pavement Striping & Marking of Roads. /Ordinance 2011-61
- d.) Tree Removal..... /Ordinance 2011-62
- e.) Pay for Appraisals for NRDA Grant with Lodging Tax. /Ordinance 2011-63

MOTION BY Councilman Yelding to waive the reading of Ordinance 2011-62. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Yelding to adopt Ordinance 2011-62. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2011-58, 2011-60, 2011-61, 2011-63 WERE MADE 1ST READ.

8. COUNCIL COMMENTS

Councilman Scott hopes that Academy will come to Daphne, the city could use the revenue for a new Fire Station and putting more policemen on the streets.

Councilman Boulware said that he was representing the people of his district and the city as a whole with his vote on the bowling alley. It is important to bring Academy to Daphne. The people of Daphne have e-mailed him saying they want Academy to come to Daphne. They are saying "What is the problem." People use Academy, and he is doing what the people want. People will remember.

Councilman Palumbo asked where are the people that wrote in and want Academy Sports? He said to the citizens to let council never deter them from speaking out.

Councilman Lake said the city was bit by Jubilee Square so the old council did not go after the Eastern Shore Center. He does not think the city should be giving away tax dollars. He mentioned an alternate site where they might build which is the site that has Office Depot.

Council President Barnette stated that she is tickled pink with the decision tonight. She feels the people's voice has been reflected. She has been on the losing side of that battle for what seems to be several times before, and she is pleased to be on the winning side tonight. She thinks they made the right decision for number of reasons that has been previously stipulated. She does hope that Academy will choose to come. She asked Chief White to start letting people know what the 9/11 anniversary memorial will be. She said in the past they said they would do something special for the 10year anniversary. She asked that he report on this at the next council meeting.

MOTION BY Councilman Scott to enter into Executive Session to discuss pending litigation. *Seconded by Councilman Lake.*

Mr. Ross, City Attorney, stated that this is an appropriate reason to go into Executive Session by the Alabama Open Meetings Act. The meeting will last for approximately 15 minutes.

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Lake	Aye	Palumbo	Aye
Reese	Aye	Barnette	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council entered into Executive Session at 8:47 p.m.

Council returned from Executive Session at 9:10 p.m.

MOTION BY Councilman Palumbo to authorize the settlement of the Rod Cooke Construction binding arbitration proceedings by the payment of \$250,000 from the reserve account, and authorize the Mayor to sign any and all necessary documents to settle the case, and to further authorize Kim Briley, the city Finance Director, to issue a check in the amount of \$250,000 to Rod Cooke Construction or whoever else it may be for the settlement. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**AUGUST 15, 2011
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

9. ADJOURN

MOTION BY Councilman Palumbo to adjourn. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 9:13 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

Cathy S. Barnette,
Council President

Dorothy Mc
8803 Pine Run
Daphne -
TO: City of Daphne

Dear Mayor and Councilpersons.

It will be patently unfair for Daphne's Council to approve a one percent tax rebate for New Horizon Retail Development's proposed construction of the Academy Village site. Under the proposed agreement New Horizon would receive \$1.9 million tax dollars to reimburse them for items that are essential to developing the Academy store site. The items include widening U.S. 90, installing a new traffic light and a water detention facility, all of which would be unnecessary if the Academy store is not built. So these items are not public benefits, but essentials for the development of Academy's store.

Why should a large company like New Horizon/Academy get a one percent tax rebate? Academy has 130 store locations and posted \$2.7 billion in revenues in 2010. Does Academy need or deserve \$1.9 million taxpayer dollars from Daphne citizens? I say no. They have sufficient funds to build their own site and buildings. Importantly, Academy also would be in direct competition with the many small local stores as well as several large ones like Dick's and Wal-Mart. The one percent tax rebate would give Academy an unfair advantage over its competitors.

If we citizens of Daphne should be helping any businesses, it should be the hundreds of small, locally owned, "mom and pop" businesses that have served us over the years. Most of these small, local businesses have a difficult time financially. I believe that most of them would love to get a one percent tax rebate to help remodel their stores. Does our local city government have any kind of financial program to assist them?

I recommend to Daphne's Mayor and Council members to initiate a program to give appropriate tax rebates to small businesses that would submit and implement a plan to remodel or otherwise improve their businesses. I also recommend that our city officials solidly reject the Memorandum of Understanding that would authorize a one percent tax rebate to the New Horizon/Academy proposal. Let's make support of our local small businesses our top priority.

Dorothy
[redacted] McConnell

Daphne, AL 36527 August 15, 2011

Submitted at the August 15, 2011
City Council meeting



**City of Daphne's Proposed MOU Ordinance for New Horizons Retail Development
(Ordinance 2011-59)**

Monday, August 15, 2011 3:34 PM

From: "Baran, Elizabeth H" <Elizabeth.Baran@dcsd.com>
To: yelding1@bellsouth.net, barnette2@bellsouth.net, johnlake3@bellsouth.net,
reese4@bellsouth.net, ronscott5@bellsouth.net, boullware6@bellsouth.net,
palumbo7@bellsouth.net, apalumbo@bellsouth.net
Cc: mayorassist@bellsouth.net

Dear Daphne City Council Members:

I am writing on behalf of Dick's Sporting Goods to express our concern about the City of Daphne's proposed MOU Ordinance for New Horizons Retail Development (*Ordinance 2011-59*) authorizing public economic incentives to New Horizons Retail, LLC to assist in the development and construction of a commercial site for an Academy Sports retail outlet in the form of limited liability tax warrants in an amount not to exceed \$1.93 million paid for by the diversion of city sales tax dollars.

Dick's is a proud member of the Daphne retail community and a city taxpayer. When we decided to move into the great City of Daphne, we did so without the direct or indirect benefit of any new economic incentives. Although the original developer of the retail complex where Dick's is located received some economic incentives a decade ago when the complex was built, such incentives do not benefit the current owner or retail tenants. The owner and retail tenants, including Dick's, have made sizable investments in the complex to improve the building to ensure that Daphne customers receive the best possible retail shopping experience. Such improvements, which were undertaken without any economic incentives from the City of Daphne, were the right thing to do for your citizens. In addition, while we can understand the City of Daphne's decision a decade ago to use public funds to support the development of a multi-store power retail center, such as the complex where Dick's is located, we cannot understand why the City would consider the use of public funds to support the development of a small retail outlet with one anchor store and space for only a few additional retailers, as we understand is the case with the proposed Academy Sports retail location subject to *Ordinance 2011-59*.

Further, we understand that the neighboring city of Spanish Fort recently used public funds to support a retail development that included a Bass Pro Shop which continues to struggle to attract additional tenants and has generated disappointing sales tax revenues to offset the debt undertaken in connection with the development. We believe the Spanish Fort retail development can serve as a cautionary tale to the City of Daphne about the potential risks of using economic incentives as proposed in the New Horizons retail development.

The story of Dick's, which was founded in 1948 with \$300 in funds from a grandmother's cookie jar, is rooted in the American principles of entrepreneurialism, economic opportunity and a competitive marketplace. We believe, however, that successful competition requires a level playing field for all and, unfortunately, the use of Daphne's public funds to support the proposed New Horizons retail development would favor one retailer over others and create unfair competitive advantages in the marketplace.

If we are misinformed about any of the foregoing, or if there are economic incentives that the City would be interested in making available to current Daphne retailers like Dick's, we welcome additional information. Assuming that our information is correct as presented above, we do not believe that the proposed economic incentive package to support the development and construction of this small retail outlet is in the best interest of the City of Daphne. We respectfully urge you to vote against the proposed MOU Ordinance for New Horizons Retail Development/*Ordinance 2011-59*.

Respectfully submitted,

Submitted at the August 15, 2011
City Council meeting

Elizabeth H. Baran | Corporate Counsel & Government Affairs
Dick's Sporting Goods, Inc.
345 Court Street, Coraopolis , PA 15108
Elizabeth.Baran@dcsq.com
(724) 273-4173 | (724) 227-1928 (fax)

PUBLIC HEARING

TO CONSIDER:

SEPTEMBER 6, 2011

- 1.) Annexation: Right-of-Way of AL State Hwy 181
- Property Located: Right-of-Way of AL State Hwy 181 from
Lawson Road South to the Southernmost
corporate limits of the City of Daphne
- Recommendation: Unanimous Favorable

To: Office of the City Clerk
From: Adrienne D. Jones, Director of Community Development
Subject: The Right-of-Way of Alabama State Highway 181 from Lawson Road South to the Southernmost Corporate Limits of the City of Daphne

MEMORANDUM

Annexation Review
Date: June 27, 2011

LOCATION: The right-of way of Alabama State Highway 181 from Lawson Road South to the Southernmost corporate limits of the City of Daphne

RECOMMENDATION: At the June 23, 2011, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a ***favorable recommendation*** of the above-mentioned annexation.

Attached please find said documentation and a copy of an ordinance from the office of the City Attorney for placement on the Tuesday, July 5, 2011 City Council agenda for action by the City Council.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Planning Report
2. Internal Memorandum - Mayor Small
3. Correspondence to ALDOT
4. Correspondence from ALDOT
5. Map of Right-of-Way
6. Legal Description
7. Ordinance



Planning Commission



ANNEXATION REVIEW

COMMUNITY DEVELOPMENT

STATE ROAD 181 A.K.A HIGHWAY 181 ANNEXATION REVIEW

Owner: State of Alabama

Contiguous to Daphne Corporate Limits: Yes, corporate lines adjoin the property to the north and south

Existing Conditions: approximately 5.56 miles of existing right-of-way

Existing Zoning: N/A **Proposed Zoning:** N/A **Baldwin County Schools—**N/A

Surrounding Zonings/Uses: District 15 Baldwin County N/A

Affected Utility Service Providers: N/A

Affected City Service Providers:

Fire Protection—Stations 3 & 4

Police Protection—Police Beat – 1 & 3

Comprehensive Plan

The Proposed Roadway Functional Classifications Map of the Comprehensive Plan (*see attached*) designates this roadway as a minor arterial, similar to Highway 90, County Road 13, County Road 64, Johnson Road, and Main Street. Once the Planning Commission reviews and updates the Comprehensive Plan, State Road 181 should be designated as a future “Major Arterial.”



Community Development

With Ordinance 2010-01, the City Council approved the annexation of the northern end of Highway 181 and parts of Highway 90. At that time, the City of Daphne proposed to expand its police and fire protection coverage by annexing the right-of-way(s) of U.S. Highway 90 (from County Road 13 eastward to the Daphne Corporate limits) and Alabama Highway 181 (just north of the interchange of I-10 southward to Lawson Road). At that time, Baldwin County Sheriff’s Department serviced the area; however, the Police Chief indicated that it would be in the interest of public safety to provide for police and fire protection in this area, thereby closing the gap of protection in this section of the City.

The current issue came from the Public Works Committee as a result of a discussion regarding a Highway 181 Maintenance Agreement between the City and the State. *Please see attached Public Works Committee Meeting minutes (March 21, 2011 and May 25, 2011). Included herein, please see ROW annexation request letter from Mayor to Division Engineer and response letter indicating “no objection.”*

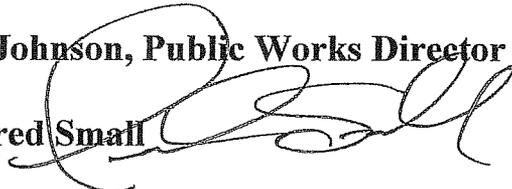
Recommend Approval.



INTERNAL MEMORANDUM

TO: Adrienne Jones, Community Development Director

CC: Richard Johnson, Public Works Director

FROM: Mayor Fred Small 

DATE: June 2, 2011

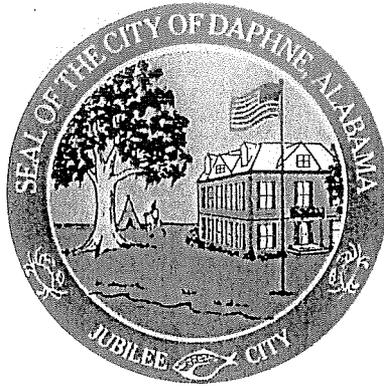
SUBJECT: Right-of-Way Annexation – State Route 181

Please find attached a letter from ALDOT stating they have no objections to the City of Daphne annexing the rights-of-way of State Route 181 from US Highway 90 south to the southern city limits as shown on the map.

By way of this memo I am asking that you move forward with this annexation process.

Thank you.

RECEIVED
JUN 2 2011



FRED SMALL
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

DAVID CARPENTER II
CHIEF OF POLICE

JAMES "BO" WHITE
FIRE CHIEF

COUNCIL MEMBERS
BAILEY YELDING, JR.
DISTRICT 1
CATHY BARNETTE
DISTRICT 2
JOHN L. LAKE
DISTRICT 3
KELLY D. REESE
DISTRICT 4
RON SCOTT
DISTRICT 5
DEREK BOULWARE
DISTRICT 6

April 7, 2011

Mr. Vince Calametti, P.E., Division Engineer
ALDOT - Ninth Division
1701 North Beltline Hwy.
Mobile, AL 36618

SECTION	INFO	ACTION	FILE
DIV ENGINEER	✓		
ADMINISTRATION			
CONSTRUCTION			
COUNTY TRANS			
DISTRICT ENGRS			
EQUIPMENT			
MAINTENANCE			
MATERIALS			
PLANNING			
SPECIAL PROJ			

Re: City of Daphne – ROW Annexation Request - State Route 181

Dear Mr. Calametti:

I am respectfully writing to ask for the consent of the Alabama Department of Transportation (ALDOT) for the annexation of the Rights-of-Way of State Highway 181 from U.S. Highway 90 south to the City of Daphne's southern city limits. The extents of this annexation request are described in the attached Legal Description and map.

This request is precipitated by the current action of the City to enter into a Cooperative Maintenance Agreement for the same described State Right-of-Way. To expedite this process please forward this request to your Chief Legal Counsel for simultaneous review and possible approval.

Upon consent, City Staff will present the annexation to all applicable Commissions and the full City Council for approval. If you have any questions or need additional information you can contact Richard Johnson, Public Works Director at (251) 621-3182.

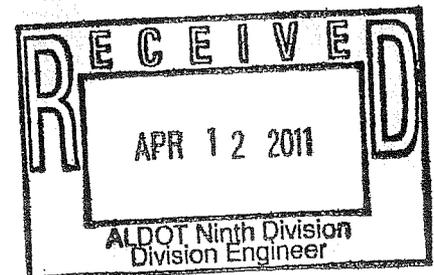
ALDOT and the Ninth Division has been a stalwart supporter of the City in such past endeavors and I thank you in advance for your continuing support of the City of Daphne.

Sincerely,

Fred Small
Mayor

Attachments: Legal Description
Annexation Map

Cc: Richard D. Johnson, PE; Public Works Director
Adrienne Jones; Director, Community Development
File

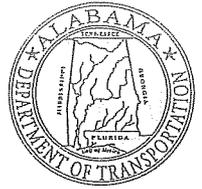




Robert Bentley
Governor

ALABAMA DEPARTMENT OF TRANSPORTATION

NINTH DIVISION
OFFICE OF DIVISION ENGINEER
1701 I-65 WEST SERVICE ROAD N
MOBILE, ALABAMA 36618-1109
TELEPHONE: (251) 470-8200
FAX: (251) 473-3624



John R. Cooper
Transportation Director

May 25, 2011

Mayor Fred Small
City of Daphne
1705 Main Street
P. O. Box 400
Daphne, Alabama 36526

Dear Mayor Small:

Re: Right-of-Way Annexation Request
State Route 181
City of Daphne

The Ninth Division has no objections to the City of Daphne annexing the rights-of-way of State Route 181 from US Highway 90 south to the southern city limits as shown on the attached map.

If any additional information is needed, please advise.

Sincerely,

Vincent E. Calametti, P.E.
Division Engineer

VEC/LR/bja
c: File

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2011-**

**AN ORDINANCE TO ANNEX THE RIGHT OF WAY OF ALABAMA STATE
HIGHWAY 181 FROM LAWSON ROAD SOUTH TO THE SOUTHERNMOST
CORPORATE LIMITS OF THE CITY OF DAPHNE**

WHEREAS, on the 25th day of May, 2011, the State of Alabama, being the owner of the real property herein described, did file with the City a letter containing the signature of Vincent E. Calametti, P.E., an authorized agent of the State of Alabama Department of Transportation, and a map of said property showing its proximity to the corporate limits of the City of Daphne, Alabama, whereby the State of Alabama provided its consent to the annexation of said real property into the corporate limits of the City of Daphne, Alabama; and,

WHEREAS, the City of Daphne, Alabama, desires to utilize said real property for the health, safety, and welfare purposes of providing fire and police protection; and,

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of June 23, 2011, forwarded a unanimous favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "A"; and,

WHEREAS, after proper publication, a public hearing was held on August 1, 2011, by the City Council of the City of Daphne concerning said letter for annexation; and,

WHEREAS, the City Council of the City of Daphne determined it is in the public interest that said real property be annexed into the City of Daphne, Alabama and that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama (1975).

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

SECTION I: ANNEXATION

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

Name: Right-of-Way of Alabama State Highway 181 from Lawson Road southward unto the southernmost City limits

Legal Description: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD AND THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 181 (FORMERLY COUNTY ROAD 27), SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, FOR THE POINT OF BEGINNING; THENCE RUN SOUTHERLY ALONG THE WEST RIGHT-OF-WAY BOUNDARY LINE OF STATE HIGHWAY 181 TO THE POINT OF INTERSECTION OF THE SOUTH PROPERTY LINE OF OLDFIELD SUBDIVISION, PHASE ONE AS RECORDED WITH THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA ON SLIDE 2328-C&D, SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE EASTERLY TO THE POINT OF INTERSECTION OF THE SOUTH PROPERTY LINE OF DUNMORE SUBDIVISION, PHASE ONE AS RECORDED WITH THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA ON SLIDE 2414-A&B, SECTION 35, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE NORTHERLY ALONG THE EAST RIGHT-OF-WAY BOUNDARY LINE OF STATE HIGHWAY 181 TO THE POINT OF THE PROJECTED INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 181 AND THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD; THENCE WEST TO THE POINT OF BEGINNING.

Being contiguous to the Corporate Limits of the City of Daphne, Alabama.

SECTION II: PUBLICATION

This ordinance shall be published as provided by law, and a certified copy of the same shall be filed with the Probate Court of Baldwin County, Alabama.

SECTION III: SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION IV: EFFECTIVE DATE

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2011.

CATHY S. BARNETTE
COUNCIL PRESIDENT

FRED SMALL,
MAYOR

ATTEST:

DAVID COHEN,
CITY CLERK, MMC

"EXHIBIT A"

SR 181 ROW -LAWSON ROAD SOUTH TO SOUTHERN CITY LIMIT

LEGAL DESCRIPTION:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD AND THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 181 (FORMERLY COUNTY ROAD 27), SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, FOR THE POINT OF BEGINNING; THENCE RUN SOUTHERLY ALONG THE WEST RIGHT-OF-WAY BOUNDARY LINE OF STATE HIGHWAY 181 TO THE POINT OF INTERSECTION OF THE SOUTH PROPERTY LINE OF OLDFIELD SUBDIVISION, PHASE ONE AS RECORDED WITH THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA ON SLIDE 2328-C&D, SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE EASTERLY TO THE POINT OF INTERSECTION OF THE SOUTH PROPERTY LINE OF DUNMORE SUBDIVISION, PHASE ONE AS RECORDED WITH THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA ON SLIDE 2414-A&B, SECTION 35, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE NORTHERLY ALONG THE EAST RIGHT-OF-WAY BOUNDARY LINE OF STATE HIGHWAY 181 TO THE POINT OF THE PROJECTED INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 181 AND THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD; THENCE WEST TO THE POINT OF BEGINNING.

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

Public Safety Committee

Wednesday, August 10, 2011

Councilman Derek Boulware
Councilman Kelly Reese
Fire Chief James White
Public Works, Melvin McCarley

Police Chief David Carpenter
Captain Scott Taylor
Captain Daniel Bell
Tracy Bishop - Secretary

Committee Members Attending:

Councilman Derek Boulware, Councilman Kelly Reese, Chief David Carpenter, Chief James White, and Melvin McCarley.

CALL TO ORDER

Councilman Boulware **convened** the meeting at 4:40 p.m.

PUBLIC PARTICIPATION – No Public Participation.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from May 2011, June 2011, and July 2011 – Councilman Boulware made a motion to adopt the minutes from May 2011, motion was seconded by Councilman Reese and motion passed. Councilman Reese made a motion to adopt the minutes from June 8, 2011, motion was seconded by Councilman Boulware and motion passed. Councilman Boulware made a motion to adopt the minutes from July 6, 2011, motion was seconded by Councilman Reese.

POLICE DEPARTMENT

- A. **New Business** - Chief Carpenter went over the stats for June 2011. He informed those present that we had a murder just outside of the city limits that the county worked. We have worked three suicides in the past few weeks. We were advised to let the Transportation of Dead Body account continue in the red until the end of the fiscal year then money would be allocated to that account to take care of the deficit. The PD had a school crossing guard resign a few weeks ago and we may not refill this position.

Sergeant Snider completed a bicycle safety instructor course and participated in National Night Out at Target in Daphne.

Both the Police Chief and the Fire Chief expressed their concerns on taking in Hwy 181. They want the council to keep in the back of their minds that along with opportunity brings shorthandedness on service if we do not hire additional personnel.

Chief Carpenter advised that he has heard nothing on the reallocation of money for the radio system.

B. Old Business – None

FIRE DEPARTMENT

- A. New Business** –Chief White went over the stats for May 2011 . The FD conducted interviews today for firefighter. Chief advised that Engine 4 at Timbercreek went down. He was advised right before the meeting that there was oil in the fuel. A new engine would cost around \$20,000. The training facility will be completed in December 2011.

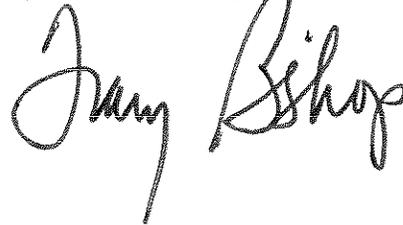
- B. Old Business –**

OTHER BUSINESS

ADJOURN

There being no further business to discuss, Mr. Boulware adjourned the meeting at 5:00 p.m. The next meeting will be Wednesday, September 14, 2011 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,
Daphne Public Safety Committee



Patrol Division	Detective Division: (Capt. Bell/Lt. Beedy)		JAIL: (Capt. Taylor/Lt. Yelding)		Animal Control (Capt. Taylor/Lt. Yelding)		Crimes Reported This Month:
(Capt. Bell/Lt. Hempfleng)							
# Complaints	1,206	# New Cases Received:	104	Total Arrestees Received & Processed:	YTD		0
# Misd. Arrests	63	# Previous Unsolved Cases:	89	Arrestees by Agency:	1,604		6
# Felony Arrests	18	# Cases Solved:	55	Daphne PD	959	#Complaints	63
DUI Arrests	15	Resulting in Total Arrests:	28	BCSO	145	#Follow-ups	101
Alias Warrant Arrests	23	Felonies:	16	Spanish Fort PD	364	#Citations	0
Citations	274	Misdemeanors:	12	Silverhill PD	110	#Warnings	10
Close Patrols	400	Houses Searched	0	Troopers	24	#Felines Captured	38
Warnings	192			Other Agencies	2	#Canines Captured	28
Motorist Assists	177					#Other Captured	10
Roadway Accidents	67	Warrants:				#Returned to Owner	17
Private Property Accidents	15	Betner Served	47			#Adopted Out	19
Traffic Homicide	2	Agency Assists	21	Highest	31	#Euthanized	14
		Recalls (Pd Fines)	26	Lowest	10		
		Total Warrants Served	94				
DRUG REPORT							
ROUTINE PATROL/SPECIAL OPS							
# Misd. Marijuana Arrest	2	Sex Offender:		Meals Served	1,416		1
# Felony Marijuana Arrest	1	New Registration:	0	Medical Cost	\$787.21	Misdemeanor Assault	0
# Controlled Substance Arrest:	1	Contact Verification	1	Worker Inmate Hours	195	Misdemeanor Theft	20
# Drug Paraphernalia Arrest	3	Total # registered in Daphne	2			Murder	0
Vehicles Searched	34	DARE:				Other Death Investigations	3
		# Hours Report Writing:	0			Public Intoxication	0
		# Students Instructed SRO	0			Public Lewdness	0
Drugs Seized:	0	# Students Instructed DARE	1,263			Receiving Stolen Property	1
Type:	0	# Police Reports by SRO	0			Reckless Endangerment	1
Money Seized	0	# Arrest by SRO	0			Resisting Arrest	1
Vehicles Seized	0	CODE ENFORCEMENT:				Robbery	0
		Warnings:	7			Sex Crime Investigations	3
Commercial Vehicle Inspections	4	Citations	2			Suicide	0
		Warning Compliance	26			Suicide, attempted	1
		Follow - Up	26			Theft of Services	0
						Unauthorized Use of Services	1
						Weapon Offenses	1
						White Collar Crimes	6

David Carpenter

DARE

MONTHLY REPORT

FY 2011

Submitted by: Sgt. Robin Snider

MONTH: June	
REPORTS:	
# HRS REPORT WRITING:	0
JUVENILE ARRESTS:	
Misdemeanors:	
Felonies:	
ADULT ARRESTS:	0
Misdemeanors:	
Felonies:	
# Hours at DHS:	0
# Hours at DMS:	0
# Hours at W.J. Carroll:	0
# Hours at DES-North:	0
# Hours at DES-East:	0
# Hours at Bayside:	0
# Hours at Christ the King:	0
# Students Taught:	0
ACTIVITY:	
Criminal Mischief:	0
Disorderly Conduct:	0
Assault:	0
Harassment:	0
Juvenile Contacts:	7
Parent Contacts:	4
Administrative Assistance:	0
Motor Assist:	4
911 Hangups:	0
Medical Assist:	0
Officer Assist:	4
Direct Traffic:	0

COMMENTS:
<p>COMMENTS: Continuing to work with new DARE YAB, Miss Teen AI USA, Setting up training dates for all AI DARE for the new elementary program, Starting on the 2012 TAASRO conference planning, Lessons presented; Bullying, juvenile law and school rules, Still trying to conduct a SRO training class at PD, if I can get enough officers (10), DeJuan is free (\$500 saving), I have 5, Working on Ms and AI DARE associations to merge into one group, Sofar, I am the only trainer for the state of AI in DARE, other states have up to 10,</p>
SPECIAL EVENTS:

ART N PARK 500 KIDS
 WET N WILD WEDNESDAY 600
 E.S. TOYOTA /JOHN WALSH KIDS ID 5 KIDS
 RUFF WILSON YOUTH CENTER 60 KIDS
 FAIRHOPE YOUTH ROTARY CLUB 98 KIDS
 TAASRO CONFERENCE

9

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
 Report Period: June 2011

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	0	3
11-Structure Fire/Commercial	0	1
11-Structure Fire/Residential	2	21
12-Fire in Mobile Property used as fixed structure	0	1
13-Mobile Property (vehicle) Fire	0	2
14-Natural Vegetation Fire	1	11
15-Outside Rubbish Fire	1	12
16-Special Outside Fire	0	3
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	1
3-Rescue Call and Emergency Medical Service Incidents:	154	865
4-Hazardous Conditions (No fire):	0	24
5-Service Call:	12	74
6-Good Intent Call:	13	86
7-False Alarm & False Call:	22	128
8-Severe Weather & Natural Disaster:	0	2
9-Other Situation:	0	2
Total Emergency Calls:	201	1182
Monthly Total Calls:	205	1234
Miscellaneous Reports:		
Highest:	12:00	12:00
Lowest:	<1	<1
Average (Minutes/Seconds) :	4:35	4:35
Training Hours	0	198.50
Property Loss - \$	\$6,000	\$457,652
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	1
Advance Life Support Rescues	104	587
Number of Patients Treated	154	870
Child Passenger Safety Seat Inspections/Installations	11	76
Classes		
Classes	5	19
Persons Attending	904	1642
Plan Reviews		
Plan Reviews	2	13
Final/Certificate of Occupancy	0	2
General/Annual Inspections	1	334
General/Re-Inspections (Violation Follow-up - Annual)	23	37
Business Licenses	4	41
Consultations-	0	0
All Other/Misc. Activities	0	9
Total Activities:	30	428

Authorized by:

James White

Chief James White

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 4, 2011 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

The Chairman stated the number of members present constituted a quorum and the special called meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m. Let us have roll call.

Call of Roll:

Members Present:

Willie Robison, Chairman
Jeri Hargiss, Secretary
Glen Swaney
Jim Moss
Tony Felts

Members Absent:

Frank Lamb
Billy Mayhand, Vice Chairman

Staff Present:

Adrienne D. Jones, Director of Community Development
Tony Hoffman, BZA Attorney
Pat Houston, Recording Secretary

The Chairman stated since there are five of us present tonight I would like to state that it will take four of the five to approve the appeal. Am I correct, Ms. Pat?

Ms. Houston stated yes, sir.

The Chairman stated before we get started tonight, I would like to welcome our newest member, Mr. Tony Felts, to the BZA, and I look forward to working with him. Also, since we are doing this now, you may or may not know this, but his father had a massive heart attack several weeks ago, and he is doing much better now, however, we would like for each of you to remember Kelvin Felts in your prayers. Once again, thanks Tony, and welcome to the Board.

Mr. Felts stated thanks, I appreciate that.

The Chairman stated next item on the agenda is the approval of the April 7th, 2011 meeting minutes. There is one correction that has been made. Where it states Robbins it should be Dobbins. The Chair will entertain a motion to approve the minutes as corrected.

Approval of Minutes:

The minutes of the April 7th, 2011 meeting were considered for approval.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 4, 2011 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

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

The Motion carried unanimously.

New Business:

Appeal #2011-03 Taylor & Kristan Culpepper

The Chairman stated next is new business on the agenda, Appeal #2011-03 Taylor & Kristan Culpepper, a variance to allow a covered front porch to encroach one-foot into the front setback line. The property is located at 209 Maplewood Loop, and it is in an R-3, High Density Single Family Residential Zone. Ms. Jones, if you would take us through this please.

Ms. Jones displayed a Power Point Presentation of 209 Maplewood Loop, Lot 40, Unit 11, Lake Forest Subdivision. She stated that the minimum setback on the front of this property is thirty-feet on the front and rear with ten-feet on the sides. What we have for the actual setback on the front of the property is nineteen-feet. It is actually a little over nineteen-feet, but I stuck with nineteen to have a benchmark and some clarity. Therefore, what is requested is just a one-foot encroachment into the front setback. The property is located within the Lake Forest Subdivision and it is completely within a residential development on Maplewood Loop, and this is the subject property. As you can see this is the covered porch, and this is the property looking northward, and it is basically a couple of inches that is just beyond the pillar that is holding up the front part of the porch that is encroaching. So that area you see, the porch area, it is the area of encroachment. What we found was that in May the Building Inspection Department issued a Certificate of Occupancy for this site, and a little bit later a survey was done, in order to acquire a mortgage, and at that time they discovered that there was an encroachment on the front setback. The encroachment is minor and I would chalk it up to an error on behalf of the builder. The encroachment does not violate the intent of the Land Use Ordinance. I would recommend approval, and that is it in a nutshell.

Mr. Moss stated short and sweet. Way to go.

The Chairman stated I believe we have Ms. Culpepper, the owner, here and Mr. Art Lami, who will be representing her. Mr. Lami, do you have anything you would like to say to the Board? If you will, step to the podium and state your name for the record, please.

Mr. Lami stated no, sir. She basically covered the main points. I built the home and made the error that I was not aware of it until the day of closing, and that is it. I would just like for her to be able to have a clear title to the property.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 4, 2011 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

The Chairman stated did you get that Ms. Pat?

Ms. Houston stated yes.

The Chairman stated let the record show that there are no adjacent property owners here to speak in opposition to this variance. At the time the Chair will entertain a motion, and remember the motion must be made in the affirmative.

A Motion was made by Mr. Swaney and Seconded by Mr. Moss to approve Appeal #2011-03, Taylor & Kristan Culpepper, for a variance to allow the front porch at 209 Maplewood Loop to encroach the front setback line by one-foot. The property is located in an R-3, High Density Single Family Residential Zone.

Upon roll call vote, **the motion carried unanimously.**

Ms. Hargiss	Aye
Mr. Swaney	Aye
Mr. Felts	Aye
Mr. Robison	Aye
Mr. Moss	Aye

The Chairman stated the appeal is granted. You may go by the Community Development Department here in city hall in the morning around 9:00 a.m. and pick up your paperwork. If there is no other business, the Chair will entertain a motion to adjourn.

Adjournment:

A Motion was made by Mr. Moss and Seconded by Mr. Felts to adjourn.

The Motion carried unanimously.

There being no further business the meeting was adjourned at 6:10 p.m.

Respectfully submitted by:

Pat Houston, Recording Secretary

APPROVED:

Willie Robison, Chairman

/ph

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
AUGUST 22, 2011
5:30 P.M.**

**UNAPPROVED
MINUTES**

1. CALL TO ORDER/ROLLCALL

Casey Zito called the meeting to order at 5:30 p.m.

Members Present: Casey Zito; Ronald Nero; Ken Balme.; Doug Bailey

ABSENT: Kelly Hughes; Mary Beth Mantiply.

Also present: Cathy Barnette, Council Liaison Rebecca Hayes, recording secretary; Dorothy Morrison, Beautification Committee.

2. ADOPT MINUTES / JUNE 27 2011

MOTION BY Ken Balme to approve the June 27, 2011 meeting minutes. *Seconded by Ronald Nero.*

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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3. OLD BUSINESS

Grant Writer

Stacy McKean, grant writer, will be at the next meeting.

Mini-Grant Application:

Members discussed structure of the mini-grant. Casey will work it and e-mail it to the members. Members agreed that this would be on a reimbursement basis, and businesses must have receipts to be reimbursed.

Focus Group Meeting

Members agreed that they will hold the Focus Group meeting on September 26th at Vino e Bira.

Website

Casey will get a proposal for the website in writing for the next meeting. They could not go through Pacsync for the website, although, they might be able to link through the committee page on the city's website.

4. TREASURERS REPORT:

There is a discrepancy in the amount that Mrs. Briley sent, and Becky will find out what the real balance is for the next meeting.

5. NEW BUSINESS

Daphne Pottery

The old Daphne Pottery is behind the grave yard by the Daphne Museum. The members discussed making a boardwalk to and around the old pottery site like the oak tree at Village Point Park Preserve. Ken talked with Mr. and Mrs. Olds regarding this, but they need to find out what the liability would be, and check out the site to make sure it is safe. Doug said that he would check the site out for safety.

6. REPORT ON BEAUTIFICATION PROJECTS / DOROTHY MORRISON

Dorothy reported that the gazebo in Centennial Park is up and running, and they are working on the parking lot. They are still trying to get in touch with Mrs. Dunmore regarding pouring a concrete sidewalk in front of Flowers Etc. The committee is trying to get permission to clean up the old Pine Lodge across from W. J. Carroll.

TO DO LIST

List of businesses for Focus Group
Doug secure grant writer for September meeting
Casey resend grant application to members
Casey get proposal for website
Doug meet with Ken to check out old Daphne Pottery site
Cathy check with Jay about liability for boardwalk to pottery site
Doug check with Jeff Hudson regarding plaque for fountain

7. NEXT MEETING

The next meeting will be September 26, 2011 at 5:30 p.m.

8. ADJOURN

The meeting adjourned at 6:37 p.m.

Respectfully submitted,

Downtown Redevelopment Authority

August 22, 2011
CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING 6:00 P.M. at Daphne City Hall,
1705 Main Street, Daphne, AL in conference room.

1. CALL TO ORDER/ROLL CALL

Members present – Toni Fassbender, Angela Mayer, Dennis Kearney, Dan Romanchuk, Tom Byrne, Doug Bailey

Also present – David Cohen, Josh Thornton

Angela Mayer introduced herself to the IDB.

2. OLD BUSINESS

3. TREASURERS REPORT

Dan Romanchuk gave the treasure's report in which he stated the bank balance \$203,920.72 and a recievables due from the City of Daphne in the amount of \$12,066.77 for March, April, May, and June lodging tax.

Motion by Mr. Byrne from Wells Fargo Bank	Seconded by Mr. Bailey	To purchase a 2 year CD
--	-------------------------------	--------------------------------

ALL IN FAVOR	NONE OPPOSED	MOTION CARRIED
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Motion by Mr. Byrne Report	Seconded by Mr. Bailey	To accept the Treasure's Report
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ALL IN FAVOR	NONE OPPOSED	MOTION CARRIED
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4. NEW BUSINESS

- a. Resolution supporting mega site industrial park for Baldwin County

Motion by Mr. Kearney Industrial Park in Baldwin County by resolution	Seconded by Mr. Bailey	To support the Mega Site
--	-------------------------------	---------------------------------

ALL IN FAVOR	NONE OPPOSED	MOTION CARRIED
---------------------	---------------------	-----------------------

5. OTHER BUSINESS

Josh Thornton gave a report on the current state of Baldwin County Alliance.

6. ADJOURN

**Motion by Mr. Bailey Seconded by Mr. Byrne To adjourn and set net
meeting for October 24, 2011 at 6:00 P.M.**

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

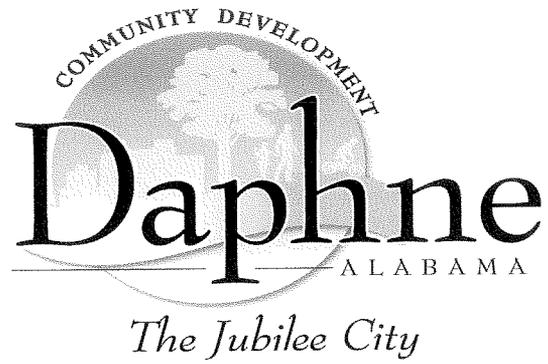
**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING
ADJOURNED AT 6:49 P.M.**

Respectfully Submitted,

David L. Cohen, Secretary

Approved:

Toni Fassbender, Chairman



**CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 28, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 28, 2011
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CALL TO ORDER:

The number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 5:02 p.m.

CALL OF ROLL:

Members Present:

Joe Lemoine, Secretary
Dan Gibson
Don Terry
Ed Kirby, Chairman
Victoria Phelps
Larry Chason, Vice Chairman
*Cathy Barnette, Councilwoman

* Ms. Barnette arrived at 6:08 p.m.

Members Absent:

Fred Small, Mayor
Chief James "Bo" White

Staff Present:

Adrienne Jones, Director of Community Development
Nancy Anderson, GIS Manager
Jan Dickson, Planning Coordinator
Jay Ross, Attorney
Richard Johnson, Public Works Director
Ashley Campbell, Environmental Programs Manager

Staff Absent:

Erick Bussey, Associate Attorney
Misty Gray, Attorney
Lonnie Jones, Code Enforcement Officer

Others Absent:

Rob McElroy, General Manager/Utilities Board of the City of Daphne
Danny Lyndall, Operations Manager/Utilities Board of the City of Daphne

The first order of business is the call to order.

Chairman: Please let the record Mayor Small and Chief White are not present.

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

APPROVAL OF MINUTES:

The minutes of the June 15, 2011 special meeting were considered for approval.

Chairman: A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A Motion was made by Ms. Phelps and **Seconded** by Mr. Lemoine **to approve the minutes of the June 15, 2011 special meeting as submitted. The Motion carried unanimously.**

The minutes of the June 23, 2011 regular meeting were considered for approval.

Chairman: A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A Motion was made by Mr. Lemoine and **Seconded** by Mr. Terry **to approve the minutes of the June 23, 2011 regular meeting as submitted. The Motion carried. Ms. Phelps abstained due to her absence at the meeting.**

The minutes of the July 14, 2011 special working meeting were considered for approval.

Chairman: A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A Motion was made by Ms. Phelps and **Seconded** by Mr. Lemoine **to approve the minutes of the July 14, 2011 special working meeting as submitted. The Motion carried unanimously.**

The next order of business is site plan review for the Shoulder of the Central Gulf Coast.

NEW BUSINESS:

THE CITY OF DAPHNE
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SITE PLAN REVIEW:

File S11-04:

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

Site: The Shoulder of the Central Gulf Coast

Location: East of Pinehill Road at the end of Roper Lane
Area: 6.36 Acres ±
Owner: The Shoulder - Mr. Phillip Drane, Executive Director
Engineer: Speaks & Associates - Richard Jay

An introductory presentation was given by Mr. Richard Jay, representing Speak & Associates, the owner, requesting site plan review of a medical treatment facility located east of Pinehill Road at the end of Roper Lane. The facility will be a modular building and will be tan in color in order to be in line with the color scheme of the Albert P. Brewer Center. The Park City Water Authority did not have the capacity to provide potable water and fire protection so they allowed the Utilities Board of the City of Daphne to provide the utilities to the Shoulder. We addressed the three comments from the Environmental Programs Manager, Ashley Campbell. We received a memorandum from the Division of Public Works stating the plan was in compliance with regard to grading and drainage design. On the landscape plan, we are providing a landscape buffer rather than installing a six-foot tall fence. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? We have seen the site plan for a long time. I am glad you finally have the water situation resolved so you can proceed.

Mr. Jay: I would like to ask one question. Around the property we show that we will be constructing a fence, but all of the abutting property is zoned R-3. I wanted to ask if we will have to build that fence around the perimeter of the property.

Chairman: Have you looked at that?

Mr. Jones: By just looking at the aerial photo, it shows that the southern limit has a tree buffer at this time. It also shows there are no houses at this time only lots. All of the property is zoned R-3, but this is not residential use. You could require they place the fence there or a buffer strip.

Ms. Barnette: I think because of the institutional use, I think a fence would be suitable because it is zoned R-3, but it is a nonconforming use. Normally, in our commercial or nonresidential R-4, we require a fence or a buffer.

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Chairman: At some point the adjacent property may be developed residential which lends itself to the requirement of a buffer. Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Terry and **Seconded** by Ms. Barnette **to approve the site plan for the Shoulder of the Central Gulf Coast. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for the Resubdivision of Lot 2, Block A, Historic Malbis Subdivision, Phase One.

PRELIMINARY/FINAL:

File SDPF11-01:

Site: Resubdivision of Lot 2, Block A, Historic Malbis, Phase One

Zoning(s): B-2, General Business

Location: Northeast of the intersection of Alabama Highway 181 and U. S. Highway 90, Lot 2, Block A, Historic Malbis Subdivision, Phase One

Area: 1.73 Acres ±

Owner: Spriggs Enterprises - Kevin Spriggs

Agent: H-Properties - Dane Haygood

An introductory presentation was given by Mr. Kevin Spriggs, the owner, requesting preliminary/final plat review of a one point seven three acre subdivision consisting of two lots, Lot 2, Block A, of Historic Malbis Subdivision, Phase One located northeast of the intersection of Alabama State Highway 181 and U.S. Highway 90. The subject property is proposed to be subdivided for the purpose of constructing a five-suite retail business strip mall on the front lot and to retain the smaller lot in the rear to construct a small business office building in the future. I will be happy to answer any questions.

Chairman: Do any of the Commissioners have any questions or comments? The Chair opened the floor to public participation. With no adjacent property owners present, the Chair closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Lemoine **to approve the preliminary/final plat review for Resubdivision of Lot 2, Block A, Historic Malbis Subdivision, Phase One. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for the Resubdivision of Parcels 1 & 3, Highfield Farms Subdivision.

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File SDPF11-03:

Subdivision: Resubdivision of Parcels 1 & 3, Highfield Farms
Zoning(s): Unzoned, extraterritorial planning jurisdiction, Baldwin County
Location: Southwest of U.S. Highway 90 and Yance Lane
Area: 29.89 Acres \pm , (4) lots
Owner: James Yance
Engineer: JADE Consulting - Trey Jinright

An introductory presentation was given by Mr. Trey Jinright, representing Jade Consulting, requesting preliminary/final review of twenty-nine point eight nine acre subdivision consisting of four lots, parcel one and three, of Highfield Farms Subdivision located southwest of U.S. Highway 90 and Yance Lane. The owner, Mr. Yance, is proposing to divide one lot into three lots and the fourth lot is the creation of the remnant of the remaining property. We have recreated and adjusted the easement on the property to accommodate the driveway for access. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: Have all of the comments provided to us by Baldwin County been addressed?

Ms. Jones: Yes.

Chairman: Do any of the Commissioners have any further questions or comments? The Chair opened the floor to public participation. With no adjacent property owners present, the Chair closed public participation. If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Ms. Phelps **to approve preliminary/final plat review for the Resubdivision of Parcels 1 & 3, Highfield Farms Subdivision. The Motion carried unanimously.**

BELLATON SUBDIVISION, PHASE THREE:

The next order of business is master plan review for Bellaton Subdivision, Phase Three.

MASTER PLAN:

An introductory presentation was given by Mr. David Diehl, representing Preble-Rish, requesting a master plan revision for Bellaton Subdivision, Phase Three. Bellaton Subdivision, Phase Three consists of thirty-four acres and with approximately ninety-four lots. This basically will be the remaining property of Bellaton development as shown on the master plan which was previously approved a few years back.

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Mr. Diehl: All the lots and the records are exactly the same as they were before. There is one minor change. We have actually lost two lots located to the west. This master plan is the same as the previous one which was approved originally in 2006, but we were asked to add the phase lines.

Chairman: Do any of the Commissioners have any questions or comments?

Mr. Gibson: Is Phase Three zoned R-4 now?

Ms. Jones: The property was rezoned to an R-4, High Density Multi-Family Residential, zone in 2006. The information in your packet is basically background information from when they asked for the rezoning from R-3 to R-4.

Mr. Lemoine: This may not be the proper time, but Mayor Small asked at site preview are the homes going to be built the same size as required by the covenants in the other phases?

Chairman: I do not know if that is relevant to the master plan. Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Chason **to approve revised master plan for Bellaton Subdivision, Phase Three. The Motion carried unanimously.**

The next order of business is preliminary plat review for Bellaton Subdivision, Phase Three A.

PRELIMINARY REVIEW:

File SDP11-02:

Subdivision: Bellaton, Phase Three A

Zoning(s): R-4, High Density Single Family Residential

Location: Southwest of Alabama Highway 181 and Corte Road

Area: 4.14 Acres \pm , (12) lots

Owner: Country Club Development, L.L.C. - Clarence Burke

Engineer: Preble-Rish - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Preble-Rish, requesting preliminary plat review of a four-acre subdivision consisting of twelve lots with the lot size averaging around nine or ten thousand square feet located southwest of Alabama Highway 181 and Corte Road. We have submitted our construction plan, and I believe we have met all of the requirements. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? The Chair opened the floor to public participation.

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Mr. Norm Peachy, resident at 9849 Bella Drive: There are a few things I think you need to know, and we have several reasons why. Basically, we have been told for one year Country Club Development, L.L.C. is out of money. The residents of Bellaton Subdivision are opposed to this development. The developer of the subdivision, Country Club Development, L.L.C., has no funds to contribute to the property owners' association for the maintenance of Phases One and Two. If that is true, then how is Phase Three being funded? The other question we have that was also raised by Mayor Small and Mr. Lemoine, how are they going to put a twenty-six hundred square foot house on those small lots? At present, the property where the pool is, was in danger of foreclosure last January, but we do not know what the situation is now. The developer does not maintain the pool or any of the common areas. The seventy-five to eighty residents of the subdivision, pay one thousand dollars for dues as members of the property owners' association. The residents owe a landscape design company twelve thousand dollars. The property owners' association, the developer, owes the residents thirty eight-thousand dollars. There are no annual board meetings. Phase Two of the subdivision is not complete, and the developer owns the majority of the lots. We received an email from Tucker Dorsey saying the L.L.C. intends to pay their fair share, but to date we have not received anything from them. Right now there are three principal players. The Building Committee is an engineering firm, a developer and a builder which is our POA board. The architectural board consists of three of the principal owners, Clarence Burke, Tucker Dorsey and John Avent which are reviewing and approving their own plans. The developer wants to own a majority of the lots which will give him one hundred and ten votes so he can amend the covenants in order to allow a one thousand eight hundred square foot home. The developer owns half of the lots in Phase Two and pays nothing for maintenance. That is why we would like Bellaton Subdivision, Phase Three to be a separate development with a separate entrance. I just want you to have the whole picture when you are deciding on this. I know you do not enforce covenants because that is not your area. I have no problem with low cost housing, but that is not what we were sold in Bellaton Subdivision. It was set to be upscale housing with amenities. A document was recorded bringing Phase Three into the development with one hundred ten voting rights. In Phase One and Two, there are approximately one hundred and twenty-five lots, and the developer owns approximately forty-five. I fear they are changing their voting rights in order for them to be able to change the covenants. I have been told by a very good source that the square footage of the homes on those lots are going to be one thousand eight-hundred square feet. I do not have a problem with low cost housing, but we would like them to make it a separate development with a separate road and not call it Bellaton. This phase of the development will have more common area that the residents will have to maintain. We have asked for some assurances regarding the types of housing that will be built there, and we were told that no assurances will be given. We fund the POA, and they control the POA. I would like you to consider this. It needs to be a separate development if that is what they wish to do. Bellaton Subdivision was not designed to be tract homes.

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Mr. John Lassiter, Lot 126, resident adjoining this development: I have spoken with the engineer for the project, and he said the construction of smaller (tract homes) with a one thousand eight hundred square foot home will not affect the property value of my home. I am a builder, and I constructed my own house for four hundred thousand dollars. In Phase One, the residents paid between four hundred thousand and six hundred thousand dollars when they purchased their homes.

Chairman: Do any of the Commissioners have any questions or comments? The Chair closed public participation. This Planning Commission is charged with making sure the subdivision meets our Land Use Ordinance, drainage, streets, and infrastructure. I understand where you are coming from, but we cannot deal with finances. We cannot take monetary issues into consideration. I understand it very well because our developer does not pay any dues either, but we do have control of the POA. With that being said, do any of the Commissioners have any further questions or comments? Let me say one more thing. The master plan and the zoning amendment were approved in 2006.

Ms. Jones: The master plan and the zoning amendment were both approved in 2006.

Chairman: My understanding is the only change appears once the master plan was reconfigured, they lost the two lots on the western boundary.

Mr. Gibson: I have a question regarding Phase Two. When they submitted the master plan with the clubhouse shown, didn't they commit to building it?

Chairman: It was part of the master plan, but we have never done a site plan for it. Did we ever do a site plan for it?

Mr. Dickson: Yes.

Chairman: So we did do a site plan for it.

Mr. Gibson: Once they turn in a landscape plan, aren't they responsible for maintaining it? This a travesty. There should be something they should have to do before we go on.

Chairman: That is a question that I cannot answer.

Mr. Ross: I think that is a restrictive covenant issue. There was not time set to build that when it was approved. It is a travesty. I think the Planning Commission is without legal authority to deny this preliminary plat based on what we have heard tonight. Our criteria is set forth like the Chairman said. They may have some other remedies to correct this problem.

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Mr. Ross: If they have met our standards, then we do not have a legal basis to turn it down. The Planning Commission is without authority today to address those issues with the preliminary plat. Unfortunately, the authority to address those concerns is not with this Commission.

Mr. Gibson: You mean such as a class action lawsuit if you will against the developer.

Chairman: But we are not supposed to advise them of that.

Mr. Gibson: I am sorry.

Ms. Jones: One comment. I want to get back to the report for Bellaton Subdivision, Phase Three A. Mr. Johnson, the Public Works Director, would like his comments contained in his memorandum regarding grading to be made a part of the record to reflect that the developer's engineer during the site preview meeting did agree to do as he recommended.

Please note to the Planning Commission that the Project Engineer for the above reference subdivision has submitted revised construction drawings. All Public Works related deficiencies and concerns have been addressed in the revised drawings except the following:

Lots 207-209 and 142-146 will require substantial fill at time of home construction per notation on plans. How will the engineer and/or developer insure positive drainage post home construction? Typically a home builder will never be made privy to these construction plans. It is my strong recommendation that all fill and grading of lots be performed as part of the subdivision construction. It is the only way to insure compliance with the intent of the engineer's drainage design.

Mr. Chason: I would also like to say. Over the last two or three years, we have been seeing plans for with different size houses. This phase has a different zoning from the other phases. At this time, smaller homes with smaller lots are selling better. It would be beneficial for a developer to maintain the entrances, and the common areas in order to sell the homes in the new development. I would recommend you pursuing having him pay his fair share.

Ms. Barnette: At one time there was some discussion about making Phase Three a separate development. Did you discuss this with your client and what was his response?

Chairman: There was a discussion, but it was not approved like that.

Mr. Diehl: I think Mayor Small suggested that at one time about the developer improving Corte Road. The developer does not wish for this phase to be a separate development and access.

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Mr. Lemoine: We had the same problem with our subdivision. The developer made the next phase a separate development and solved our problems. We have common areas that cost us an arm and a leg to maintain. What is the difference between voting negatively or abstaining? The question is, am I obligated to vote for this subdivision?

Chairman: I think in order for you to abstain you would have to have some type of conflict in connection with this project.

Mr. Ross: We do not have any rules that deal with this, but an abstention comes when the Planning Commission member has some interest with the outcome. The general rule is an abstention is when you may have a potential conflict. There is not rule that you have to vote. If there is an item before the Commission, then you vote your conscience. It takes six affirmative votes to approve the subdivision. If you vote against it, then you must articulate the reasons for the objection. I will caution you that if you deny it, then you must come up with a reason for denial which is a noncompliance issue in the Daphne Land Use Ordinance. Ms. Jones says there is no reason because they have met the requirements. Nobody can make you vote.

Ms. Jones: I just want to throw this out there. As Mr. Ross said your vote is tied to the regulations. If they have met the regulations, then the Planning Commission is required to approve it.

Mr. Gibson: It sounds like the simplest thing they could do is to go and get a lawyer and put a lien on all of the developer's lots out there.

Chairman: That is not something we deal with.

Mr. Gibson: I'm sorry. I did not say that.

Ms. Barnette: It takes six affirmative votes to approve it so if the motion failed, then there would have to be a legal reason for the denial.

Mr. Ross: Absolutely. If you would like to abstain your vote and not be in Bay Minette.

Ms. Barnette: The challenge is with this Planning Commission. Perhaps it should not have been rezoned to R-4. I do not recall any opposition to the rezoning. It now meets our regulations, and its intended use. We have to have a certain number of votes, and we do not have a legal reason to say no.

Mr. Lemoine: I did make a comment previously, and I was told it was not relevant to what we were voting on. I kept my mouth shut, and I have missed my opportunity. Now it is time to vote, and I am not happy.

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Ms. Phelps: I have a question. Is lack of compatibility a reason for denial?

Ms. Barnette: How could it be incompatible, if you have a revised master plan that we have approved with the zoning?

Ms. Jones: It meets the zoning requirements. It actually exceeds the zoning requirements.

Ms. Phelps: It is basically a stand-alone development next to an R-3 development.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Chason **to approve the preliminary plat review for Bellaton Subdivision, Phase Three A.**

Mr. Lemoine: I would like to call for a roll call vote.

Mr. Lemoine	Nay
Mr. Gibson	Aye
Mr. Terry	Aye
Mr. Kirby	Aye
Ms. Phelps	Nay
Mr. Chason	Aye
Ms. Barnette	Aye

Upon roll call vote, the Motion failed.

Chairman: The motion failed because the vote was five to two. You need to state a reason for the denial.

Ms. Phelps: You want me to state a reason for the failure of the motion.

Mr. Lemoine: My conscience.

Mr. Chason: Mr. Lemoine, I have a tremendous amount of respect not only for this, but for other instances that I have seen you involved in. I totally appreciate the way you feel for their situation because I do. For the last three years, I have heard nothing from developers, but misery. Their situation, although it is difficult, is not unusual. They are not alone. There are a lot of people who are trying to reinvent and redesign neighborhoods. I know you have gone through this in your neighborhood.

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Mr. Chason: I do not think denying and changing it will make anything better. It may make things worse. The other development may put owners in there that would maintain the common areas and pay the dues. I do respect your reasons for not wanting to support it. I have to say we have a responsibility to do a job which is not pleasant. I understand that, and I am sorry. It is one of those things. If we do it here, then we will have to do it again. Each time we do it, we will be doing it contrary to what the law is. I feel for these people, but I certainly do not want to break the law. I am going to go with what we have been told is what we have to do. I apologize to you, but that is what we have to do.

Ms. Phelps: I cannot in good conscience vote for this. That is where I stand tonight.

Clarification Note: Although a majority of those present voted in favor of the motion, a super majority would have been necessary for a favorable recommendation.

ST. AUGUSTINE SUBDIVISION, PHASE TWO AND THREE:

The next order of business is preliminary plat review for Saint Augustine Subdivision, Phase 2.

PRELIMINARY REVIEW:

File SDP11-05:

Subdivision: Saint Augustine, Phase 2

Zoning(s): *RSF-2, Single Family Residential, Baldwin County District 15*

Location: Northeast of County Road 64 on Rigsby Road

Area: 12.91 Acres \pm , (29) lots

Engineer: Preble-Rish - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Preble-Rish, requesting preliminary plat review of a twelve-point nine-acre subdivision consisting of twenty-nine lots located northeast of County Road 64 on Rigsby Road. The property is currently zoned RSF-2, Single Family Residential, in Baldwin County District 15. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: Just a comment. I liked the design of the old master plan.

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Mr. Diehl: The County Commission denied the rezoning to a planned unit development.

Ms. Barnette: Have all of the comments provided to us by Baldwin County been addressed?

Ms. Jones: Yes.

Chairman: Do any of the Commissioners have any further questions or comments? The Chair opened the floor to public participation. With no adjacent property owners present, the Chair closed public participation. If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Terry **to approve the preliminary plat review for Saint Augustine Subdivision, Phase 2. The Motion carried unanimously.**

The next order of business is preliminary plat review for Saint Augustine Subdivision, Phase 3.

File SDP11-03:

Subdivision: Saint Augustine, Phase 3

Zoning(s): *RSF-2, Single Family Residential, Baldwin County District 15*

Location: Northeast of County Road 64 on Rigsby Road

Area: 14.37 Acres \pm , (31) lots

Owner: Breland Homes - Mr. Louis W. Breland

Engineer: Preble-Rish - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Preble-Rish, requesting preliminary plat review of a fourteen-point three seven-acre subdivision consisting of thirty-one lots located northeast of County Road 64 on Rigsby Road. The property is currently zoned RSF-2, Single Family Residential in Baldwin County District 15. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: Have all of the comments provided to us by Baldwin County been addressed?

Ms. Jones: Yes.

Mr. Diehl: All of the information has been reviewed and approved.

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Chairman: Do any of the Commissioners have any further questions or comments? The Chair opened the floor to public participation. With no adjacent property owners present, the Chair closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry **to approve the preliminary plat review for Saint Augustine Subdivision, Phase 3. The Motion carried unanimously.**

DUNMORE SUBDIVISION, PHASE TWO, PART C:

The next order of business is master plan review for Dunmore Subdivision, Phase Two, Part C.

MASTER PLAN:

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting to table the master plan revision for Dunmore Subdivision, Phase Two, Part C. At the request of the residents, we are revising our plans to change the zoning amendment request for R-4, High Density Single Family Residential, from fifty lots to fifteen. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? Mr. Coleman, do you agree to waive the thirty-day subdivision rule.

Mr. Coleman: Yes sir. I respectfully request to table all of the items for Dunmore Subdivision, Phase Two, Part C to include the revised master plan review, preliminary/final plat review, and the three zoning amendments.

Chairman: Do any of the Commissioners have any questions or comments?

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry **to table all of the agenda items for Dunmore Subdivision, Phase Two, Part C, the revised master plan, preliminary/final plat, file number - SDPF11-02, and the three zoning amendments file numbers - SDPF11-02, SDPF11-03, and SDPF11-04. The Motion carried unanimously.**

The next order of business is administrative presentation for the proposed acceptance of an unnamed right-of-way.

ADMINISTRATIVE PRESENTATION:

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An introductory presentation was given by Mr. Richard Johnson, the Public Works Director, of the proposed acceptance of an unnamed right-of-way and/or drainage easement subject to acquisition and/or conveyance by right-of-way deed from the owner for acceptance of maintenance. The north thirty-five feet of Lot 11, Block 1, Randall's Subdivision northwest of the intersection of Randall Avenue and Pollard Road, remnant located north of Deerwood Subdivision. The proposed name recommended by the Public Works Committee is Eliza Drive. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: The Public Works Committee agreed that this name would be appropriate in honor of a long time resident of the City of Daphne.

Ms. Jones: 911-Addressing said there is already an Elisa Drive or Street in the City so we have to use Eliza's last name, Eliza Mitchell.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Terry *for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the acceptance of an unnamed right-of-way subject to acquisition and/or conveyance by right-of-way deed from the owner for acceptance of maintenance to be known as Eliza Mitchell Drive located north of Deerwood Subdivision. The Motion carried unanimously.*

The next order of business is administrative presentation for the proposed renaming of Lawson Road.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Ms. Adrienne Jones, Community Development Director, requesting to rename that portion of the right-of-way of Lawson Road from County Road 13 east to Alabama State Highway 181 to Champions Way. 911-Addressing is ok with it.

Chairman: Do any of the Commissioners have any questions or comments? So they will have to be Champions from now on?

Ms. Phelps: I think that it is an awesome idea.

Mr. Terry: The only address that will be affected will be the high school.

Ms. Jones: It will be 1 Champions Way.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 28, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Phelps and Seconded by Mr. Terry *for the affirmative recommendation by the Planning Commission to the City Council of Daphne to rename that portion of the right-of-way of Lawson Road from County Road 13 east to Alabama State Highway 181 to Champions Way. The Motion carried unanimously.*

ADMINISTRATIVE PRESENTATION:

The next order of business is discussion of the proposed Amendment to the Article 33 k, Interstate Sign Provisions of the Daphne Land Use and Development Ordinance.

Chairman: Do any of the Commissioners have any questions or comments? We have a draft copy of the Ordinance, and we have had a work session on this.

Ms. Jones: What I have done is implemented the changes we have discussed previously, and I have also incorporated comments from the Planning Commission members. What I have presented here in red are those changes, and other changes that I have made to make the Ordinance more sound. As I review the changes, I would like you to agree to them or specify your changes for the final draft.

Discussion and/or clarification of qualifying property dimensions and/or acreage for a commercial development which would be entitled to a development sign. Monument signage requirements and dimensions for U.S. Highway 90. Allowable building signage and determination of location on the building. The sight line survey shall be submitted to the Community Development Officer and the Code Enforcement Officer for review. Maximum number of panels is not to be specified.

Ms. Jones: This portion of the discussion does not call for public participation, but I have two other questions that I need to ask and I cannot remember what they are. May I ask Mr. Johnson, Academy Sports, to tell me what they were?

Mr. Johnson: Require clarification for the dimensions and acreage requirements for a development sign because of the subdivision plat which will be submitted by Academy Village.

Ms. Jones: We have a provision in the Ordinance which says you can clear up to thirty percent of the property, but you cannot clear a natural drainage or wetland area. It must be dedicated to the City. You have to maintain a specific buffer the Ordinance requires.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 28, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Chairman: Do any of the Commissioners have any further questions or comments?

Ms. Phelps: I do not agree with allowing a forty-foot sign with the two hundred or the four hundred foot thing. I just want you to know that I disagree with that. The second thing is I just want it on record that I passed signage on Interstate 65, and this is one of them right here. It is a multi development site that used a forty-five foot monument sign for a development situation. I believe that people get off of the interstate looking for things and directional signs can help direct them to where they want to go. I just wanted you to know I am against the commercial development sign being ninety feet tall, but I appreciated getting the sight line study in the Ordinance. I think we have done a good job. I think the Planning Commission member and staff put worked hard putting this together. Although I disagree with some of the things in here, I am going vote in favor of it and let it go to the City Council to see what comes of it since we did work so hard on it.

Mr. Chason: One more thing since Ms. Barnette and Ms. Phelps were not at the work session regarding Lonnie Jones' comments. I found them to be quite interesting. It was nothing more than his personal opinion, but he is charged with enforcing the Sign Ordinance and reporting back to us. His comment was the sign we approved in front of the Jubilee Square Shopping Center has done a lot to help those tenants. There are more customers and activity now in the shopping center, and it may be because Dick's Sporting Goods is there now. He was very supportive that the sign has performed well for that shopping center.

Mr. Lemoine: I just want to add one other comment. That was one of the comments the developer of the Jubilee Shopping Center made. The ninety-foot sign was instrumental in attracting the tenant going in Anchor H of the Jubilee Square Shopping Center.

Chairman: Do any of the Commissioners have any further questions or comments? Any other discussion?

Mr. Terry: Mr. Chairman, I would sure like Ms. Barnette to change her mind and support us. The eight of us have worked hard on the Ordinance, and this is the first time we have heard your input on it.

Ms. Barnette: I have been making my comments known all along.

Mr. Terry: On this issue?

Ms. Barnette: I do not think there is any question that I do not think we should amend the Sign Ordinance for the pylon sign. I apologize that my comments have not been heard.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 28, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Barnette: I have made my comments clear. I think it is wrong what we are doing. I respect the work that you did, but legally I have the right to vote no for this one, and I am going to.

Ms. Phelps: I would like to thank you for coming around to some of the changes that I proposed for the Ordinance. Thank you for that.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Chason and Seconded by Mr. Terry for the affirmative recommendation by the Planning Commission to the City Council of Daphne to adopt the proposed Amendment to the Interstate Sign Provisions of the Daphne Land Use and Development Ordinance. The Motion carried. Ms. Barnette dissented.

The next order of business is public participation.

PUBLIC PARTICIPATION:

Chairman: Is there anyone who would like to address the Planning Commission?

Mr. Kevin Spriggs, business owner: The first thing is I would like to thank the Planning Commission for allowing commentary on these projects. Previously, it was not allowed. It is important to let someone know if they have the legal right to do something. A democracy allows you to have a voice about what is going on around you. The second thing is I just went on a two thousand five hundred mile road trip to New York, and I realized our important interstate signs are for Daphne's commerce and economics.

Chairman: Anyone else? Public participation is closed.

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

ATTORNEY'S REPORT:

Mr. Ross: No report.

The next order of business is commissioner's comments.

COMMISSIONER'S COMMENTS:

Chairman: Do any of the Commissioners have any questions or comments?

The next order of business is the director's comments.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 28, 2011
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

DIRECTOR'S COMMENTS:

Ms. Jones: No comment.

ADJOURNMENT:

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion to adjourn.

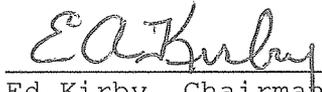
There being no further business, the meeting was adjourned at 6:45 p.m.

Respectfully submitted by:



Jan Dickson, Planning Coordinator

APPROVED: August 25, 2011



Ed Kirby, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF AUGUST 25, 2011 REPORT ADJ/JD
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

1. **CALL TO ORDER** DATE OF REPORT: AUGUST 31, 2011 5:00 P.M.
2. **CALL OF ROLL:** MAYOR SMALL, DON TERRY, ED KIRBY, VICTORIA PHELPS,
LARRY CHASON, CATHY BARNETTE, CHIEF JAMES WHITE
3. **APPROVAL OF MINUTES:**

*Review of minutes for the regular meeting of July 28, 2011. **(APPROVED AS SUBMITTED)***

4. **OLD BUSINESS:**

A. **DUNMORE SUBDIVISION, PHASE TWO, PART C:**

1. **MASTER PLAN:** **(APPROVED)**

Presentation to be given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting a master plan revision for Dunmore Subdivision, Phase Two, Part C.

2. **PRELIMINARY/FINAL PLAT REVIEW:**

File SDPF11-02: **(APPROVED)**

Subdivision: **Dunmore, Phase Two, Part C** *(Associated with the zoning amendments for Hearthstone Multi-Asset Entity)*

Present Zoning: ***R-1, Low Density Single Family Residential and R-2, Medium Density Single Family Residential***

Proposed Zoning: ***R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-4, High Density Single Family Residential***

Location: On the East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road

Area: 50.02 Acres ±, (3) lots

Owner: Hearthstone Multi-Asset Entity-Steven Mathison, Vice President

Engineer: Rester & Coleman Engineers - Joel Coleman

3. **PETITIONS:**

(a) **ZONING AMENDMENT: (FAVORABLE RECOMMENDATION)**

File Z11-02: **Hearthstone Multi-Asset Entity**

Present Zoning: ***R-1, Low Density Single Family Residential and R-2, Medium Density Single Family Residential***

Proposed Zoning: ***R-3, High Density Multi-Family Residential***

Location: On the East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road, Lot 1, Dunmore Subdivision, Phase Two, Part C

Area: 34.48 Acres ±

Owner: Hearthstone Multi-Asset Entity-Steven Mathison, Vice President

Engineer: Rester & Coleman Engineers - Joel Coleman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF AUGUST 25, 2011 REPORT ADJ/JD
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

(b) **ZONING AMENDMENT: (FAVORABLE RECOMMENDATION)**

File Z11-03: Hearthstone Multi-Asset Entity

Present Zoning: R-1, Low Density Single Family Residential

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

Location: On the East side of Alabama Highway 181, South of Austin Road,
North of Dick Higbee Road, Lot 2, Dunmore Subdivision, Phase
Two, Part C

Area: 11.84 Acres ±

Owner: Hearthstone Multi-Asset Entity-Steven Mathison, Vice President

Engineer: Rester & Coleman Engineers - Joel Coleman

(c) **ZONING AMENDMENT: (FAVORABLE RECOMMENDATION)**

File Z11-04: Hearthstone Multi-Asset Entity

Present Zoning: R-1, Low Density Multi-Family Residential

Proposed Zoning: R-4, High Density Multi-Family Residential

Location: On the East side of Alabama Highway 181, South of Austin Road,
North of Dick Higbee Road, Lot 3, Dunmore Subdivision, Phase
Two, Part C

Area: 3.77 Acres ±

Owner: Hearthstone Multi-Asset Entity-Steven Mathison, Vice President

Engineer: Rester & Coleman Engineers - Joel Coleman

5. NEW BUSINESS:

B. ADMINISTRATIVE PRESENTATION:

1. Presentation to be given by Nancy Anderson, GIS Manager, of a revision to the City of Daphne Zoning and Street Map. **(FAVORABLE RECOMMENDATION)**
2. Presentation to be given by Mr. Mitchell Davenport, representing the Gateway Companies, requesting a revised master plan review for Laurel Springs Apartments formerly known as Jubilee Ridge Condominiums located southeast of the intersection of Pollard Road and County Road 64. Current zoning is R-4, High Density Multi-Family Residential. **(DISCUSSION - NO ACTION TAKEN)**
3. Presentation to be given by Mr. Richard Johnson, Public Works Director, requesting annexation of the right-of-way of Woodrow Lane from Alabama State Highway 181 to the unimproved portion of Woodrow Lane into the corporate limits of the City of Daphne. **(FAVORABLE RECOMMENDATION)**

6. **PUBLIC PARTICIPATION:** Inquiry by Starke Irvine, Irvine Co., Inc. regarding the annexation of a three and a half acre parcel on Gabel Street northwest of Third and McIntyre Street.

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF AUGUST 25, 2011 REPORT ADJ/JD
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

7. **ATTORNEY'S REPORT:** Request by Mr. Buzz Jordan, City Attorney, to go into executive session to discuss possible litigation.
- A. **RECONSIDERATION: BELLATON SUBDIVISION, PHASE 3A (APPROVED)**
- B. **BELLATON SUBDIVISION, PHASE 3A**
- PRELIMINARY PLAT REVIEW: (APPROVED)**
- File SDP11-02:**
- Subdivision: Bellaton, Phase Three A**
- Zoning(s): R-4, High Density Single Family Residential**
- Location: Southwest of Alabama Highway 181 and Corte Road
Area: 4.14 Acres \pm , (12) lots
Owner: Country Club Development, L.L.C. - Clarence Burke
Engineer: Preble-Rish - David Diehl
8. **COMMISSIONER'S COMMENTS:** Ask Mr. Jay Ross, City Attorney, to inquire as to whether or not TimberCreek Investments, Inc. has created the conservation easement for that portion of the Magnolia Golf Course, which fronts on Woodrow Lane.
9. **DIRECTOR'S COMMENTS:** No comment.
10. **ADJOURNMENT: 6:20 P.M.**

SET A PUBLIC HEARING DATE

OCTOBER 17, 2011

TO CONSIDER:

- 1.) Amendment to the Land Use & Development Ordinance / Revision to the Zoning Map

Recommendation: Unanimous Favorable

- 2.) Rezone: Hearthstone Multi-Asset Entity
Location: On the East side of AL Hwy 181, South of Austin Road, North of Dick Higbee Rd.
Lot, 1, Dunmore Subdivision, Phase Two, Part C
Present Zoning: R-1, Low Density Single Family Residential and R-2, Medium Density Single Family Residential
Requested Zoning: R-3, High Density Multi-Family Residential
Recommendation: Unanimous Favorable

- 3.) Rezone: Hearthstone Multi-Asset Entity
Location: On the East side of AL Hwy 181, South of Austin Road, North of Dick Higbee Rd.
Lot, 2, Dunmore Subdivision, Phase Two, Part C
Present Zoning: R-1, Low Density Single Family Residential
Requested Zoning: R-2, Medium Density Single Family Residential
Recommendation: Unanimous Favorable

- 4.) Rezone: Hearthstone Multi-Asset Entity
Location: On the East side of AL Hwy 181, South of Austin Road, North of Dick Higbee Rd. Lot, 3, Dunmore Subdivision, Phase Two, Part C
Present Zoning: R-1, Low Density Multi-Family Residential
Requested Zoning: R-4, High Density Multi-Family Residential
Recommendation: Unanimous Favorable

To: Office of the City Clerk
From: Adrienne D. Jones,
Community Development Director
Subject: Revised City of Daphne Zoning Map
Date: August 31, 2011

MEMORANDUM

At the August 25, 2011, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a **favorable recommendation** of the above-mentioned map revision.

Attached please find said documentation for placement on the Tuesday, September 6, 2011 City Council agenda to set the public hearing for Monday, October 17, 2011.

The Ordinance will be provided by the City Attorney's office.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Zoning Map Six-Month Report (Copy/Digital)
2. Zoning Map (Display)

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2011-**

**Zoning District Map
Revision to Appendix H of the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on August 25, 2011 , favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H “Exhibit A” thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2005-42, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48 and Ordinance 2008-56, Ordinance 2009-19, Ordinance 2009-60, Ordinance 2010-66, Ordinance 2011-20 and Ordinance 2011-54; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2002-22, Ordinance 2003-06, Ordinance 2005-11, Ordinance 2005-42, Ordinance 2006-24, Ordinance 2006-73, Ordinance 2007-15, Ordinance 2007-48, Ordinance 2008-56, Ordinance 2009-19, Ordinance 2009-60, Ordinance 2010-66, Ordinance 2011-20 and Ordinance 2011-54; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on October 17, 2011; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit “A” shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit “A” of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinances Nos. 2002-22 and 2011-54, Appendix H "Exhibit A", and Ordinances 2003-06, 2005-11, 2005-42, 2006-24, 2006-73, 2007-15, 2007-48, 2008-56, 2009-19, 2009-60, 2010-66 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE ___ DAY OF _____, 2011.

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

**DAVID L. COHEN,
CITY CLERK, MMC**

CITY OF DAPHNE

*Zone & Street
Map Edits*



January 1, 2011- July 30, 2011

*Prepared by: Nancy Anderson, GIS Manager, City of Daphne Community
Development*

CITY OF DAPHNE ZONE MAP & STREET MAP CHANGES
January 2011 – July 2011

08/04/2011

This report corresponds to the Zone & Street map edits for the period of January 1, 2011 through July 30, 2011. The red numbers on the left-hand margin of this report serve as a key to the map & should be used to identify the particular edit on the map. These edits are further identified on the map by stick-on arrow indicators, with the corresponding assigned number written on the arrows.

The date displayed at the end of each line of this report is either the date of the Planning Commission Meeting, in which the project was approved or the date the City Council signed the approval ordinance or resolution for the given project.

Projects are not added until they receive preliminary/final or final plat designation.

SUBDIVISIONS:

- #1) **Mark Trione's Belforest Subdivision , Unit 2, Lot 2** – N side Milton Jones, W of Hwy 181, ET Jurisdiction, PC 01/27/2011.
- #2) **Property Division – City of Daphne & Daphne Utilities** – .13 AC +/- at SE intersection Hwy 98 & Johnson Rd & .15 AC at City Hall & BRAG Bldg - PC 03/24/2011.
- #3) **ReSub Caroline Woods, Lot 27, Ph 2A** – NW intersection Whispering Pines & Pollard Rd - PC 04/28/2011.
- #4) **ReSub Highfield Farms, Parcels 1 & 3** – Hwy 90 & Yance Ln - PC 07/28/2011.

RE-ZONE:

- #5) **Ordinance # 2010-72 – Big Sandy, LLC**– .72 AC +/- , B-2 to R-4 PC 10/28/2010, CC 01/03/2011.
- #6) **Ordinance # 2011-01 –Caroline Woods** – 3.47 AC +/- ,R-3 to R-4 – PC 11/18/2010, Adopted CC 01/18/2011.

RE-PLATS & EXEMPTION CHANGES:

- #7) **Re-Plat Belforest Baptist Church Property** – SW intersection Cnty Rd 64 & Hwy 181 - PC 03/24/2011.
- #8) **Re-Plat Renaissance Center, Ph 3, Lots 8 & 9** Hwy 90, NE of intersection Renaissance Center & Frederick Blvd - PC 05/26/2011.

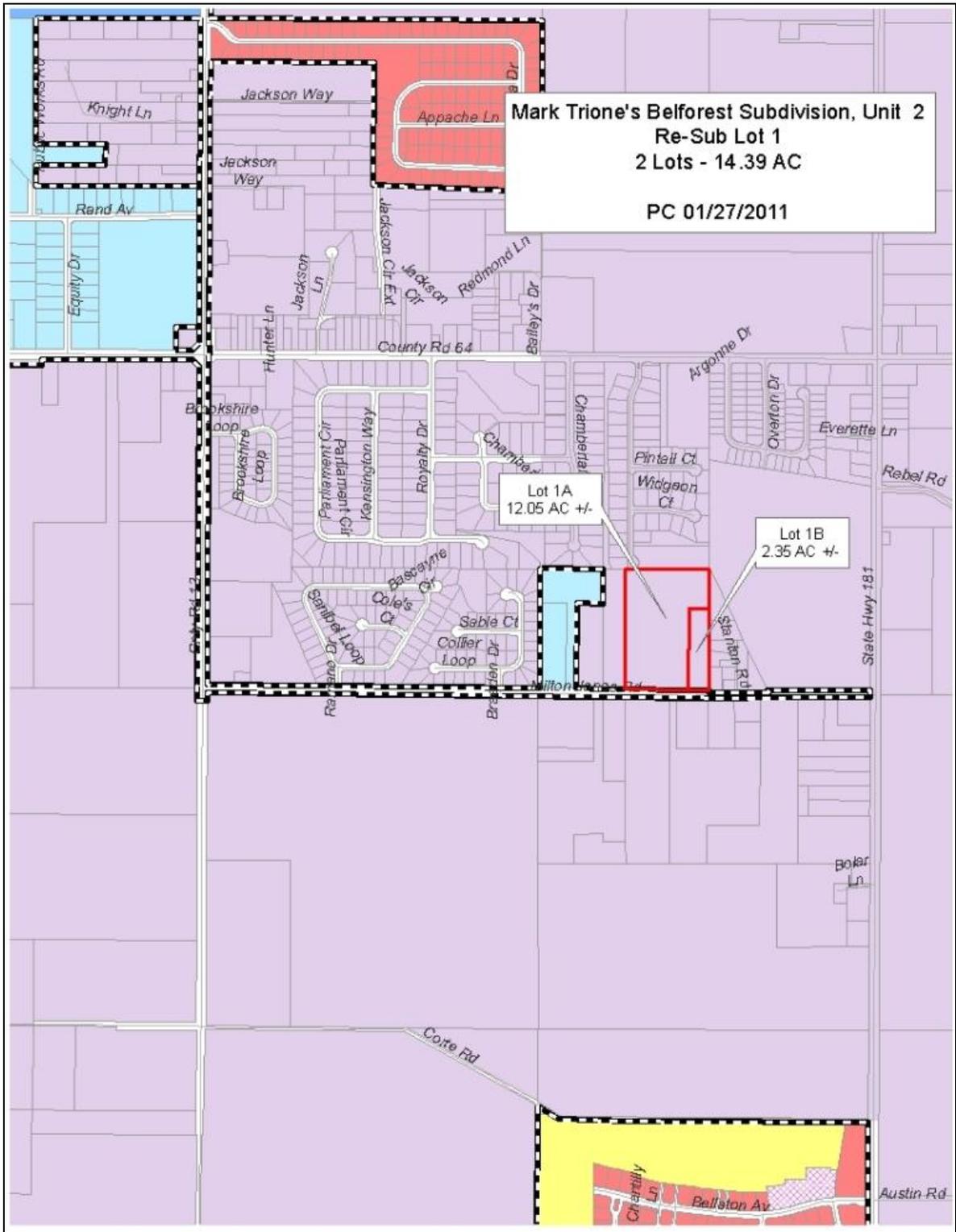
LAND USE & DEVELOPMENT ORDINANCE CHANGES:

- #9) **Ordinance # 2011-54 –New Zoning Classifications** – CC 07/18/2011.

CITY OF DAPHNE ET JURISDICTION::

ET Jurisdiction Map – official coverage area of the city of Daphne ET Jurisdiction. Jurisdictional boundaries were edited by amended agreement between the Baldwin County Commission & the City of Daphne, 12/17/2007. Due to nature of boundary extents the Zone map does not show the entire area. This map is to be used in conjunction with the Zone map for jurisdictional reference.

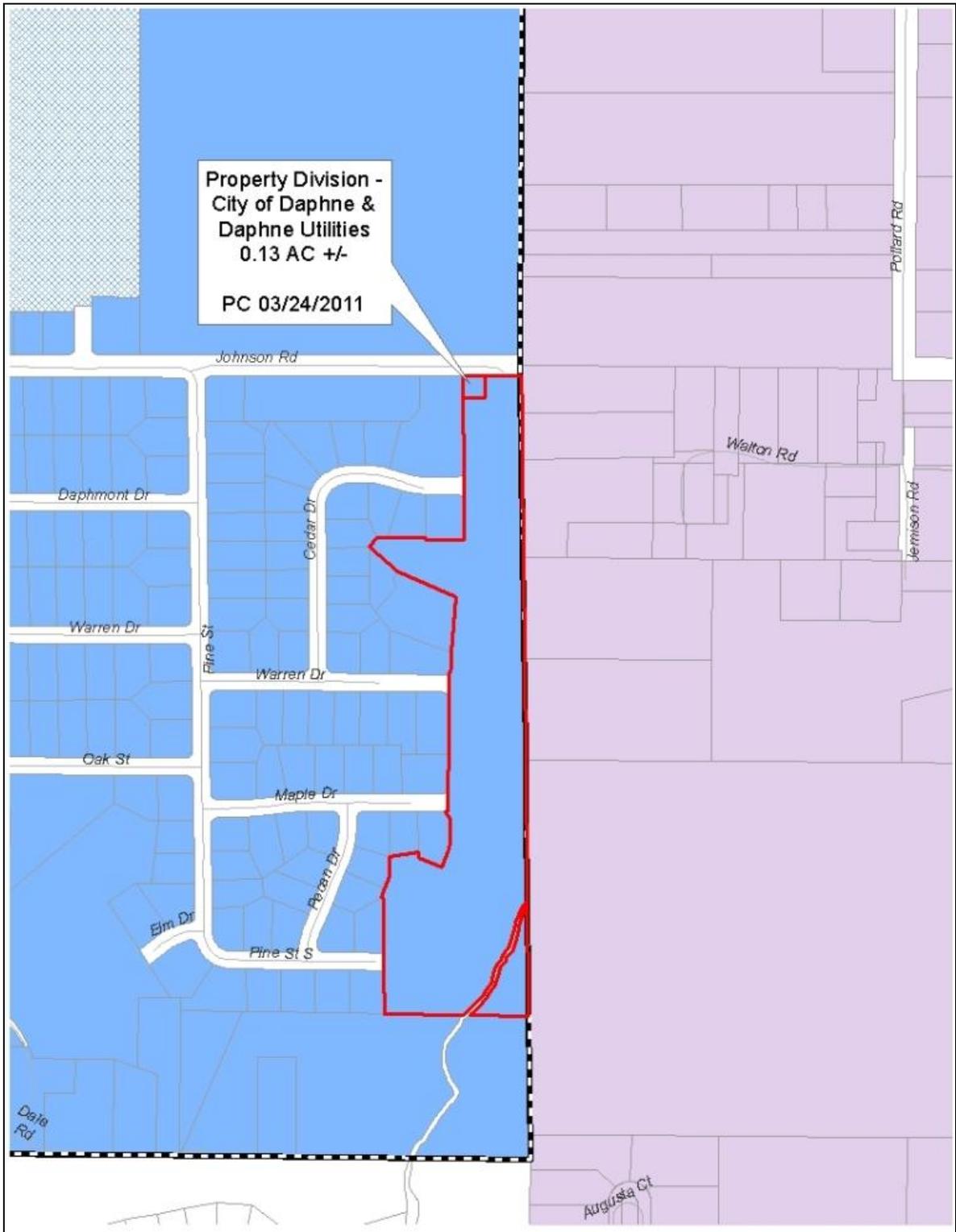
Subdivisions



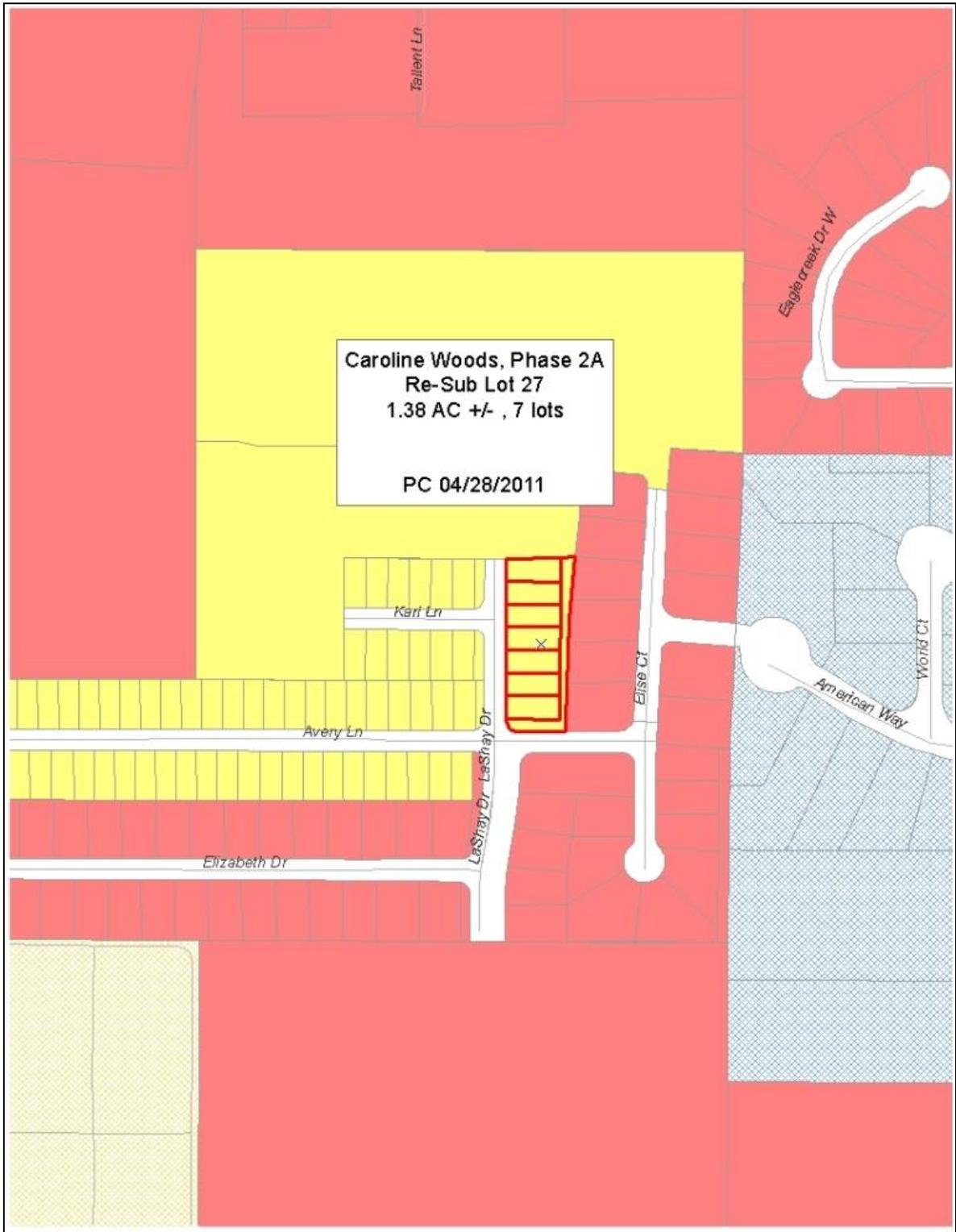
Mark Trione's Belforest Subdivision, Unit 2
 Re-Sub Lot 1
 2 Lots - 14.39 AC
 PC 01/27/2011

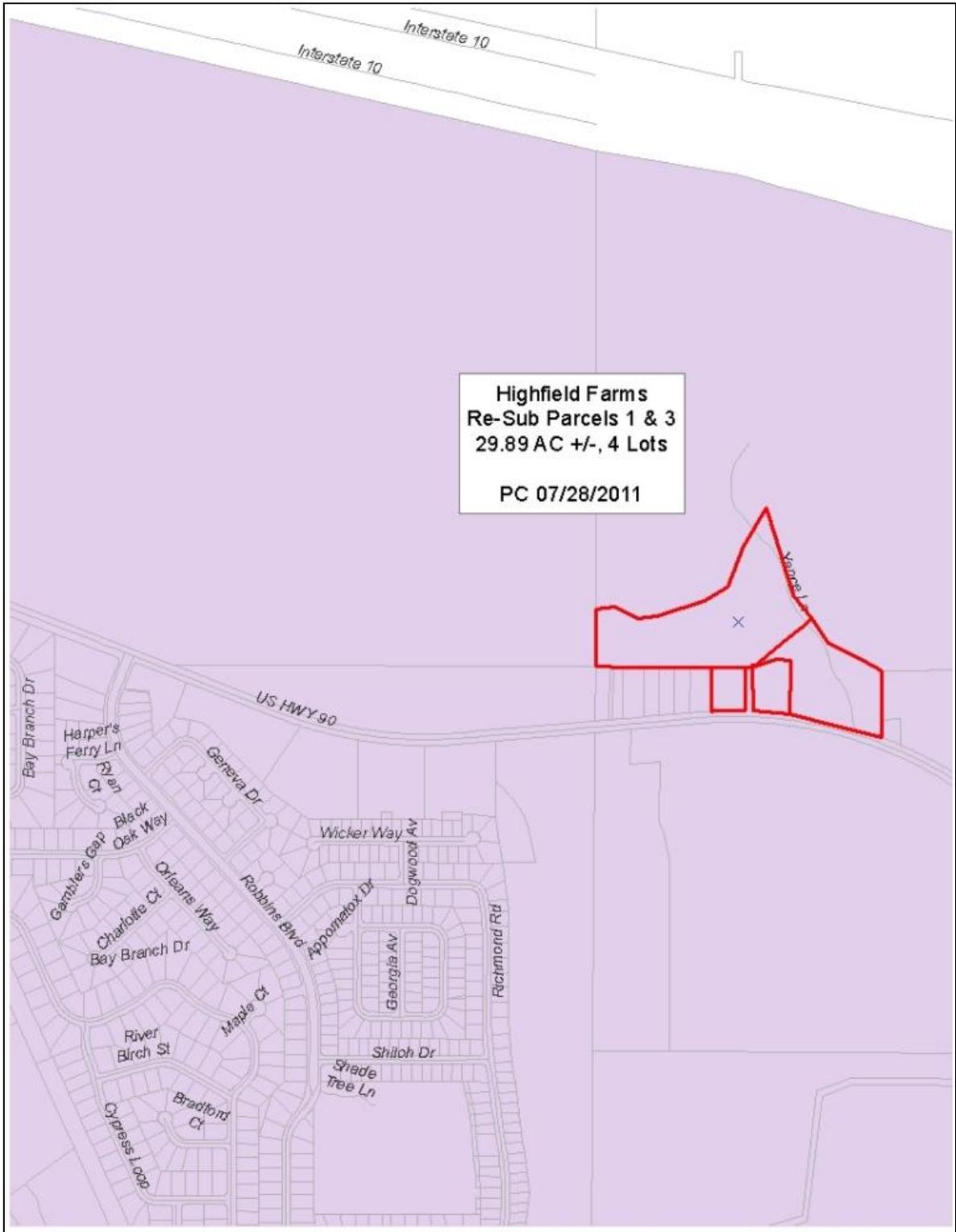
Lot 1A
 12.05 AC +/-

Lot 1B
 2.35 AC +/-









Re-Zoning

ORDINANCE NO. 2010-72

Ordinance to Rezone Property Located Southeast of the Intersection of U.S. 98 and Johnson Road
Big Sandy, LLC
(0.72 Acres)

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to R-4 High Density Multi-Family Residential District, to said property is located, southeast of the intersection of U.S. Highway 98 and Johnson Road being more particularly described as follows:

Legal Description:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH, 627.00 FEET TO A POINT; THENCE RUN N-89°31'00"-E, 1510.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE POINT OF BEGINNING; THENCE RUN N-89°45'46"-E, LEAVING SAID EAST RIGHT-OF-WAY LINE 140.47 FEET TO A POINT; THENCE RUN S-00°19'34"-W, 208.89 FEET TO A POINT; THENCE RUN N-89°36'05"-W, 160.19 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 98; THENCE RUN N-05°45'46"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 208.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.72 ACRES, MORE OR LESS.

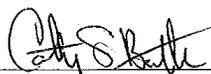
1271770
SALDWIN COUNTY, ALABAMA
TIM RUSSELL, PROBATE JUDGE
Filed Oct. 21, 2011 1:56 PM
TOTAL \$ 19.00
4 Pages

WHEREAS, the Planning Commission of the City of Daphne on October 28, 2010 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

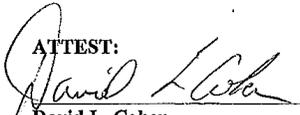
WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, December 20, 2010 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-2, General Business District, to an R-4, High Density Multi-Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 3rd day of January, 2011.


Cathy S. Barquette,
Council President


Fred Small,
Mayor

ATTEST:

David L. Cohen
City Clerk, MMC

**BIG SANDY, L.L.C.
ZONING AMENDMENT REVIEW**

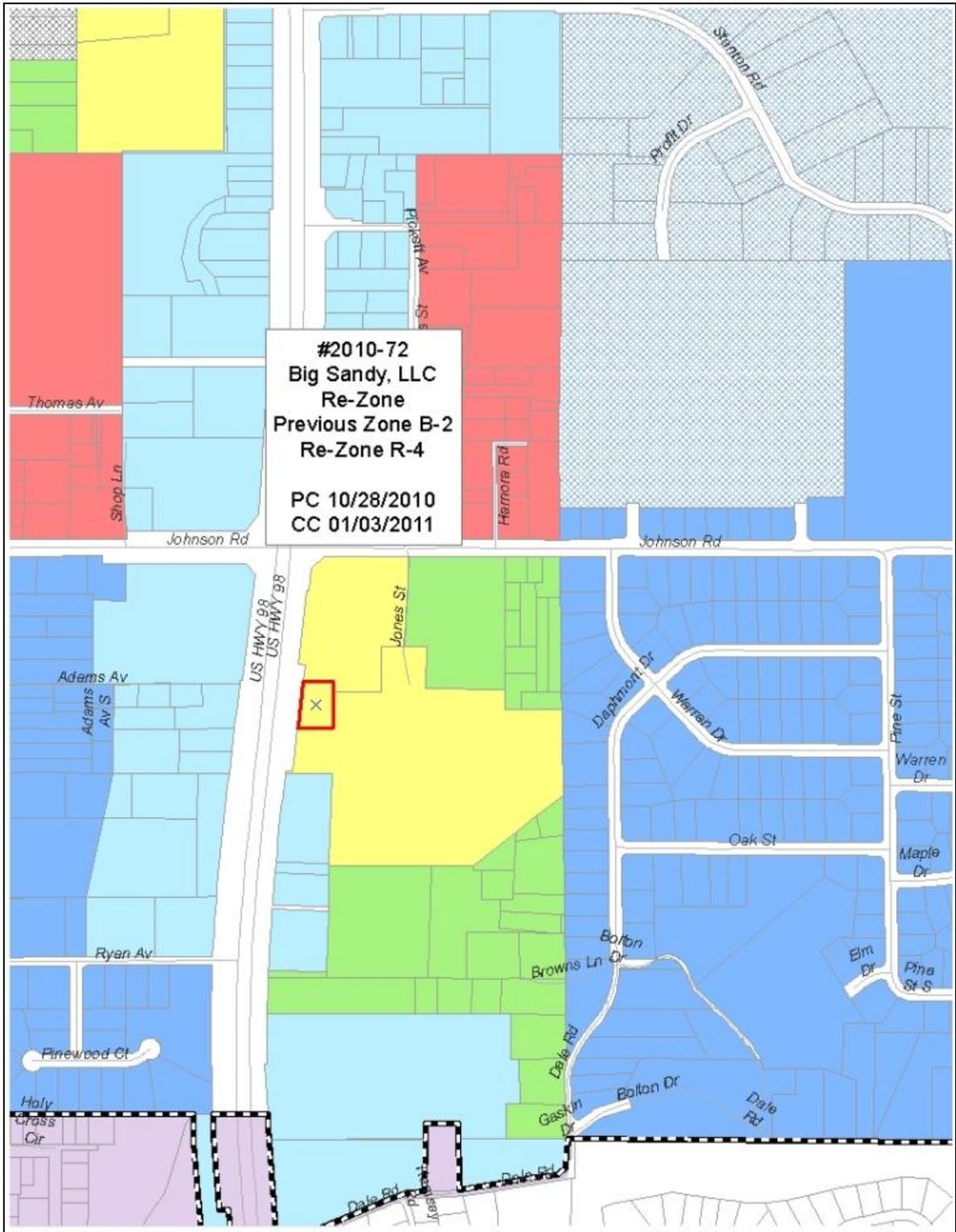
**800' SOUTH OF JOHNSON ROAD EAST OF HIGHWAY 98
EXHIBIT "A"**

(RESUBDIVISION OF LOT 1, SPRINGS AT EASTERN SHORE)

LEGAL DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH, 627.00 FEET TO A POINT; THENCE RUN N-89°31'00"-E, 1510.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE POINT OF BEGINNING; THENCE RUN N-89°45'46"-E, LEAVING SAID EAST RIGHT-OF-WAY LINE 140.47 FEET TO A POINT; THENCE RUN S-00°19'34"-W, 208.89 FEET TO A POINT; THENCE RUN N-89°36'05"-W, 160.19 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 98; THENCE RUN N-05°45'46"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 208.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.72 ACRES, MORE OR LESS.

PROJECT REFERENCE: SPRINGS AT EASTERN SHORE



**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2011-01**

**Ordinance to Rezone Property Located
Northeast of the intersection of Parker Lane and Whispering Pines Road,
Northwest of Madison Place Subdivision**

WHEREAS, Plan B Investments, L.L.C., as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-3, High Density Single Family Residential to R-4, High Density Single Family Residential; and,

WHEREAS, said real property is located Northeast of the intersection of Parker Lane and Whispering Pines Road, Northwest of Madison Place Subdivision, and more particularly described as follows:

COMMENCE AT THE SOUTHWEST CORNER OF LOT NUMBER 7 OF CAROLINE WOODS SUBDIVISION, PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2423-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, FOR A POINT OF BEGINNING: THENCE RUN SOUTH 89 DEGREES 54 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 110.23 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 30 FEET, AN ARC DISTANCE OF 47.12 FEET (CHORD BEARS NORTH 45 DEGREES 05 MINUTES 57 SECONDS WEST, 42.43 FEET); THENCE RUN NORTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, FOR A DISTANCE OF 79.05 FEET; THENCE RUN NORTH 79 DEGREES 57 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 50.79 FEET; THENCE RUN NORTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, FOR A DISTANCE OF 236.96 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1071.71 FEET, AN ARC DISTANCE OF 281.22 FEET (CHORD BEARS NORTH 07 DEGREES 37 MINUTES 00 SECONDS WEST, 280.42 FEET); THENCE RUN NORTH 15 DEGREES 08 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 67.34 FEET; THENCE RUN NORTH 89 DEGREES 54 MINUTES 03 SECONDS EAST, FOR A DISTANCE OF 36.94 FEET; THENCE RUN NORTH 76 DEGREES 51 MINUTES 49 SECONDS EAST, FOR A DISTANCE OF 84.84 FEET; THENCE RUN SOUTH 89 DEGREES 57 MINUTES 25 SECONDS EAST, FOR A DISTANCE OF 174.3 FEET; THENCE RUN SOUTH 00 DEGREES 04 MINUTES 34 SECONDS WEST, FOR A DISTANCE OF 139.01 FEET; THENCE RUN SOUTH 24 DEGREES 01 MINUTES 42 SECONDS WEST, FOR A DISTANCE OF 54.45 FEET; THENCE RUN SOUTH 03 DEGREES 47 MINUTES 20 SECONDS WEST, FOR A DISTANCE OF 262.06 FEET; THENCE RUN SOUTH 01 DEGREE 50 MINUTES 51 SECONDS WEST, FOR A DISTANCE OF 266.69 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 3.47 ACRES, MORE OR LESS, AND LIES IN FRACTIONAL SECTION 8 AND GRANT SECTION 19 AND 38, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the City of Daphne Planning Commission meeting on November 18, 2010, the Commission considered said request and set forth a favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on January 3, 2010; and,

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

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-3, High Density Single Family Residential to R-4, High Density Single Family Residential, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

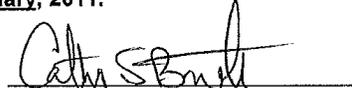
SECTION III: SEVERABILITY.

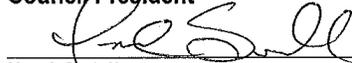
The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section,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

SECTION IV: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 18th day of January, 2011.


Cathy S. Barnette,
Council President


Fred Small,
Mayor

ATTEST:

David L. Cohen
City Clerk, MMC

PLAN B INVESTMENTS LLC
ZONING AMENDMENT REVIEW
NORTHEAST OF THE INTERSECTION OF PARKER
LANE AND WHISPERING PINES ROAD, NORTHWEST OF MADISON
PLACE SUBDIVISION
EXHIBIT "A"

(A PORTION OF CAROLINE WOODS SUBDIVISION, PHASES A & D)

LEGAL DESCRIPTION:

COMMENCE AT THE SOUTHWEST CORNER OF LOT NUMBER 7 OF CAROLINE WOODS SUBDIVISION, PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2423-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, FOR A POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 54 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 110.23 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 30 FEET, AN ARC DISTANCE OF 47.12 FEET (CHORD BEARS NORTH 45 DEGREES 05 MINUTES 57 SECONDS WEST, 42.43 FEET); THENCE RUN NORTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, FOR A DISTANCE OF 79.05 FEET; THENCE RUN NORTH 79 DEGREES 57 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 50.79 FEET; THENCE RUN NORTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, FOR A DISTANCE OF 236.96 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1071.71 FEET, AN ARC DISTANCE OF 281.22 FEET (CHORD BEARS NORTH 07 DEGREES 37 MINUTES 00 SECONDS WEST, 280.42 FEET); THENCE RUN NORTH 15 DEGREES 08 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 67.34 FEET; THENCE RUN NORTH 89 DEGREES 54 MINUTES 03 SECONDS EAST, FOR A DISTANCE OF 36.94 FEET; THENCE RUN NORTH 76 DEGREES 51 MINUTES 49 SECONDS EAST, FOR A DISTANCE OF 84.84 FEET; THENCE RUN SOUTH 89 DEGREES 57 MINUTES 25 SECONDS EAST, FOR A DISTANCE OF 174.3 FEET; THENCE RUN SOUTH 00 DEGREES 04 MINUTES 34 SECONDS WEST, FOR A DISTANCE OF 139.01 FEET; THENCE RUN SOUTH 24 DEGREES 01 MINUTES 42 SECONDS WEST, FOR A DISTANCE OF 54.45 FEET; THENCE RUN SOUTH 03 DEGREES 47 MINUTES 20 SECONDS WEST, FOR A DISTANCE OF 262.06 FEET; THENCE RUN SOUTH 01 DEGREE 50 MINUTES 51 SECONDS WEST, FOR A DISTANCE OF 266.69 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 3.47 ACRES, MORE OR LESS, AND LIES IN FRACTIONAL SECTION 8 AND GRANT SECTION 19 AND 38, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

EXHIBIT B
PLAN B INVESTMENTS, LLC

EARTH, INC.

CAROLINE WOODS
 PHASE THREE
 (NOT YET APPROVED)

ZONED R-3
 12.42 AC±

FUTURE CITY SPORTSPLEX

ZONED R-3
 83.0 AC±

CAROLINE WOODS
 PHASE TWO

ZONED R-4
 10.01 AC±

**PROPOSED R-4
 SINGLE-FAMILY**
 ZONED R-3
 3.47 AC±

CAROLINE WOODS
 PHASE ONE
 (SLIDE 2423-C)
 ZONED R-3
 4.36 AC±

ZONED R-4
 SINGLE-FAMILY
 6.00 AC±
 MADISON PLACE, PHASE ONE
 (SLIDE 2116-E)

ZONED R-4
 SINGLE-FAMILY
 2.00 AC±
 MADISON PLACE PHASE TWO
 "AMENDED"
 (SLIDE 2258-F)

ZONED R-3
 6.78 AC±

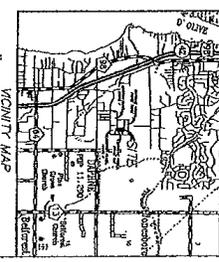
EAGLE CREEK SUBDIVISION, PHASE 2
 SLIDE FILE 2085-F
 ZONED R-3

ZONED C/I

ZONED C/I
 3.07 AC

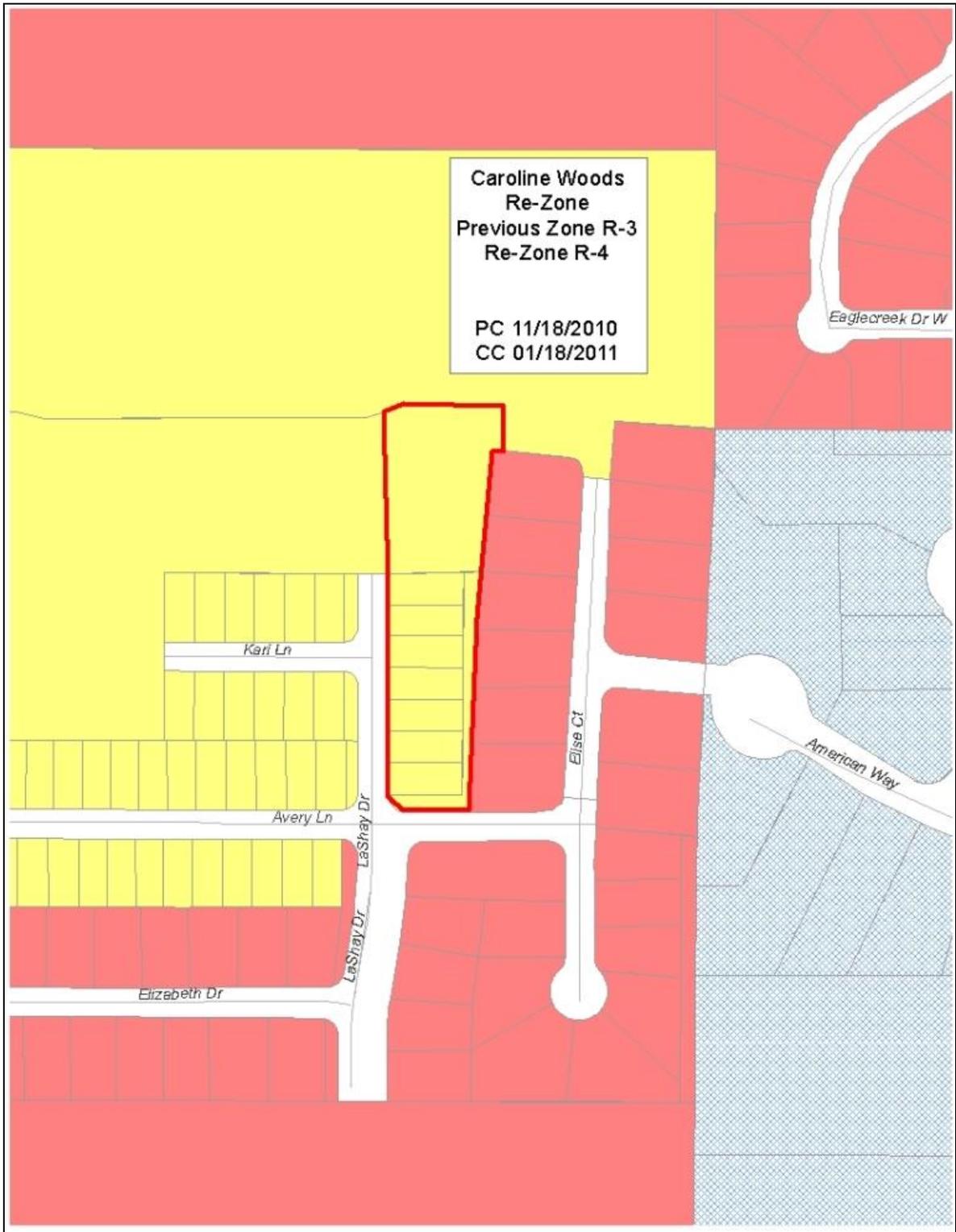
DAPHNE COMMERCIAL PARK
 SLIDE FILE 2223-E

REZONING SKETCH
 FOR A PORTION OF
 CAROLINE WOODS
 PHASE TWO



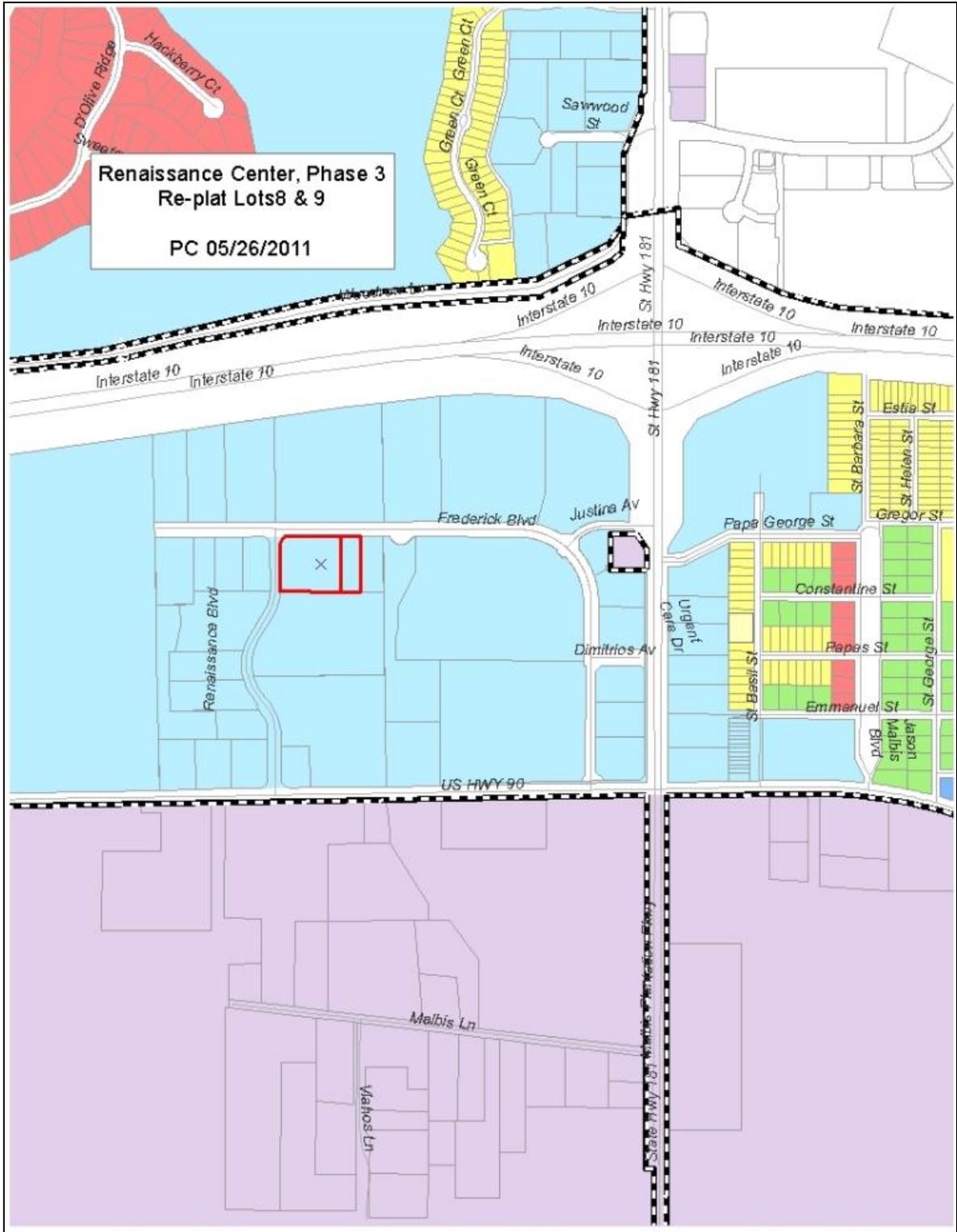
LOCAL DESCRIPTION:
 The subject property is located in the Caroline Woods Phase Two subdivision, which is a residential subdivision consisting of approximately 100 lots. The subject property is one of the lots in this subdivision. The surrounding area includes other residential subdivisions and commercial areas. The subject property is currently zoned R-3 and is being proposed for rezoning to R-4 Single-Family. The rezoning is being requested by Plan B Investments, LLC, through Earth, Inc.

eds
 ENGINEERING DEVELOPMENT SERVICES, LLC
 1015 W. 11th Street
 Tallahassee, FL 32304
 Phone: 904.224.1111
 Fax: 904.224.1112
 www.edsservices.com



Re-Plats & Exemptions





Land Use & Development Ordinance

New Zone Districts

Land Use & Ordinance # 2011-54
New Zoning District Additions
07/18/2011
VERSION I

Legend

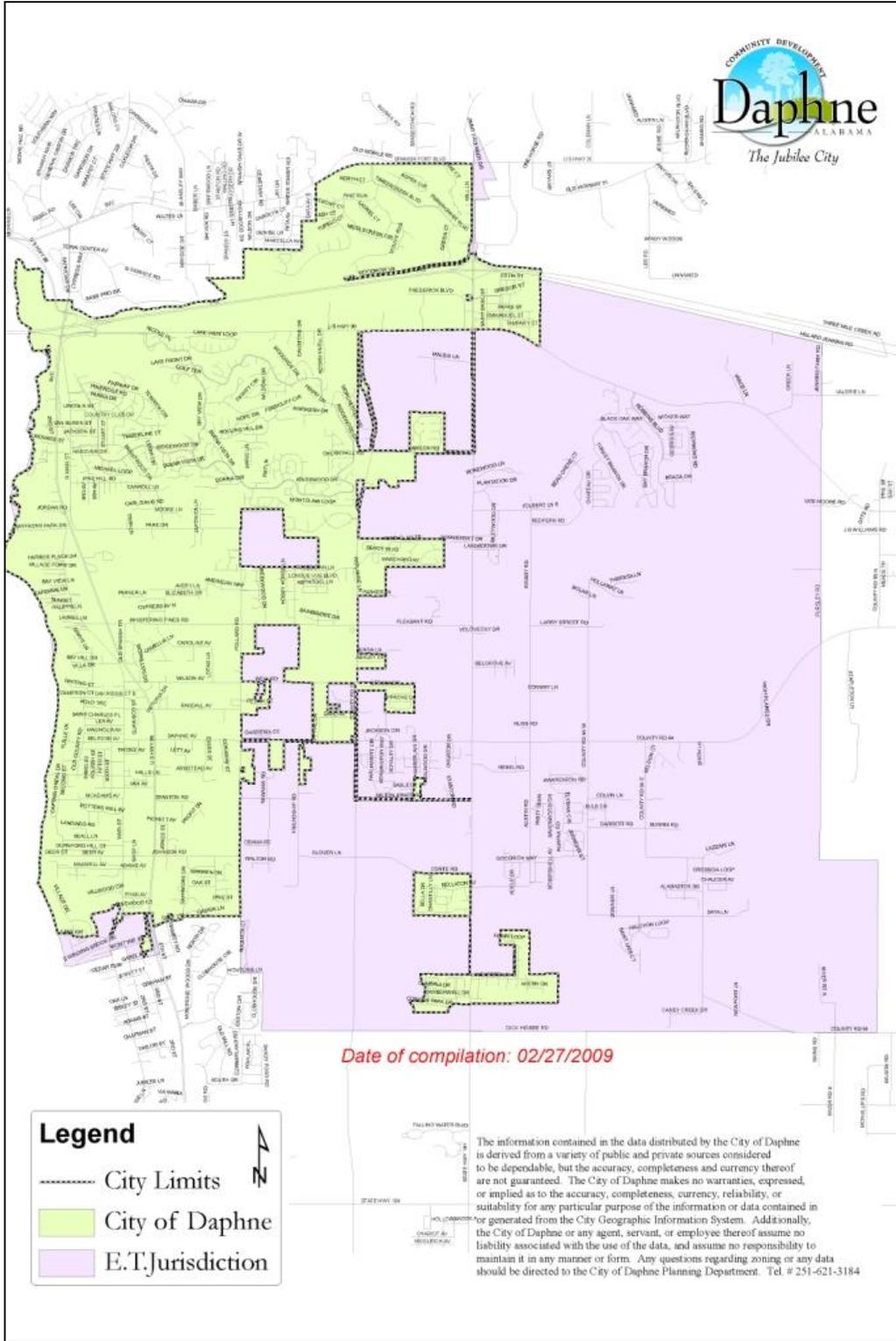
-  R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
-  R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
-  R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
-  R-4 HIGH DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL
-  R-5 MOBILE HOME RESIDENTIAL
-  R-6D DUPLEX - 2 FAMILY
-  R-6G GARDEN OR PATIO HOME
-  R-7A APARTMENT
-  R-7M MID-RISE CONDOMINIUM
-  R-7T TOWNHOUSE
-  B-1 LOCAL BUSINESS
-  B-2 GENERAL BUSINESS
-  B-3 PROFESSIONAL BUSINESS
-  C/I COMMERCIAL/INDUSTRIAL
-  M/U MULTI-USE
-  C-2
-  GC
-  Future Dev
-  ET JURISDICTION

Land Use & Ordinance # 2011-54
New Zoning District Additions
07/18/2011
VERSION 2

Legend

-  R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
-  R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
-  R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
-  R-4 HIGH DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL
-  R-5 MOBILE HOME RESIDENTIAL
-  R-6D DUPLEX - 2 FAMILY
-  R-6G GARDEN OR PATIO HOME
-  R-7A APARTMENT
-  R-7M MID-RISE CONDOMINIUM
-  R-7T TOWNHOUSE
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-  C/I COMMERCIAL/INDUSTRIAL
-  M/U MULTI-USE
-  C-2
-  GC
-  Future Dev
-  ET JURISDICTION

City of Daphne ET Jurisdiction



To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Hearthstone Multi-Asset Entity
Zoning Amendment Review
Date: August 31, 2011

MEMORANDUM

PRESENT ZONING: R-1, Low Density Single Family Residential, and R-2, Medium Density Single Family Residential

PROPOSED ZONING: R-3, High Density Multi-Family Residential

LOCATION: East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road

REFERENCE: Proposed Lot 1, Dunmore Subdivision, Phase Two, Part C

RECOMMENDATION: At the August 25, 2011, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a ***favorable recommendation*** of the above-mentioned petition.

Attached please find said documentation for placement on the Tuesday, September 6, 2011 City Council agenda to set the public hearing for Monday, October 17, 2011.

The Ordinance will be provided by the City Attorney's office.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Planning Report
2. Petition
3. Legal Description
4. Map of Property
5. Adjacent Property Owners List

Planning Commission



Zoning Amendment Review

August 2011 Planning Report

COMMUNITY DEVELOPMENT
PROPOSED LOT 1, DUNMORE PHASE 2C
ZONING AMENDMENT REVIEW

Owner: Hearthstone Multi-Asset Entity

Existing Conditions: 34.48 acres of vacant land

Existing Zoning: R-2, Medium Density Single Family Residential and R-1, Low Density Single Family Residential

Proposed Zoning: R-3, High Density Single Family Residential district

Surrounding Zonings/Uses:

North - (R-2) Single family zoned lots and houses

South- (R-A) Rural Agricultural Baldwin County District 15, undeveloped land

East- (R-1) Low density single family residential, undeveloped land

West-(R-2) Medium density single family residential zoned lots and houses

Existing Utility Service Providers:

Sewer - Baldwin County Sewer

Gas- Daphne Utilities

Electric—Riviera Utilities

Affected City Service Providers:

Fire Protection—Station 2 (North Main Street)

Police Protection—Police Beat 1

Public Works

Baldwin County Schools—School district zones are not set by municipal boundaries, therefore school districting will not be affected by annexation.

Comprehensive Plan

The current Comprehensive Plan does not account for property located within the corporate limits along Highway 181.

August 2011 Planning Report



EXCERPT FROM MASTER PLAN DISCUSSION

Zoning	Zoning Amendment (see Ordinance 2007-08 -exhibit B)			Dunmore Subdivision Final Record Plats			Proposed Addition 8/11/11		
	Acres	Lots	% of Total Lots	Phase 1	Phase 2A	Phase 2B	Phase 2C	Final Lot Count with Proposed Phase 2c	Change from Original Ordinance
R-1 Low Density	55.4	96	31.68	39	0	0	0	39	-59.38%
R-2 Med. Density	35.1	80	26.40	47	0	0	24	71	-11.25 %
R-3 High Density	27.1	60	19.80	32	0	28	84	144	+140 %
R-4 High Density	16.7	59	19.47	33	26	0	15	74	25.42 %
Total	165	303		151	26	28	136	328 Lots	8.2%
Overall Density		1.836 u/ac					Overall Density	1.987u/ac	2.7%

Source: Staff Calculations are based upon Ordinance 2007-08 and drawings provided by Rester & Coleman Engineers regarding Dunmore Subdivision Proposed Revised Master Plan (8/11), Instrument 2414-B, 2414-A, 2443-B, 2448-A as recorded in Baldwin County Probate Records. For Planning Commission's consideration only.



Community Development Recommendation: Dunmore is a mixed development comprised of single family residences. Although there is a significant reduction in the number of R-1 and R-2 zoned lots, the overall density of the subdivision would remain that of an R-1 development. The proposal would add 38 more lots than originally proposed. No commercial use or zone, no town homes or multi-family uses are proposed or introduced as part of Dunmore. This proposal would change the number and arrangement of the same types of single family zonings already present in the development adding a green space to separate the low and higher density lots. Additionally, although the overall density of the proposed layout exceeds the overall subdivision density of Oldfield and Bellaton, it remains close in range. Therefore, **I recommend approval of the revised master plan and subsequent zoning amendments. Approval contingent upon approval of the proposed master plan and the proposed Dunmore, Phase 2C preliminary/final plat.**

August 2011 Planning Report

LOT 1

**THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT**

Application Number: Z11-02 Date Plat Submitted: 07/25/11
Revised Date Presented: 08/25/11

Name of Owner: Hearthstone Multi-Asset Entity D L P Attn: Steve Mathison

Address: 220 N. Smith St., Suite 406 Palatine, IL 60067 Telephone# (847) 658-3107
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Rester and Coleman Engineers, Inc.

Address: 66 Midtown Park West Mobile, AL 36606 Telephone# (251) 479-4518
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Dunmore

Lot(s): 1 lot - Lot #1 Unit Phase Two, Part "C"

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 07/25/11).

Meeting Dates:

Planning Commission: _____

City Council: _____

Reason(s) for requesting the Zoning Amendment:

Due to current economic situation, a smaller lot is more in demand.

D. Paul Coleman
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

- a) Address Dunmore Drive, South Portions of Kilkenny Drive, and Flynt Drive
- b) Name of Subdivision Dunmore, Phase Two, Part "C"
- c) Lot numbers involved in change 1 lot - Lot #1
- d) Total acreage of change 34.4817 Acres
- e) Recorded in Map Book Instrument #1056845 Page _____
- f) Owned in whole by the undersigned? yes
- g) If owned in part, name(s) of co-owner(s) :
N/A

2) Zoning change requested:

- a) Present classification of property R-1 & R-2
- b) Reclassification desired R-3
- c) Character of neighborhood Single Family Residential

3) Certifications:

- a) Owner's Name Hearthstone Multi-Asset Entity D L P Attn: Steve Mathison
- b) Address 220 N. Smith St., Suite 406 Palatine, IL 60067
- c) Telephone Number (847) 658-3107
- d) Date 07/25/11

Signature of Property Owner



Signature of Property Owner

(Authorized Agent)

AGREEMENT

...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

07/25/11

Date



Signature of Property Owner

(Authorized Agent)

HEARTHSTONE MULTI-ASSET ENTITY
ZONING AMENDMENT
THE EAST SIDE OF ALABAMA HIGHWAY 181, SOUTH OF AUSTIN ROAD,
NORTH DICK HIGBEE ROAD

EXHIBIT "A"

DESCRIPTION OF PROPOSED LOT 1, DUNMORE, PHASE TWO, PART "C":

BEING ALL OF LOT 10 AND A PORTION OF LOTS 6, 7, 8, 9, 11, 12, 13, 14, 22, 23, AND 24 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.0 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET TO A POINT; THENCE RUN S 00° 02' 10" E 490.18 FEET TO A POINT; THENCE RUN N 89° 57' 50" E 382.13 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY A DISTANCE OF 87.04 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY A DISTANCE OF 87.04 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 89° 57' 50" E 605.48 FEET TO POINT; THENCE RUN N 00° 02' 10" W 158.05 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 30° 46' 34" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY A DISTANCE OF 67.14 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 31° 28' 07" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY A DISTANCE OF 68.65 FEET TO A POINT ON THE AFOREMENTIONED SOUTH BOUNDARY OF DUNMORE, PHASE ONE; THENCE ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN AS FOLLOWS: S 89° 20' 37" E 797.82 FEET, N 00° 39' 23" E 10.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 200.00 FEET, S 89° 20' 37" E 140.00 FEET, S 85° 31' 51" E 109.46 FEET TO A POINT; THENCE RUN S 11° 12' 24" E 119.11 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 12° 01' 52" AND A RADIUS OF 275.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 57.75 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 00° 40' 28" W 143.11 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 76° 41' 31" AND A RADIUS OF 175.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWESTWARDLY 234.24 FEET TO THE P.C.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 17° 02' 37" AND A RADIUS OF 150.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 44.62 FEET TO THE P.C.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 07° 26' 11" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 45.43 FEET TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11° 52' 57" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 72.59 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 89° 57' 50" W 27.96 FEET TO A POINT; THENCE RUN S 00° 02' 10" E 175.00 FEET TO A POINT ON THE NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY; THENCE ALONG SAID NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS AND THE NORTH BOUNDARY OF LOTS 20 AND 21 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS, RUN S 89° 57' 50" W 1520.48 FEET TO THE NORTHEAST CORNER OF LOT 22 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS; THENCE ALONG THE EAST BOUNDARY OF SAID LOT 22 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS, RUN S 00° 39' 55" W 30.00 FEET TO A POINT; THENCE RUN S 89° 57' 50" W 1472.45 FEET TO THE POINT OF BEGINNING. CONTAINING 34.4817 ACRES.

REFERENCE: DUNMORE SUBDIVISION, PHASE TWO, PART C



FRED SMALL
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

ADRIENNE D. JONES
DIRECTOR/COMMUNITY DEVELOPMENT

COUNCIL MEMBERS
BAILEY YELDING, JR.
DISTRICT 1
CATHY BARNETTE
DISTRICT 2
JOHN L. LAKE
DISTRICT 3
KELLY REESE
DISTRICT 4
RON SCOTT
DISTRICT 5
DEREK BOULEWARE
DISTRICT 6
AUGUST A. PALUMBO
DISTRICT 7

August 12, 2011

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Proposed Lot 1 of Dunmore Subdivision, Phase Two, Part C containing 34.48 acres +/- located on the east side of Alabama Highway 181, south of Austin Road, north of Dick Higbee Road to be rezoned from an R-1, Low Density Single Family Residential, and an R-2, Medium Density Single Family Residential, to a R-3, High Density Single Family Residential, zone.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. 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, Wednesday, August 17, 2011 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 25, 2011 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Hearthstone Multi-Family Asset – Steven Mathison

**HEARTHSTONE MULTI-ASSET ENTITY D L P
DUNMORE, PHASE TWO, PART "C"
REZONE R-1 AND R-2 TO R-3
ADJACENT PROPERTY OWNERS LIST**

HEARTHSTONE MULTI-ASSET ENTITY D L P
781 LINCOLN AVE., SUITE 300
SAN RAFAEL, CA 94901

HIGBEE, RICHARD S
11844 CANEY CREEK DR
DAPHNE, AL 36526

MANCI, JOSEPH & BARBARA
307 BELROSE AVE
DAPHNE, AL 36526

D R HORTON INC-BIRMINGHAM
6451 BERRITT BLVD, STE B
DAPHNE, AL 36526

MOSE, DAVID D SR & PENNY K
23862 DUBLIN DR
DAPHNE, AL 36526

PRESTON, KENNETH O & STACY M
23916 KILKENNY LN
DAPHNE, AL 36526

BOSTWICK, LAURA MARIE
23915 FLYNT DRIVE
DAPHNE, AL 36526

MERRIWEATHER, DONALD K & ANITA J
23916 FLYNT DR
DAPHNE, AL 36526

KRAWCZYK, KENNETH E & DOROTHY Z
10514 AHERN DR
DAPHNE, AL 36526

PFLEEGOR, MICHAEL R & JOYCE
10534 AHERN DR
DAPHNE, AL 36526

ORDINANCE NO. 2011 - _____

**Ordinance to Rezone Property Located East Side of Alabama Highway 181, South of Austin Road , North of Dick Higbee Road (34.48 Acres)
Hearthstone Multi-Asset Entity, Lot 1, Dunmore Subdivision, Phase Two, Part C (A)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-1, Low Density Single Family Residential District and R-2 Medium Density Single Family Residential District, to a R-3, High Density Multi-Family Residential District, to said property is located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road being more particularly described as follows:

Legal Description:

BEING ALL OF LOT 10 AND A PORTION OF LOTS 6, 7, 8, 9, 11, 12, 13, 14, 22, 23, AND 24 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.0 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET TO A POINT; THENCE RUN S 00° 02' 10" E 490.18 FEET TO A POINT; THENCE RUN N 89° 57' 50" E 382.13 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY A DISTANCE OF 87.04 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY A DISTANCE OF 87.04 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 89° 57' 50" E 605.48 FEET TO POINT; THENCE RUN N 00° 02' 10" W 158.05 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 30° 46' 34" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY A DISTANCE OF 67.14 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 31° 28' 07" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY A DISTANCE OF 68.65 FEET TO A POINT ON THE AFOREMENTIONED SOUTH BOUNDARY OF DUNMORE, PHASE ONE; THENCE ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN AS FOLLOWS: S 89° 20' 37" E 797.82 FEET, N 00° 39' 23" E 10.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 200.00 FEET, S 89° 20' 37" E 140.00 FEET, S 85° 31' 51" E 109.46 FEET TO A POINT; THENCE RUN S 11° 12' 24" E 119.11 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 12° 01' 52" AND A RADIUS OF 275.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 57.75 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 00° 40' 28" W 143.11 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 76° 41' 31" AND A RADIUS OF 175.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWESTWARDLY 234.24 FEET TO THE P.C.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 17° 02' 37" AND A RADIUS OF 150.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 44.62 FEET TO THE P.C.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 07° 26' 11" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 45.43 FEET TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11° 52' 57" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 72.59 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 89° 57' 50" W 27.96 FEET TO A POINT; THENCE RUN S 00° 02' 10" E 175.00 FEET TO A POINT ON THE NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY; THENCE ALONG SAID NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND

FARMS AND THE NORTH BOUNDARY OF LOTS 20 AND 21 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS, RUN S 89° 57' 50" W 1520.48 FEET TO THE NORTHEAST CORNER OF LOT 22 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS; THENCE ALONG THE EAST BOUNDARY OF SAID LOT 22 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS, RUN S 00° 39' 55" W 30.00 FEET TO A POINT; THENCE RUN S 89° 57' 50" W 1472.45 FEET TO THE POINT OF BEGINNING. CONTAINING 34.4817 ACRES.

WHEREAS, the Planning Commission of the City of Daphne on August 25, 2011 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, October 17, 2011 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from R-1, Low Density Single Family Residential District and R-2 Medium Density Single Family Residential District, to a R-3, High Density Multi-Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2011.

Cathy S. Barnette, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Hearthstone Multi-Asset Entity
Zoning Amendment Review
Date: August 31, 2011

MEMORANDUM

PRESENT ZONING: R-1, Low Density Single Family Residential

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

LOCATION: East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road

REFERENCE: Proposed Lot 2, Dunmore Subdivision, Phase Two, Part C

RECOMMENDATION: At the August 25, 2011, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a ***favorable recommendation*** of the above-mentioned petition.

Attached please find said documentation for placement on the Tuesday, September 6, 2011 City Council agenda to set the public hearing for Monday, October 17, 2011.

The Ordinance will be provided by the City Attorney's office.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Planning Report
2. Petition
3. Legal Description
4. Map of Property
5. Adjacent Property Owners List

Planning Commission



Zoning Amendment Review

August 2011 Planning Report

COMMUNITY DEVELOPMENT

**PROPOSED LOT 2, DUNMORE PHASE 2C
ZONING AMENDMENT REVIEW**

Owner: Hearthstone Multi-Asset Entity

Existing Conditions: 11.84 acres of vacant land

Existing Zoning: Lot 2 is zoned R-1, Low Density Single Family Residential

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

Surrounding Zonings/Uses:

North - (R-1) Low density single family residential zoned lots and houses

South - (R-1) Low density single family residential, undeveloped land (currently proposed R-3 zoning district)

East - (R-1) Low density single family residential, undeveloped land

West - (R-2) Medium density single family residential zoned lots and houses

Existing Utility Service Providers:

Sewer Baldwin County Sewer

Gas- Daphne Utilities

Electric—Riviera Utilities

Affected City Service Providers:

Fire Protection—Station 2 (North Main Street)

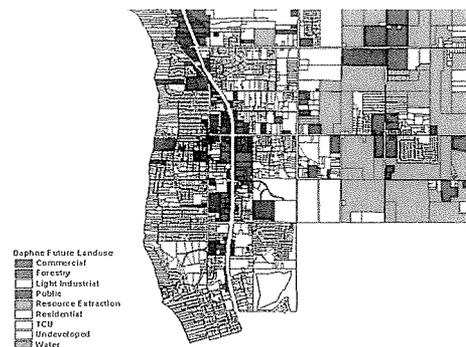
Police Protection—Police Beat 1

Public Works

Baldwin County Schools—School district zones are not set by municipal boundaries, therefore school districting will not be affected by annexation.

The current Comprehensive Plan does not account for property located within the corporate limits along Highway 181.

August 2011 Planning Report



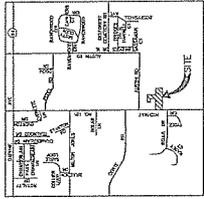
EXCERPT FROM MASTER PLAN DISCUSSION

Zoning	Zoning Amendment (see Ordinance 2007-08 -exhibit B)			Dunmore Subdivision Final Record Plats			Proposed Addition 8/11/11		
	Acres	Lots	% of Total Lots	Phase 1	Phase 2A	Phase 2B	Phase 2C	Final Lot Count with Proposed Phase 2c	Change from Original Ordinance
R-1 Low Density	55.4	96	31.68	39	0	0	0	39	-59.38%
R-2 Med. Density	35.1	80	26.40	47	0	0	24	71	-11.25 %
R-3 High Density	27.1	60	19.80	32	0	28	84	144	+ 140 %
R-4 High Density	16.7	59	19.47	33	26	0	15	74	25.42 %
Total	165	303		151	26	28	136	328 Lots	8.2%
Overall Density		1.836 u/ac					Overall Density	1.987u/ac	2.7%

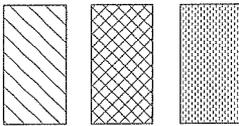
Source: Staff Calculations are based upon Ordinance 2007-08 and drawings provided by Rester & Coleman Engineers regarding Dunmore Subdivision Proposed Revised Master Plan (8/11), Instrument 2414-B, 2414-A, 2443-B, 2448-A as recorded in Baldwin County Probate Records. For Planning Commission’s consideration only.



Community Development Recommendation: Dunmore is a mixed development comprised of single family residences. Although there is a significant reduction in the number of R-1 and R-2 zoned lots, the overall density of the subdivision would remain that of an R-1 development. The proposal would add 38 more lots than originally proposed. No commercial use or zone, no town homes or multi-family uses are proposed or introduced as part of Dunmore. This proposal would change the number and arrangement of the same types of single family zonings already present in the development adding a green space to separate the low and higher density lots. Additionally, although the overall density of the proposed layout exceeds the overall subdivision density of Oldfield and Bellaton, it remains close in range. Therefore, **I recommend approval of the revised master plan and subsequent zoning amendments. Approval contingent upon approval of the proposed master plan and the proposed Dunmore, Phase 2C preliminary/final plat.**



ZONING LEGEND



FROM ZONE R-1 TO R-2

FROM ZONE R-1 AND R-2 TO R-3

FROM ZONE R-1 TO R-4

only →

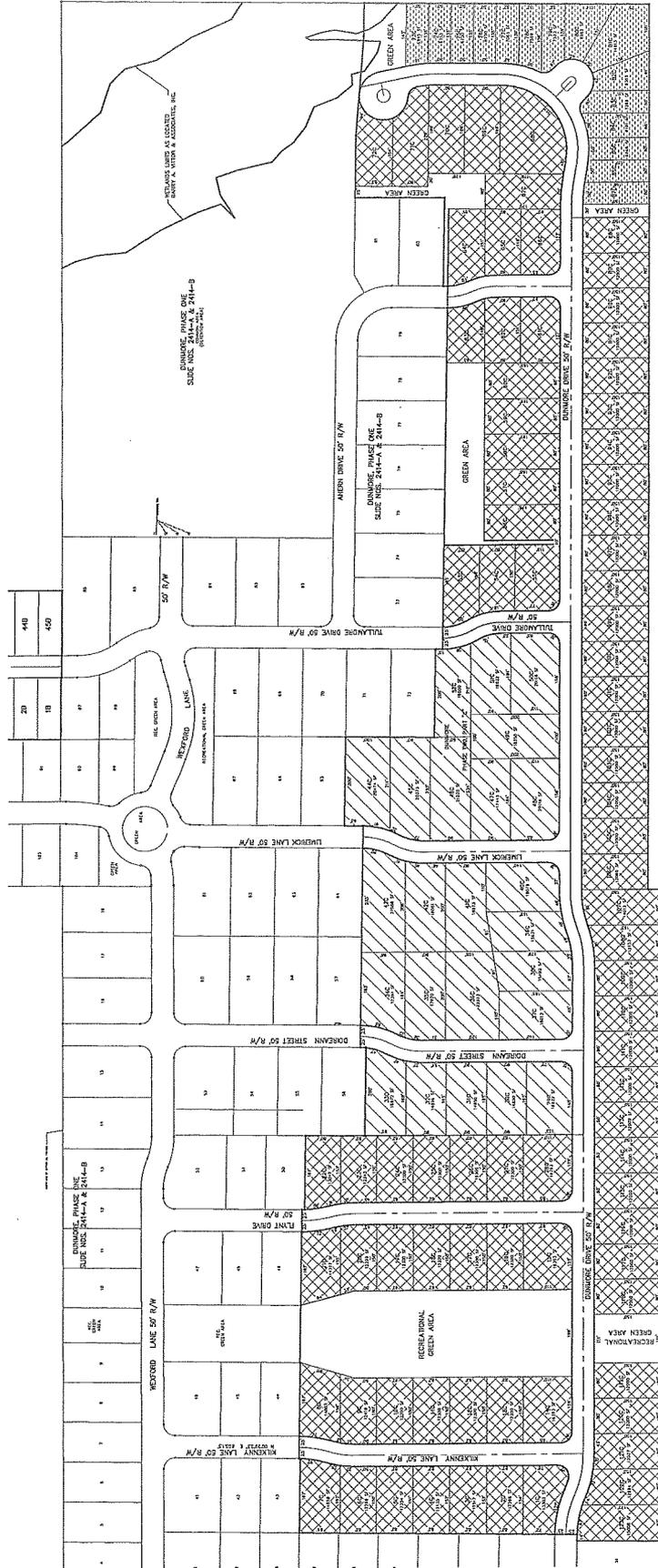


EXHIBIT B
HEARTHSTONE MULTI-ASSET ENTITY LOT 2

RESTER AND COLEMAN
ENGINEERS, INC.
66 WILSON AVENUE, SUITE 100, ALABAMA, MOBILE 36688-1145
PHONE: (904) 681-1145 FAX: (904) 681-1142

DATE	REVISIONS	SCALE
10-20-09		1" = 100'
DATE	BY	DATE
DATE	DATE	DATE
DATE	DATE	DATE



LOT 2

**THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT**

Application Number: 211-03
Revised Date Plat Submitted: 07/25/11
Date Presented: 8/25/11

Name of Owner: Hearthstone Multi-Asset Entity D L P Attn: Steve Mathison

Address: 220 N. Smith St., Suite 406 Palatine, IL 60067 Telephone# (847) 658-3107
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Rester and Coleman Engineers, Inc.

Address: 66 Midtown Park West Mobile, AL 36606 Telephone# (251) 479-4518
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Dunmore

Lot(s): 1 lot - Lot #2 Unit Phase Two, Part "C"

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 07/25/11).

Meeting Dates:

Planning Commission: _____

City Council: _____

Reason(s) for requesting the Zoning Amendment:

Due to current economic situation, a smaller lot is more in demand.

D. Joel Coleman
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

- a) Address South Portions of Doireann Street, Limerick Lane, and Tullamore Drive
- b) Name of Subdivision Dunmore, Phase Two, Part "C"
- c) Lot numbers involved in change 1 lot - Lot #2
- d) Total acreage of change 11.8461 Acres
- e) Recorded in Map Book Instrument #1056845 Page _____
- f) Owned in whole by the undersigned? yes
- g) If owned in part, name(s) of co-owner(s) :
N/A

2) Zoning change requested:

- a) Present classification of property R-1
- b) Reclassification desired R-2
- c) Character of neighborhood Single Family Residential

3) Certifications:

- a) Owner's Name Hearthstone Multi-Asset Entity D L P Attn: Steve Mathison
- b) Address 220 N. Smith St., Suite 406 Palatine, IL 60067
- c) Telephone Number (847) 658-3107
- d) Date 07/25/11

Signature of Property Owner

D. Joel Coleman
Signature of Property Owner
(Authorized Agent)

AGREEMENT

...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

07/25/11

Date


Signature of Property Owner
(Authorized Agent)

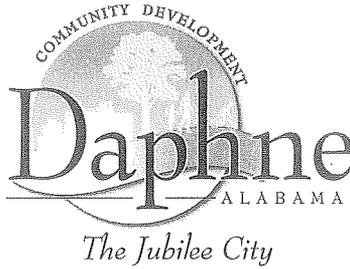
HEARTHSTONE MULTI-ASSET ENTITY
ZONING AMENDMENT
THE EAST SIDE OF ALABAMA HIGHWAY 181, SOUTH OF AUSTIN ROAD,
NORTH DICK HIGBEE ROAD

EXHIBIT "A"

DESCRIPTION OF PROPOSED LOT 2, DUNMORE, PHASE TWO, PART "C":

BEING A PORTION OF LOTS 5, 11, AND 12, SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.0 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN AS FOLLOWS: S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 12.98 FEET, S 89° 20' 37" E 500.00 FEET, N 00° 39' 23" E 42.90 FEET, S 89° 20' 37" E 250.00 FEET, S 00° 39' 23" W 200.00 FEET, S 89° 20' 37" E 200.00 FEET, S 00° 39' 23" W 15.00 FEET, S 89° 20' 37" E 25.00 FEET TO A POINT ON THE ARC OF A 125.00 FOOT CURVE HAVING A CENTRAL ANGLE OF 31° 28' 07" AND BEING CONCAVE EASTWARDLY; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 68.65 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 30° 46' 34" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 67.14 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 00° 02' 10" E 158.05 FEET TO A POINT; THENCE RUN S 89° 57' 50" W 605.48 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY A DISTANCE OF 72.59 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY A DISTANCE OF 87.04 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 89° 57' 50" W 382.13 FEET TO A POINT; THENCE RUN N 00° 02' 10" W 490.18 FEET TO THE POINT OF BEGINNING. CONTAINING 11.8461 ACRES.

REFERENCE: DUNMORE, PHASE TWO, PART A



FRED SMALL
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

ADRIENNE D. JONES
DIRECTOR/COMMUNITY DEVELOPMENT

COUNCIL MEMBERS
BAILEY YELDING, JR.
DISTRICT 1
CATHY BARNETTE
DISTRICT 2
JOHN L. LAKE
DISTRICT 3
KELLY REESE
DISTRICT 4
RON SCOTT
DISTRICT 5
DEREK BOULEWARE
DISTRICT 6
AUGUST A. PALUMBO
DISTRICT 7

August 12, 2011

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Proposed Lot 2 of Dunmore Subdivision, Phase Two, Part C containing 11.84 acres +/- located on the east side of Alabama Highway 181, south of Austin Road, north of Dick Higbee Road to be rezoned from a R-1, Low Density Single Family Residential, to an R-2, Medium Density Single Family Residential.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. 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, Wednesday, August 17, 2011 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 25, 2011 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Hearthstone Multi-Family Asset – Steven Mathison

**HEARTHSTONE MULTI-ASSET ENTITY D L P
DUNMORE, PHASE TWO, PART "C"
REZONE R-1 TO R-2
ADJACENT PROPERTY OWNERS LIST**

HEARTHSTONE MULTI-ASSET ENTITY D L P
781 LINCOLN AVE., SUITE 300
SAN RAFAEL, CA 94901

**Ordinance to Rezone Property Located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road (11.84 Acres)
Hearthstone Multi-Asset Entity, Lot 2, Dunmore Subdivision, Phase Two Part C (B)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-1, Low Density Single Family Residential District to R-2 Medium Density Single Family Residential District said property is located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road, being more particularly described as follows:

Legal Description:

BEING A PORTION OF LOTS 5, 11, AND 12, SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.0 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN AS FOLLOWS: S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 12.98 FEET, S 89° 20' 37" E 500.00 FEET, N 00° 39' 23" E 42.90 FEET, S 89° 20' 37" E 250.00 FEET, S 00° 39' 23" W 200.00 FEET, S 89° 20' 37" E 200.00 FEET, S 00° 39' 23" W 15.00 FEET, S 89° 20' 37" E 25.00 FEET TO A POINT ON THE ARC OF A 125.00 FOOT CURVE HAVING A CENTRAL ANGLE OF 31° 28' 07" AND BEING CONCAVE EASTWARDLY; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 68.65 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 30° 46' 34" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 67.14 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 00° 02' 10" E 158.05 FEET TO A POINT; THENCE RUN S 89° 57' 50" W 605.48 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY A DISTANCE OF 72.59 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY A DISTANCE OF 87.04 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 89° 57' 50" W 382.13 FEET TO A POINT; THENCE RUN N 00° 02' 10" W 490.18 FEET TO THE POINT OF BEGINNING. CONTAINING 11.8461 ACRES.

WHEREAS, the Planning Commission of the City of Daphne on August 25, 2011 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, October 17, 2011 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from R-1, Low Density Single Family Residential District, to a R-2 Medium Density Single Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen
City Clerk, MMC

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Hearthstone Multi-Asset Entity
Zoning Amendment Review
Date: August 31, 2011

MEMORANDUM

PRESENT ZONING: R-1, Low Density Single Family Residential

PROPOSED ZONING: R-4, High Density Single Family Residential

LOCATION: East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road

REFERENCE: Proposed Lot 3, Dunmore Subdivision, Phase Two, Part C

RECOMMENDATION: At the August 25, 2011, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a ***favorable recommendation*** of the above-mentioned petition.

Attached please find said documentation for placement on the Tuesday, September 6, 2011 City Council agenda to set the public hearing for Monday, October 17, 2011.

The Ordinance will be provided by the City Attorney's office.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Planning Report
2. Petition
3. Legal Description
4. Map of Property
5. Adjacent Property Owners List

Planning Commission



Zoning Amendment Review

August 2011 Planning Report

COMMUNITY DEVELOPMENT

**PROPOSED LOT 3, DUNMORE PHASE 2C
ZONING AMENDMENT REVIEW**

Owner: Hearthstone Multi-Asset Entity

Existing Conditions: 3.77 acres of vacant land

Existing Zoning: R-1, Low Density Single Family Residential

Proposed Zoning: R-4, High Density Single Family Residential district

Surrounding Zonings/Uses:

North - (R-1) Low density single family residential zoned lots, houses, and common area

South- (R-A) Rural Agricultural Baldwin County District 15, undeveloped land

East- (R-A) Rural Agricultural Baldwin County District 15, undeveloped land

West-(R-1) Low density single family residential land (currently subject to rezoning to R-2 district)

Existing Utility Service Providers:

Sewer Baldwin County Sewer

Gas- Daphne Utilities

Electric—Riviera Utilities

Affected City Service Providers:

Fire Protection—Station 2 (North Main Street)

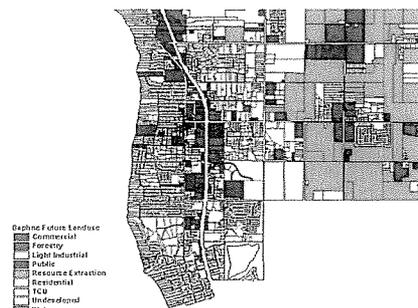
Police Protection—Police Beat 1

Public Works

Baldwin County Schools—School district zones are not set by municipal boundaries, therefore school districting will not be affected by annexation.

The current Comprehensive Plan does not account for property located within the corporate limits along Highway 181.

August 2011 Planning Report



EXCERPT FROM MASTER PLAN DISCUSSION

Zoning	Zoning Amendment (see Ordinance 2007-08 -exhibit B)			Dunmore Subdivision Final Record Plats			Proposed Addition 8/11/11		
	Acres	Lots	% of Total Lots	Phase 1	Phase 2A	Phase 2B	Phase 2C	Final Lot Count with Proposed Phase 2c	Change from Original Ordinance
R-1 Low Density	55.4	96	31.68	39	0	0	0	39	-59.38%
R-2 Med. Density	35.1	80	26.40	47	0	0	24	71	-11.25 %
R-3 High Density	27.1	60	19.80	32	0	28	84	144	+140 %
R-4 High Density	16.7	59	19.47	33	26	0	15	74	25.42 %
Total	165	303		151	26	28	136	328 Lots	8.2%
Overall Density		1.836 u/ac					Overall Density	1.987u/ac	2.7%

Source: Staff Calculations are based upon Ordinance 2007-08 and drawings provided by Rester & Coleman Engineers regarding Dunmore Subdivision Proposed Revised Master Plan (8/11), Instrument 2414-B, 2414-A, 2443-B, 2448-A as recorded in Baldwin County Probate Records. **For Planning Commission's consideration only.**



Community Development Recommendation: Dunmore is a mixed development comprised of single family residences. Although there is a significant reduction in the number of R-1 and R-2 zoned lots, the overall density of the subdivision would remain that of an R-1 development. The proposal would add 38 more lots than originally proposed. No commercial use or zone, no town homes or multi-family uses are proposed or introduced as part of Dunmore. This proposal would change the number and arrangement of the same types of single family zonings already present in the development adding a green space to separate the low and higher density lots. Additionally, although the overall density of the proposed layout exceeds the overall subdivision density of Oldfield and Bellaton, it remains close in range. Therefore, **I recommend approval of the revised master plan and subsequent zoning amendments. Approval contingent upon approval of the proposed master plan and the proposed Dunmore, Phase 2C preliminary/final plat.**

Lot 3

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: Z11-04 Date Plat Submitted: 07/25/11
Revised Date Presented: 8/25/11

Name of Owner: Hearthstone Multi-Asset Entity D L P Attn: Steve Mathison

Address: 220 N. Smith St., Suite 406 Palatine, IL 60067 Telephone# (847) 658-3107
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Rester and Coleman Engineers, Inc.

Address: 66 Midtown Park West Mobile, AL 36606 Telephone# (251) 479-4518
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Dunmore

Lot(s): 1 lot - Lot #3 Unit Phase Two, Part "C"

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 07/25/11).

Meeting Dates:

Planning Commission: _____

City Council: _____

Reason(s) for requesting the Zoning Amendment:

Due to current economic situation, a smaller lot is more in demand.

D. Gal Coleman
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

- a) Address The East portion of Dunmore Drive and the South portion of Ahern Drive
- b) Name of Subdivision Dunmore, Phase Two, Part "C"
- c) Lot numbers involved in change 1 lot - Lot #3
- d) Total acreage of change 3.7791 Acres
- e) Recorded in Map Book Instrument #1056845 Page _____
- f) Owned in whole by the undersigned? yes
- g) If owned in part, name(s) of co-owner(s) :
N/A

2) Zoning change requested:

- a) Present classification of property R-1
- b) Reclassification desired R-4
- c) Character of neighborhood Single Family Residential

3) Certifications:

- a) Owner's Name Hearthstone Multi-Asset Entity D L P Attn: Steve Mathison
- b) Address 220 N. Smith St., Suite 406 Palatine, IL 60067
- c) Telephone Number (847) 658-3107
- d) Date 07/25/11

Signature of Property Owner



Signature of Property Owner

(Authorized Agent)

AGREEMENT

...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

07/25/11

Date

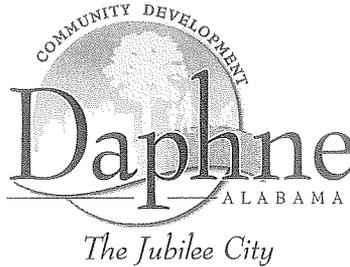

Signature of Property Owner
(Authorized Agent)

HEARTHSTONE MULTI-ASSET ENTITY
ZONING AMENDMENT
THE EAST SIDE OF ALABAMA HIGHWAY 181, SOUTH OF AUSTIN ROAD,
NORTH DICK HIGBEE ROAD

EXHIBIT "A"

DESCRIPTION OF LOT 3, DUNMORE, PHASE TWO, PART "C":

BEING A PORTION OF LOTS 13 AND 14 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.00 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 12.98 FEET, S 89° 20' 37" E 500.00 FEET, N 00° 39' 23" E 42.90 FEET, S 89° 20' 37" E 250.00 FEET, S 00° 39' 23" W 200.00 FEET, S 89° 20' 37" E 200.00 FEET, S 00° 39' 23" W 15.00 FEET, S 89° 20' 37" E 822.82 FEET, N 00° 39' 23" E 10.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 200.00 FEET, S 89° 20' 37" E 140.00 FEET, S 85° 31' 51" E 109.46 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING S 85° 31' 51" E ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN A DISTANCE OF 116.12 FEET TO A POINT; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN S 89° 20' 37" E 75.00 FEET TO A POINT ON THE WEST BOUNDARY OF LOT 15 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY; THENCE ALONG SAID WEST BOUNDARY OF LOT 15 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, RUN S 00° 40' 28" W 683.58 FEET TO THE NORTHEAST CORNER OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS; THENCE ALONG THE NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, RUN S 89° 57' 50" W 482.01 FEET TO A POINT; THENCE RUN N 00° 02' 10" W 175.00 FEET TO A POINT; THENCE RUN N 89° 57' 50" E 27.96 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 11° 52' 57" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 72.59 FEET TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07° 26' 11" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 45.43 FEET TO THE P.C.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17° 02' 37" AND A RADIUS OF 150.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 44.62 FEET TO THE P.C.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 76° 41' 31" AND A RADIUS OF 175.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHEASTWARDLY 234.24 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 00° 40' 28" E 143.11 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 12° 01' 52" AND A RADIUS OF 275.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY 57.75 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 11° 12' 24" W 119.11 FEET TO THE POINT OF BEGINNING. CONTAINING 3.7791 ACRES.



FRED SMALL
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

ADRIENNE D. JONES
DIRECTOR/COMMUNITY DEVELOPMENT

COUNCIL MEMBERS
BAILEY YELDING, JR.
DISTRICT 1
CATHY BARNETTE
DISTRICT 2
JOHN L. LAKE
DISTRICT 3
KELLY REESE
DISTRICT 4
RON SCOTT
DISTRICT 5
DEREK BOULEWARE
DISTRICT 6
AUGUST A. PALUMBO
DISTRICT 7

August 12, 2011

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Proposed Lot 3 of Dunmore Subdivision, Phase Two, Part C containing 3.77 acres +/- located on the east side of Alabama Highway 181, south of Austin Road, north of Dick Higbee Road to be rezoned from a R-1, Low Density Single Family Residential, to an R-4, High Density Single Family Residential.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. 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, Wednesday, August 17, 2011 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 25, 2011 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Hearthstone Multi-Family Asset – Steven Mathison

**HEARTHSTONE MULTI-ASSET ENTITY D L P
DUNMORE, PHASE TWO, PART "C"
REZONE R3 TO R4
ADJACENT PROPERTY OWNERS LIST**

HEARTHSTONE MULTI-ASSET ENTITY D L P
781 LINCOLN AVE., SUITE 300
SAN RAFAEL, CA 94901

HIGBEE, RICHARD S
11844 CANEY CREEK DR
DAPHNE, AL 36526

HIGBEE, RICHARD E
11011 HIGBEE RD
FAIRHOPE, AL 36532

ORDINANCE NO. 2011 - _____

**Ordinance to Rezone Property Located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road (3.77 Acres)
Hearthstone Multi-Asset Entity, Lot 3, Dunmore Subdivision, Phase Two, Part C (C)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-1, Low Density Single Family Residential District to R-4 High Density Single Family Residential District to said property is located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road being more particularly described as follows:

Legal Description:

BEING A PORTION OF LOTS 13 AND 14 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.00 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 12.98 FEET, S 89° 20' 37" E 500.00 FEET, N 00° 39' 23" E 42.90 FEET, S 89° 20' 37" E 250.00 FEET, S 00° 39' 23" W 200.00 FEET, S 89° 20' 37" E 200.00 FEET, S 00° 39' 23" W 15.00 FEET, S 89° 20' 37" E 822.82 FEET, N 00° 39' 23" E 10.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 200.00 FEET, S 89° 20' 37" E 140.00 FEET, S 85° 31' 51" E 109.46 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING S 85° 31' 51" E ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN A DISTANCE OF 116.12 FEET TO A POINT; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN S 89° 20' 37" E 75.00 FEET TO A POINT ON THE WEST BOUNDARY OF LOT 15 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY; THENCE ALONG SAID WEST BOUNDARY OF LOT 15 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, RUN S 00° 40' 28" W 683.58 FEET TO THE NORTHEAST CORNER OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS; THENCE ALONG THE NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, RUN S 89° 57' 50" W 482.01 FEET TO A POINT; THENCE RUN N 00° 02' 10" W 175.00 FEET TO A POINT; THENCE RUN N 89° 57' 50" E 27.96 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 11° 52' 57" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 72.59 FEET TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07° 26' 11" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 45.43 FEET TO THE P.C.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17° 02' 37" AND A RADIUS OF 150.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 44.62 FEET TO THE P.C.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 76° 41' 31" AND A RADIUS OF 175.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHEASTWARDLY 234.24 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 00° 40' 28" E 143.11 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 12° 01' 52" AND A RADIUS OF 275.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY 57.75 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 11° 12' 24" W 119.11 FEET TO THE POINT OF BEGINNING. CONTAINING 3.7791 ACRES.

WHEREAS, the Planning Commission of the City of Daphne on August 25, 2011 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, October 17, 2011 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from R-1, Low Density Single Family Residential District, to R-4 High Density Single Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen
City Clerk, MMC

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE SPECIAL EVENTS PERMIT

ORGANIZATION:	<i>Christ the King Church</i>
CONTACT PERSON:	<i>Pat Ernst</i>
ADDRESS:	<i>302 Whiting Court</i>
PHONE NUMBER: (HOME) PHONE NUMBER: (BUSINESS) CELL NUMBER:	<i>625-1262</i>
DATE OF SPECIAL EVENT:	<i>October 15, 2011</i>
TYPE OF SPECIAL EVENT:	<i>Prayer Event</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>100</i>
START TIME:	<i>12:00 Noon</i>
STOP TIME:	<i>1:00 P.M.</i>
FACILITY/PARK TO BE USED:	<i>City Hall Grounds</i>
SPECIAL REQUESTS:	
DATE APPLIED FOR PERMIT:	<i>August 3, 2011</i>
APPROVAL	
COUNCIL: 9/06/11	<i>Cathy Smith</i>
POLICE: Chief David Carpenter	<i>David Carpenter</i>
FIRE: Chief James White	<i>James White</i>
PUBLIC WORKS: Richard Johnson	<i>Richard Johnson</i>
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>August 3, 2011</i>
NOTIFICATION OF APPROVAL:	

CASE NO. 2011-6

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 8/26/11 (initial) HG

DATE FORWARDED TO POLICE DEPT. 8/26/11 HG

DATE RECEIVED BY POLICE DEPT. 8-26-11 [Signature]

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 8-26-11 [Signature]

DATE FORWARDED TO CITY CLERK 8-30-11 HG

DATE RECEIVED BY CITY CLERK 8-30-11 RH

SCHEDULED DATE ON AGENDA 9-06-11 RH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____
OR TO ABC FIELD OFFICE _____ (per taxpayer request)



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20110825092929052**



Type License: 010 - LOUNGE RETAIL LIQUOR - CLASS I **State:** \$300.00 **County:** \$400.00
Type License: **State:** **County:**
Trade Name: HARRYS SOUND BAR **Filing Fee:** \$50.00
Applicant: ROSIES BAR LLC **Transfer Fee:**
Location Address: 1203 HWY 98 STE 4D DAPHNE, AL 36526
Mailing Address: 1203 HWY 98 STE 3 D DAPHNE, AL 36526
County: BALDWIN **Tobacco sales:** NO **Tobacco Vending Machines:**
Sale of Products Containing Ephedrine: NO **Type Ownership:** LLC
Book, Page, or Document info: INST 1297785 **Do you sell Draft Beer:** Y
Date Incorporated: 07/21/2011 **State incorporated:** AL **County Incorporated:** BALDWIN
Date of Authority: 07/21/2011 **Alabama State Sales Tax ID:** R007895520

Name: **Title:** **Date and Place of Birth:** **Residence Address:**

HARRY P JOHNSON 2769374 - AL	MEMBER	12/06/1950 MOBILE, AL	497 PINE AVE FAIRHOPE, AL 36532

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 cooperation 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: HARRY P JOHNSON **Home Phone:** 251-454-7550
Business Phone: 251-626-2440 **Cell Phone:** 251-454-7550
Fax: 251-626-2441 **E-mail:** HPJPROP@BELLSOUTH.NET

PREVIOUS LICENSE INFORMATION: **Previous License Number(s)**
Trade Name: ¹⁴⁰ **License 1:**
Applicant: **License 2:**



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20110825092929052**



Initial each

Signature page

H PJ

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

H PJ

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

H PJ

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.

H PJ

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.

H PJ

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

H PJ

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

H PJ

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.

H PJ

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):

HARRY P. JOHNSON

Signature of Applicant:

Harry P. Johnson

Notary Name (print):

Betty G. Dean

Notary Signature:

Betty G. Dean

Commission expires:

1/10/13

Application Taken: *8/25/11* App. Inv. Completed:

Submitted to Local Government:

Forwarded to District Office:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20110825092929052



If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **DEARMON PROPERTIES LLC 251-626-0437**
 What is lessors primary business? **REAL ESTATE**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**
 Is the business used to habitually and principally provide food to the public? **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: **1300** Display Square Footage:
 Building seating capacity: **60** Does Licensed premises include a patio area? **NO**
 License Structure: **ONE STORY** License covers: **OTHER**
 Number of licenses in the vicinity: **5** Nearest: **1**
 Nearest school: **1 miles** Nearest church: **1 miles** Nearest residence: **3 blocks**
 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:
HARRY P JOHNSON	JUNE 1986 - PAID SALE TAX LATE	BALDWIN CO SHERIFF DEPT	PAID FINE
HARRY P JOHNSON	NOV 1979 - RECKLESS DRIVING	BALDWIN COUNTY SHERIFF DEPT	PAID FINE



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20110825092929052**



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

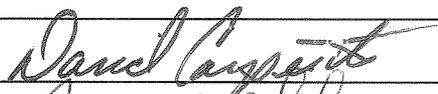
Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

License Covers: PORTION OF SHOPPING CENTER

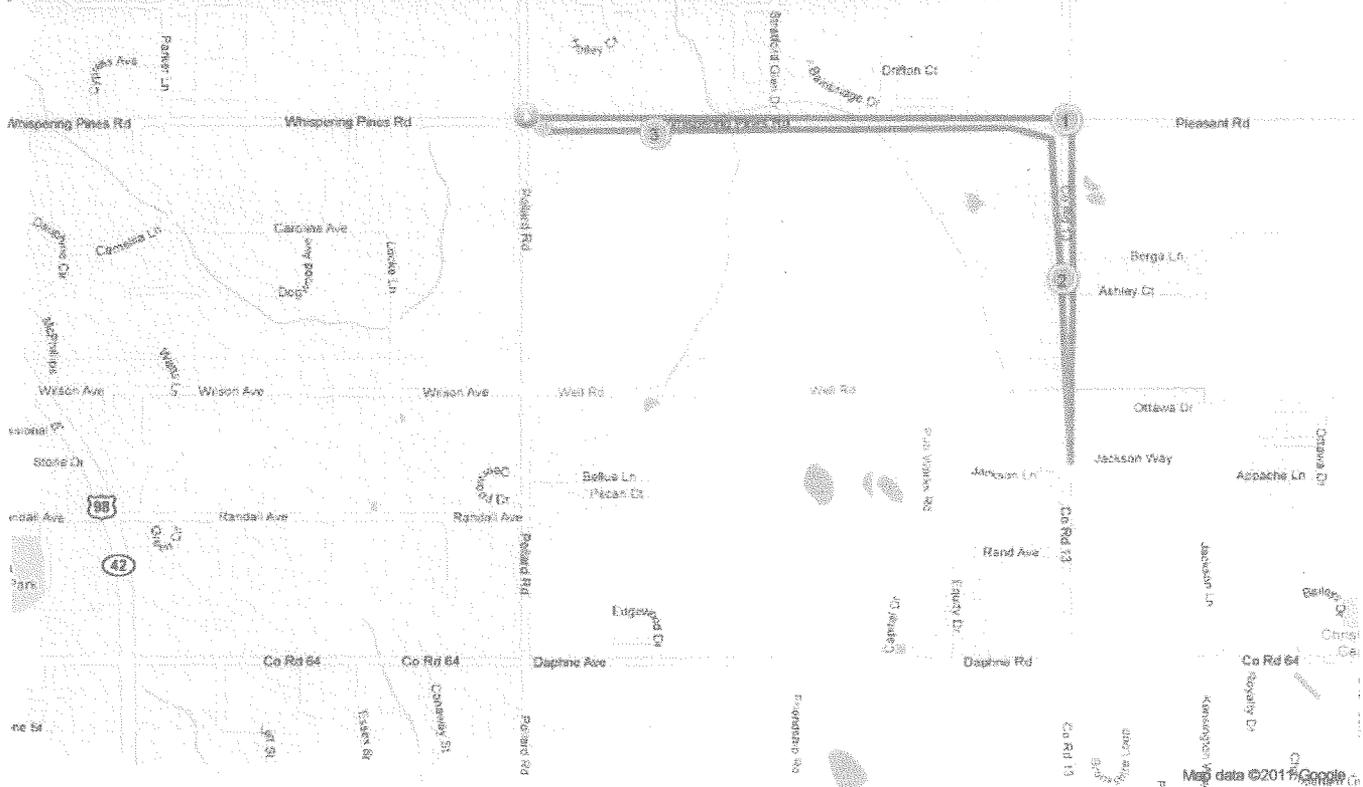
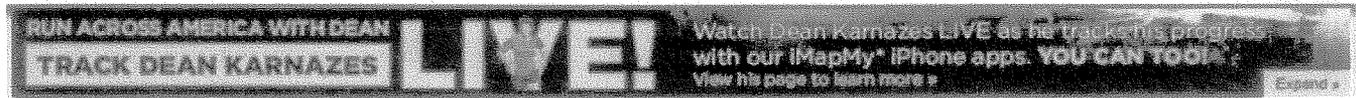
CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	Bounds Family YMCA
CONTACT PERSON:	Karen Binniker / Liz Keglör
ADDRESS:	8051 Whispering Pines Road Daphne, AL 36526
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):	Ⓐ 251-644-4146 / Ⓒ 757-876-7196 Ⓜ 251-626-0888
TYPE OF PARADE:	5K/1mile Fun Run
DATE OF PARADE:	Saturday - OCTOBER 1, 2011
ROUTE TO BE TRAVELED:	Whispering Pines Road to Rt. 13 (see attached map)
APPROXIMATE # OF PEOPLE & CARS:	200 - 300 ppl ; 100 cars
START TIME:	6:30 AM
STOP TIME:	10:30 AM
ASSEMBLY AREA/STREET:	Bounds Family YMCA Whispering Pines Road
ASSEMBLY TIME:	6:00 AM
SPECIAL REQUEST:	permission to use roadway, please
APPROVAL	
POLICE: Chief David Carpenter:	
FIRE: Chief James White:	
PUBLIC WORKS: Richard Johnson:	
CITY COUNCIL: 9/06/11	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	
NOTIFICATION OF APPROVAL:	

AL, AL

A run mapped on 06/17/2011

3.20 mi



OPTION #1 YMCA Superhero 5K

Saturday, October 1, 2011

Start time = 8:00 am

START - at 35MPH sign across from the Y.

- > proceed down Whispering Pines Road towards County Road 13
- > turn **RIGHT** onto 13 and proceed past the schools to Knights Lane (1.6 miles)
- > turn around here and return to the YMCA parking lot.

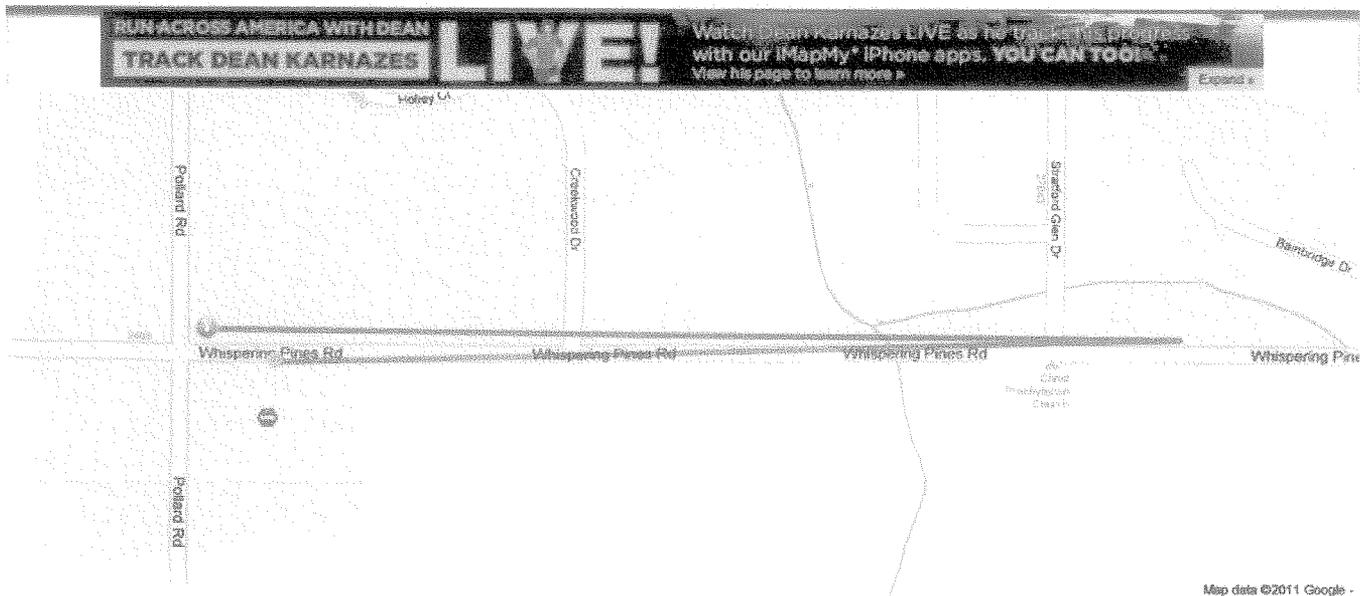
total distance = 3.2 miles

Learn how to use your map. [View our Tutorial](#)[Close](#)

AL, AL

A run mapped on 06/18/2011

1.00 mi



1-mile Fun Run YMCA Superhero Fun Run

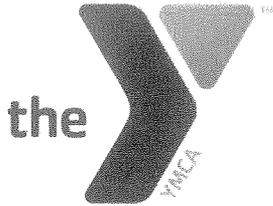
Saturday, October 1, 2011

Start time = 9:00 am

START - at 35MPH sign across from the Y.

- > proceed down Whispering Pines Road towards County Road 13
- > turn around at the "Al Trione Sports Complex" sign (.5 miles)
- > turn around here and return to the YMCA parking lot.

total distance = 1.0 mile



**FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY**

8051 Whispering Pines Road

Daphne, AL 36526

(251) 626-0888

August 26, 2011

Daphne City Hall
Office of the City Clerk
1705 Main Street
P.O. Box 400
Daphne, AL 36526

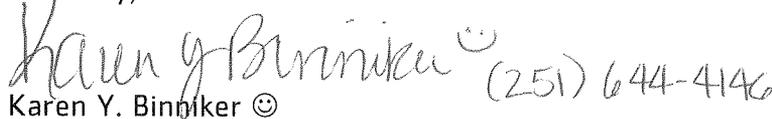
To Whom It May Concern:

We are seeking permission for road usage at the Bounds Family YMCA on October 1, 2011. We are hosting a Superhero 5K and 1-mile Fun Run beginning at 6:30 am and ending at 11:00 am in the morning. That time frame includes set up, the actual event and post-race clean up as well.

I have included in this request the Parade Permit form as well as the map outlining the path of our 5K [3.1 miles] as well as our 1-mile fun run. We have had these routes approved by Lt. Kenny Hempfleng of the Daphne City Police Department and hope to gain the same approval from your offices as well.

Please let us know if you require any additional information. We look forward to hearing back from you soon!

Sincerely,


Karen Y. Binniker ☺ (251) 644-4146

Race Director/Superhero 5K
Bounds Family YMCA

Enclosures:

Parade Permit form
5K Race Route Map
1-mile Race Route Map

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

**CITY COUNCIL MEETING
RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS**

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**CITY OF DAPHNE
RESOLUTION NO. 2011 - 62**

REVISIONS TO CITY OF DAPHNE STREET MAP

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on August 25, 2011, approved a favorable recommendation to the City Council of the City of Daphne, Alabama for a revision to the City of Daphne Street Map and presented at said meeting; and

WHEREAS, said revision to street map is necessary due to additional streets being added to and accepted by the City; and

WHEREAS, due notice of said revisions to the City of Daphne Street Map has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, the City Council of the City of Daphne, Alabama, after due consideration, and upon the recommendation of the Planning Commission of the City of Daphne, believes it is in the best interest of the health, safety and welfare of the citizens of the City to accept the revisions to the City of Daphne Street Map; and

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

SECTION I: ADOPTION OF MAP

THAT the City of Daphne Street Map was considered by the City of Daphne Planning Commission on August 25, 2011, and having made a favorable recommendation to the City Council and said revised map being attached hereto as Exhibit "A" is hereby adopted as the official "City of Daphne Street Map."

SECTION II: REPEALER

THAT Resolution No. 2006-22, Resolution No. 2006-66, and Resolution No. 2007-05, Resolution 2007-69, Resolution 2008-02, 2008-41, Resolution 2009-06, Resolution 2009-72, Resolution 2010-22, Resolution 2010-76 and 2011-09 entitled "City of Daphne Street Map" are hereby repealed in their entirety and any Resolution(s) or parts of Resolution(s) conflicting with the provisions of this Resolution are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

THAT This Resolution shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne, Alabama.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2011.**

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**
Date and Time Signed:

**FRED SMALL,
MAYOR CITY OF DAPHNE**
Date and Time Signed:

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**

RESOLUTION NO. 2011-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE REAPPOINTING TWO DIRECTORS TO THE BOARD OF DIRECTORS OF RENAISSANCE IMPROVEMENT DISTRICT

WHEREAS, the City Council (the "Council") of the City of Daphne, Alabama (the "City") previously approved the formation of Renaissance Improvement District (the "District") in accordance with Chapter 99A of Title 11 of the Code of Alabama (1975), as amended (the "Act");

WHEREAS, the respective terms for Charles Patterson and Terry Ogletree as members of the Board of Directors of the District expired on June 5, 2010; and

WHEREAS, the City desires to reappoint Charles Patterson and Terry Ogletree as members of the District's Board of Directors for an additional term.

NOW, THEREFORE, be it resolved by the Council, as follows:

1. That Charles Patterson and Terry Ogletree are hereby reappointed by the Council as members of the District's Board of Directors.
2. The term of Charles Patterson shall begin at 12:00 a.m. on June 5, 2010 and shall end at 11:59 p.m. on June 5, 2013. The term of Terry Ogletree shall begin at 12:00 a.m. on June 5, 2010 and shall end at 11:59 p.m. on June 5, 2013.

ADOPTED AND APPROVED this _____ day of _____, 2011.

Cathy S. Barnette,
Council President

Fred Small,
Mayor

ATTEST:

David L. Cohen,
City Clerk

RESOLUTION NO. 2011-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE REELECTING ONE DIRECTOR TO THE BOARD OF DIRECTORS OF RENAISSANCE COOPERATIVE DISTRICT

WHEREAS, the City Council (the “Council”) of the City of Daphne (the “City”) previously elected John Lake as a member of the Board of Directors of the Renaissance Cooperative District (the “District”) in accordance with Chapter 99B of Title 11 of the Code of Alabama (1975), as amended (the “Act”);

WHEREAS, John Lake’s term as a member of the Board of Directors of the District expired on July 10, 2011;

WHEREAS, John Lake is a duly qualified elector of the City, and is eligible for reelection pursuant to the Act; and

WHEREAS, the City desires to reelect John Lake as a member of the District’s Board of Directors for an additional term.

NOW, THEREFORE, be it resolved by the Council, as follows:

1. That John Lake is hereby reelected by the Council as a member of the District’s Board of Directors.
2. The term of John Lake shall begin at 12:01 a.m. on July 10, 2011 and shall end at 12:01 a.m. on July 10, 2015.

ADOPTED AND APPROVED this ____ day of _____, 2011

Cathy S. Barnette,
Council President

Fred Small,
Mayor

ATTEST:

David L. Cohen,
City Clerk, MMC

ORDINANCE 2011-58

Pay Adjustment: Full Time: \$1,040/yr / Part-Time: \$.50/hour- Pay Adjustment

WHEREAS, Ordinance 2010-71 approved and adopted the Fiscal Year 2011 Budget on December 20, 2010; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2011 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2011 budget; and

WHEREAS, the adopted budget does not include an appropriation for an across-the-board pay adjustment for City of Daphne employees; and

WHEREAS, the Mayor and City Council have evaluated the need for a pay adjustment for City employees as no pay increases have been granted since 2008; and

WHEREAS, an annual across-the-board pay adjustment of \$ 1,040 has been evaluated and determined to be equitable for full-time employees; and

WHEREAS, permanent part-time employees shall receive a pay adjustment at a rate of .50/hour; and

WHEREAS, such pay adjustment shall become effective with the pay period beginning September 8, 2011.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2011 Budget is hereby amended to include an appropriation of \$ 24,283 for a Fiscal 2011 pay adjustment, as herein set forth, effective September 8, 2011. The annual cost of such pay adjustment is \$ 315,681.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2011-60

Pay Table Revision: Full Time: \$1,040/yr / Part-Time: \$.50/hour- Pay Adjustment

WHEREAS, Ordinance 2004-52, and amended in 2007 and 2008, approved and adopted the City of Daphne Pay Table on January 3, 2005; and

WHEREAS, such Ordinance does provide for the amendment of the pay tables from time to time; and

WHEREAS, Ordinance 2011-58 did hereby approve an across-the-board annual pay adjustment of \$ 1,040 for full-time employees and \$.50/hour for permanent part-time employees; and

WHEREAS, the Pay Tables require certain amendments to include such across-the-board pay adjustment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the amended City of Daphne Pay Tables as attached hereto and made a part hereof are hereby approved.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2011-60

Pay Table Revision: Full Time: \$1,040/yr / Part-Time: \$.50/hour- Pay Adjustment

WHEREAS, Ordinance 2004-52, and amended in 2007 and 2008, approved and adopted the City of Daphne Pay Table on January 3, 2005; and

WHEREAS, such Ordinance does provide for the amendment of the pay tables from time to time; and

WHEREAS, Ordinance 2011-58 did hereby approve an across-the-board annual pay adjustment of \$ 1,040 for full-time employees and \$.50/hour for permanent part-time employees; and

WHEREAS, the Pay Tables require certain amendments to include such across-the-board pay adjustment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the amended City of Daphne Pay Tables as attached hereto and made a part hereof are hereby approved.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

(Sept 2011)

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8								
1	16,280	7,83	16,719	8,04	17,158	8,25	17,598	8,46	18,037	8,67	18,476	8,88	18,915	9,09	19,354	9,30
2	17,268	8,30	17,751	8,53	18,212	8,76	18,674	8,98	19,157	9,21	19,618	9,43	20,101	9,66	20,562	9,89
3	18,278	8,79	18,783	9,03	19,266	9,26	19,772	9,51	20,277	9,75	20,782	9,99	21,265	10,22	21,770	10,47
4	19,266	9,26	19,815	9,53	20,342	9,78	20,870	10,03	21,397	10,29	21,924	10,54	22,451	10,79	22,978	11,05
5	20,277	9,75	20,826	10,01	21,397	10,29	21,946	10,55	22,516	10,83	23,065	11,09	23,614	11,35	24,185	11,63
6	21,287	10,23	21,858	10,51	22,451	10,79	23,044	11,08	23,636	11,36	24,207	11,64	24,800	11,92	25,393	12,21
7	22,275	10,71	22,890	11,00	23,527	11,31	24,141	11,61	24,756	11,90	25,371	12,20	25,986	12,49	26,601	12,79
8	23,285	11,19	23,922	11,50	24,581	11,82	25,218	12,12	25,854	12,43	26,513	12,75	27,150	13,05	27,787	13,36
9	24,295	11,68	24,954	12,00	25,635	12,32	26,315	12,65	26,974	12,97	27,655	13,30	28,314	13,61	28,995	13,94
10	25,283	12,16	25,986	12,49	26,689	12,83	27,392	13,17	28,094	13,51	28,797	13,84	29,500	14,18	30,202	14,52
11	26,294	12,64	27,018	12,99	27,765	13,35	28,490	13,70	29,214	14,05	29,939	14,39	30,685	14,75	31,410	15,10
12	27,304	13,13	28,050	13,49	28,819	13,86	29,566	14,21	30,334	14,58	31,103	14,95	31,849	15,31	32,618	15,68
13	28,292	13,60	29,082	13,98	29,873	14,36	30,664	14,74	31,454	15,12	32,245	15,50	33,035	15,88	33,826	16,26
14	29,302	14,09	30,115	14,48	30,927	14,87	31,761	15,27	32,574	15,66	33,386	16,05	34,199	16,44	35,033	16,84
15	30,312	14,57	31,147	14,97	32,003	15,39	32,838	15,79	33,694	16,20	34,528	16,60	35,385	17,01	36,241	17,42
16	31,300	15,05	32,179	15,47	33,057	15,89	33,935	16,32	34,814	16,74	35,692	17,16	36,571	17,58	37,449	18,00
17	32,310	15,53	33,211	15,97	34,111	16,40	35,033	16,84	35,934	17,28	36,834	17,71	37,734	18,14	38,635	18,57
18	33,321	16,02	34,243	16,46	35,187	16,92	36,109	17,36	37,054	17,81	37,976	18,26	38,920	18,71	39,843	19,16
19	34,309	16,49	35,275	16,96	36,241	17,42	37,207	17,89	38,174	18,35	39,118	18,81	40,084	19,27	41,050	19,74
20	35,319	16,98	36,307	17,46	37,295	17,93	38,283	18,41	39,294	18,89	40,282	19,37	41,270	19,84	42,258	20,32
21	36,307	17,46	37,339	17,95	38,349	18,44	39,381	18,93	40,392	19,42	41,424	19,92	42,434	20,40	43,466	20,90
22	37,317	17,94	38,371	18,45	39,425	18,95	40,479	19,46	41,512	19,96	42,566	20,46	43,620	20,97	44,674	21,48
157																
16	31,306	1,204.09	32,183	1,237.79	33,059	1,271.49	33,935	1,305.19	34,811	1,338.90	35,688	1,372.60	36,564	1,406.30	37,440	1,440.01
17	32,308	1,242.63	33,213	1,277.42	34,118	1,312.22	35,022	1,347.02	35,927	1,381.82	36,832	1,416.61	37,737	1,451.41	38,642	1,486.22
18	33,310	1,281.16	34,244	1,317.09	35,179	1,353.03	36,113	1,388.96	37,047	1,424.90	37,982	1,460.84	38,916	1,496.78	39,850	1,532.70
19																
20	35,315	1,358.26	36,307	1,396.44	37,300	1,434.60	38,292	1,472.78	39,285	1,510.94	40,277	1,549.11	41,269	1,587.29	42,262	1,625.45
21																
22	37,319	1,435.33	38,369	1,475.74	39,420	1,516.14	40,470	1,556.54	41,521	1,596.95	42,571	1,637.35	43,622	1,677.75	44,672	1,718.16
23	38,322	1,473.91	39,401	1,515.41	40,480	1,556.91	41,569	1,598.41	42,638	1,639.90	43,717	1,681.41	44,796	1,722.91	45,875	1,764.41
24	39,325	1,512.49	40,433	1,555.13	41,542	1,597.76	42,650	1,640.39	43,759	1,683.03	44,867	1,725.66	45,976	1,768.30	47,084	1,810.94
25	40,327	1,551.02	41,464	1,594.75	42,601	1,638.49	43,738	1,682.22	44,875	1,725.95	46,012	1,769.69	47,149	1,813.42	48,286	1,857.15
26	41,330	1,589.60	42,496	1,634.47	43,663	1,679.34	44,829	1,724.21	45,996	1,769.08	47,163	1,813.95	48,329	1,858.81	49,496	1,903.68
27	42,331	1,628.13	43,527	1,674.10	44,722	1,720.07	45,917	1,766.02	47,112	1,811.99	48,307	1,857.96	49,502	1,903.93	50,697	1,949.89
28	43,333	1,666.67	44,558	1,713.76	45,783	1,760.87	47,007	1,807.98	48,232	1,855.08	49,457	1,902.18	50,681	1,949.28	51,906	1,996.39
29	44,335	1,705.20	45,588	1,753.40	46,842	1,801.60	48,095	1,849.80	49,348	1,897.99	50,601	1,946.20	51,854	1,994.39	53,108	2,042.60
30	45,338	1,743.78	46,621	1,793.12	47,904	1,842.45	49,186	1,891.79	50,469	1,941.12	51,752	1,990.46	53,035	2,039.79	54,317	2,089.13
31	46,340	1,782.31	47,651	1,832.75	48,963	1,883.18	50,274	1,933.61	51,585	1,984.04	52,896	2,034.47	54,207	2,084.90	55,519	2,135.34
32	47,343	1,820.89	48,684	1,872.45	50,025	1,924.03	51,365	1,975.59	52,706	2,027.16	54,047	2,078.74	55,388	2,130.30	56,729	2,181.87
33	48,346	1,859.46	49,715	1,912.13	51,085	1,964.79	52,454	2,017.46	53,823	2,070.12	55,193	2,122.79	56,562	2,175.45	57,931	2,228.13
34	49,348	1,897.99	50,747	1,951.80	52,146	2,005.61	53,545	2,059.41	54,943	2,113.21	56,342	2,167.01	57,741	2,220.81	59,140	2,274.62
35	50,350	1,936.53	51,777	1,991.43	53,204	2,046.33	54,632	2,101.23	56,059	2,156.12	57,487	2,211.02	58,914	2,265.92	60,341	2,320.82
36	51,353	1,975.11	52,810	2,031.14	54,267	2,087.18	55,724	2,143.21	57,181	2,199.25	58,638	2,255.29	60,094	2,311.32	61,551	2,367.36
37	52,355	2,013.64	53,840	2,070.78	55,326	2,127.90	56,811	2,185.04	58,296	2,242.17	59,782	2,299.31	61,267	2,356.44	62,753	2,413.57
38	53,357	2,052.18	54,871	2,110.41	56,385	2,168.63	57,898	2,226.86	59,412	2,285.09	60,926	2,343.32	62,440	2,401.55	63,954	2,459.78
39	54,358	2,090.71	55,902	2,150.07	57,445	2,209.44	58,989	2,268.81	60,533	2,328.18	62,076	2,387.54	63,620	2,446.91	65,163	2,506.27
40	55,361	2,129.29	56,933	2,189.75	58,506	2,250.21	60,078	2,310.68	61,650	2,371.14	63,222	2,431.60	64,794	2,492.06	66,366	2,552.53

	Step 17	Step 18	Step 19	Step 20				
1	23,329	11.22	23,768	11.43	24,207	11.64	24,647	11.85
2	24,778	11.91	25,261	12.14	25,723	12.37	26,206	12.60
3	26,272	12.63	26,755	12.86	27,260	13.11	27,765	13.35
4	27,721	13.33	28,248	13.58	28,775	13.83	29,302	14.09
5	29,192	14.03	29,763	14.31	30,312	14.57	30,861	14.84
6	30,664	14.74	31,234	15.02	31,827	15.30	32,420	15.59
7	32,135	15.45	32,750	15.75	33,365	16.04	33,979	16.34
8	33,584	16.15	34,243	16.46	34,880	16.77	35,517	17.08
9	35,055	16.85	35,714	17.17	36,395	17.50	37,076	17.82
10	36,527	17.56	37,229	17.90	37,932	18.24	38,635	18.57
11	37,976	18.26	38,723	18.62	39,447	18.97	40,194	19.32
12	39,447	18.97	40,216	19.33	40,985	19.70	41,731	20.06
13	40,919	19.67	41,709	20.05	42,500	20.43	43,290	20.81
14	42,390	20.38	43,202	20.77	44,037	21.17	44,849	21.56
15	43,861	21.09	44,696	21.49	45,552	21.90	46,409	22.31
16	45,333	21.79	46,211	22.22	47,089	22.64	47,946	23.05
17	46,782	22.49	47,682	22.92	48,604	23.37	49,505	23.80
18	48,253	23.20	49,197	23.65	50,120	24.10	51,064	24.55
19	49,724	23.91	50,691	24.37	51,635	24.82	52,601	25.29
20	51,196	24.61	52,184	25.09	53,172	25.56	54,160	26.04
21	52,645	25.31	53,677	25.81	54,687	26.29	55,719	26.79
22	54,116	26.02	55,170	26.52	56,224	27.03	57,279	27.54
16	45,326	1,743.33	46,203	1,777.04	47,079	1,810.74	47,952	1,844.32
17	46,785	1,799.41	47,689	1,834.20	48,594	1,869.00	49,505	1,904.05
18	48,259	1,856.13	49,194	1,892.07	50,128	1,928.01	51,058	1,963.78
19								
20	51,194	1,968.98	52,186	2,007.15	53,178	2,045.31	54,166	2,083.32
21								
22	54,126	2,081.78	55,177	2,122.18	56,227	2,162.59	57,272	2,202.79
23	55,585	2,137.90	56,664	2,179.39	57,743	2,220.89	58,826	2,262.55
24	57,061	2,194.66	58,170	2,237.30	59,278	2,279.93	60,382	2,322.37
25	58,519	2,250.74	59,656	2,294.47	60,793	2,338.21	61,935	2,382.10
26	59,995	2,307.51	61,162	2,352.38	62,328	2,397.25	63,489	2,441.87
27	61,453	2,363.58	62,648	2,409.55	63,843	2,455.51	65,042	2,501.61
28	62,928	2,420.32	64,153	2,467.41	65,378	2,514.52	66,595	2,561.33
29	64,386	2,476.39	65,639	2,524.58	66,892	2,572.79	68,148	2,621.07
30	65,862	2,533.15	67,145	2,582.49	68,427	2,631.82	69,702	2,680.83
31	67,320	2,589.24	68,631	2,639.66	69,942	2,690.09	71,255	2,740.57
32	68,796	2,645.99	70,137	2,697.57	71,478	2,749.14	72,810	2,800.39
33	70,255	2,702.12	71,624	2,754.78	72,994	2,807.45	74,364	2,860.15
34	71,730	2,758.84	73,129	2,812.64	74,528	2,866.44	75,917	2,919.89
35	73,188	2,814.91	74,615	2,869.81	76,042	2,924.71	77,470	2,979.61
36	74,664	2,871.68	76,121	2,927.72	77,578	2,983.76	79,025	3,039.43
37	76,122	2,927.76	77,607	2,984.89	79,093	3,042.03	80,578	3,099.16
38	77,580	2,983.83	79,094	3,042.07	80,608	3,100.29	82,131	3,158.89
39	79,055	3,040.57	80,598	3,099.93	82,142	3,159.30	83,684	3,218.62
40	80,514	3,096.68	82,086	3,157.14	83,658	3,217.61	85,238	3,278.39

City of Daphne
Public Safety
Pay Table

September 2011

GRADE	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11											
1	16,872	8,11	17,322	8,33	17,772	8,54	18,222	8,76	18,672	8,98	19,122	9,19	19,572	9,41	20,022	9,63	20,472	9,84	20,922	10,06	21,372	10,28
2	17,856	8,59	18,306	8,82	18,756	9,06	19,206	9,30	19,656	9,53	20,106	9,77	20,610	10,00	21,114	10,24	21,628	10,48	22,142	10,71	22,656	10,95
3	18,822	9,05	19,337	9,30	19,852	9,54	20,367	9,79	20,882	10,04	21,397	10,29	21,912	10,53	22,427	10,78	22,942	11,03	23,457	11,28	23,972	11,53
4	19,807	9,52	20,364	9,79	20,921	10,06	21,478	10,33	22,035	10,59	22,592	10,86	23,149	11,13	23,706	11,40	24,263	11,66	24,820	11,93	25,377	12,20
5	20,793	10,00	21,371	10,27	21,949	10,55	22,527	10,83	23,105	11,11	23,683	11,39	24,261	11,66	24,839	11,94	25,417	12,22	25,995	12,50	26,573	12,78
6	21,757	10,48	22,357	10,75	22,957	11,04	23,557	11,33	24,157	11,61	24,757	11,90	25,357	12,19	25,957	12,48	26,557	12,77	27,157	13,06	27,757	13,34
7	22,743	10,93	23,364	11,23	23,985	11,53	24,606	11,83	25,227	12,13	25,848	12,43	26,469	12,73	27,090	13,02	27,711	13,32	28,332	13,62	28,953	13,92
8	23,728	11,41	24,392	11,73	25,056	12,05	25,720	12,37	26,384	12,68	27,048	13,00	27,712	13,32	28,376	13,64	29,040	13,96	29,704	14,28	30,368	14,60
9	24,692	11,87	25,377	12,20	26,062	12,53	26,747	12,86	27,432	13,19	28,117	13,52	28,802	13,85	29,487	14,18	30,172	14,51	30,857	14,84	31,542	15,16
10	25,678	12,35	26,385	12,69	27,092	13,03	27,799	13,36	28,506	13,70	29,213	14,04	29,920	14,38	30,627	14,72	31,334	15,06	32,041	15,40	32,748	15,74
11	26,663	12,82	27,413	13,18	28,163	13,54	28,913	13,90	29,663	14,26	30,413	14,62	31,163	14,98	31,913	15,34	32,663	15,70	33,413	16,06	34,163	16,42
12	27,627	13,28	28,398	13,65	29,169	14,02	29,940	14,39	30,711	14,76	31,482	15,14	32,253	15,51	33,024	15,88	33,733	16,25	34,566	16,62	35,337	16,99
13	28,613	13,76	29,427	14,15	30,241	14,54	31,055	14,93	31,869	15,32	32,683	15,71	33,497	16,10	34,311	16,50	35,125	16,89	35,939	17,28	36,753	17,67
14	29,598	14,23	30,434	14,63	31,270	15,03	32,106	15,44	32,942	15,84	33,778	16,24	34,614	16,64	35,450	17,04	36,286	17,45	37,122	17,85	37,958	18,25
15	30,562	14,69	31,419	15,11	32,276	15,52	33,133	15,93	33,990	16,34	34,847	16,75	35,704	17,17	36,561	17,58	37,418	17,99	38,275	18,40	39,132	18,81
16	31,548	15,17	32,426	15,59	33,304	16,01	34,182	16,43	35,060	16,86	35,938	17,28	36,816	17,70	37,694	18,12	38,572	18,54	39,450	18,97	40,328	19,39
17	32,533	15,64	33,433	16,07	34,333	16,51	35,233	16,94	36,133	17,37	37,033	17,80	37,933	18,24	38,833	18,67	39,733	19,10	40,633	19,54	41,533	19,97
18	33,497	16,10	34,440	16,56	35,383	17,01	36,326	17,46	37,269	17,92	38,212	18,37	39,155	18,82	40,098	19,28	41,041	19,73	41,984	20,18	42,927	20,64
19	34,463	16,58	35,447	17,04	36,411	17,51	37,375	17,97	38,339	18,43	39,303	18,90	40,267	19,36	41,231	19,82	42,195	20,29	43,159	20,75	44,123	21,21
20	35,447	17,04	36,454	17,53	37,461	18,01	38,468	18,49	39,475	18,98	40,482	19,46	41,489	19,95	42,496	20,43	43,503	20,91	44,510	21,40	45,517	21,88
21	36,432	17,52	37,460	18,01	38,488	18,50	39,516	19,00	40,544	19,49	41,572	19,99	42,600	20,48	43,628	20,98	44,656	21,47	45,684	21,96	46,712	22,46
22	37,417	17,99	38,465	18,49	39,518	19,00	40,571	19,51	41,624	20,01	42,677	20,52	43,730	21,02	44,783	21,53	45,836	22,04	46,889	22,54	47,942	23,05
23	38,391	18,46	39,472	18,98	40,553	19,50	41,634	20,02	42,715	20,54	43,796	21,06	44,877	21,58	45,958	22,10	47,039	22,61	48,120	23,13	49,201	23,65
24	39,368	18,93	40,477	19,46	41,586	19,99	42,695	20,53	43,804	21,06	44,913	21,59	46,027	22,13	47,131	22,66	48,240	23,17	49,349	23,73	51,472	24,26
25	40,347	19,40	41,485	19,94	42,623	20,49	43,761	21,04	44,899	21,59	46,037	22,13	47,175	22,68	48,313	23,23	49,451	23,77	50,589	24,32	51,727	24,87
26	41,324	19,87	42,490	20,43	43,656	20,99	44,822	21,55	45,988	22,11	47,154	22,67	48,320	23,23	49,486	23,79	50,652	24,35	51,818	24,91	52,984	25,47
27	42,302	20,34	43,496	20,91	44,691	21,49	45,886	22,06	47,081	22,64	48,276	23,21	49,471	23,78	50,665	24,36	51,860	24,93	53,055	25,51	54,250	26,08
28	43,279	20,81	44,502	21,40	45,725	21,98	46,948	22,57	48,171	23,16	49,394	23,75	50,617	24,34	51,840	24,92	53,063	25,51	54,286	26,10	55,509	26,69
29	44,258	21,28	45,510	21,88	46,762	22,48	48,014	23,08	49,266	23,69	50,518	24,29	51,770	24,89	53,022	25,49	54,274	26,09	55,526	26,70	56,778	27,30
30	45,235	21,75	46,514	22,36	47,793	22,98	49,072	23,59	50,351	24,21	51,630	24,82	52,909	25,44	54,188	26,05	55,467	26,67	56,746	27,28	58,025	27,90
31	46,214	22,22	47,522	22,85	48,830	23,48	50,138	24,10	51,446	24,73	52,754	25,36	54,062	25,99	55,370	26,82	56,678	27,25	57,986	27,88	59,294	28,51
32	47,192	22,69	48,528	23,33	49,864	23,97	51,200	24,62	52,532	25,26	53,872	25,90	55,208	26,54	56,544	27,18	57,880	27,93	59,216	28,47	60,552	29,11
33	48,170	23,16	49,535	23,81	50,900	24,47	52,265	25,13	53,630	25,78	54,995	26,44	56,360	27,10	57,725	27,75	59,090	28,41	60,455	29,06	61,820	29,72
34	49,147	23,63	50,540	24,30	51,933	24,97	53,326	25,64	54,719	26,31	56,112	26,98	57,505	27,65	58,898	28,32	60,291	28,99	61,684	29,66	63,077	30,33
35	50,126	24,10	51,547	24,78	52,968	25,47	54,389	26,15	55,810	26,83	57,231	27,51	58,652	28,20	60,073	28,88	61,494	29,56	62,915	30,25	64,336	30,93
36	51,103	24,57	52,552	25,27	54,001	25,96	55,450	26,66	56,899	27,36	58,348	28,05	59,797	28,75	61,246	29,45	62,695	30,14	64,144	30,84	65,993	31,54
37	52,081	25,04	53,558	25,75	55,035	26,46	56,512	27,17	57,989	27,88	59,466	28,59	60,943	29,30	62,420	30,01	63,897	30,72	65,374	31,43	66,951	32,14
38	53,058	25,51	54,564	26,23	56,070	26,96	57,576	27,68	59,082	28,40	60,588	29,13	62,084	29,85	63,600	30,58	65,106	31,30	66,612	32,03	68,118	32,75
39	54,037	25,98	55,570	26,72	57,102	27,45	58,636	28,19	60,169	28,93	61,702	29,66	63,235	30,40	64,768	31,14	66,301	31,88	67,834	32,61	69,367	33,35

Based on hours worked/year

GRADE	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11											
Fire Dept. 24 hr Shifts (2808 hr/yr):																						
PF20	35,447	12,62	36,454	12,98	37,461	13,34	38,468	13,70	39,475	14,06	40,482	14,42	41,489	14,78	42,496	15,13	43,503	15,49	44,510	15,85	45,517	16,21
PF21	36,432	12,97	37,460	13,34	38,488	13,71	39,516	14,07	40,544	14,44	41,572	14,80	42,600	15,17	43,628	15,54	44,656	15,90	45,684	16,27	46,712	16,64
PF22	37,412	13,32	38,465	13,70	39,518	14,07	40,571	14,45	41,624	14,82	42,677	15,20	43,730	15,57	44,783	15,95	45,836	16,32	46,889	16,70	47,942	17,07
PF29	44,258	15,76	45,510	16,21	46,762	16,65	48,014	17,10	49,266	17,54	50,518	17,99	51,770	18,44	53,022	18,88	54,274	19,33	55,526	19,77	56,778	20,22
Police Dept. 12 hr Shifts (2184 hr/yr):																						
P11	27,568	12,62	28,306	12,96	29,112	13,33	29,873	13,68	30,612	14,02	31,373	14,36	32,179	14,73	32,918	15,07	33,679	15,42	34,440	15,77	35,224	16,13
P20	35,447	17,02	36,454	16,69	37,461	17,15	38,468	17,61	39,475	18,07	40,482	18,54	41,489	19,00	42,496	19,46	43,503	19,92	44,510	20,38	45,517	20,84
P22	37,412	17,13	38,465	17,61	39,518	18,09	40,571	18,58	41,624	19,06	42,677	19,54	43,730	20,02	44,783	20,51	45,836	20,99	46,889	21,47	47,942	21,95
P25	40,347	18,47	41,485	18,99	42,623	19,52	43,761	20,04	44,899	20,56	46,037	21,08	47,175	21,60	48,313	22,12	49,451	22,64	50,589	23,16	51,727	23,68

GRADE	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18	Step 19	Step 20									
1	21,822	10,49	22,272	10,71	22,722	10,92	23,172	11,14	23,622	11,36	24,072	11,57	24,522	11,79	24,972	12,01	25,422	12,22
2	23,270	11,19	23,762	11,42	24,254	11,66	24,746	11,90	25,238	12,13	25,730	12,37	26,222	12,61	26,714	12,84	27,206	13,08
3	24,487	11,77	25,002	12,02	25,517	12,27	26,032	12,52	26,547	12,76	27,062	13,01	27,577	13,26	27,892	13,51	28,607	13,75
4	25,934	12,47	26,491	12,74	27,048	13,00	27,605	13,27	28,162	13,54	28,719	13,81	29,276	14,08	29,833	14,34	30,390	14,61
5	27,151	13,05	27,729	13,33	28,307	13,61	28,885	13,89	29,463	14,16	30,041	14,44	30,619	14,72	31,197	15,00	31,775	15,28
6	28,357	13,63	28,957	13,92	29,557	14,21	30,157	14,50	30,757	14,79	31,357	15,08	31,957	15,36	32,557	15,65	33,157	15,94
7	29,574	14,22	30,195	14,52	30,816	14,82	31,437	15,11	32,058	15,41	32,679	15,41	33,300	16,01	33,921	16,31	34,542	16,61
8	31,032	14,92	31,696	15,24	32,360	15,56	33,024	15,88	33,688	16,20	34,352	16,52	35,016	16,83	35,680	17,15	36,344	17,47
9	32,227	15,49	32,912	15,82	33,597	16,15	34,282	16,48	34,967	16,81	35,652	17,14	36,337	17,47	37,022	17,80	37,707	18,13
10	33,455	16,08	34,162	16,42	34,869	16,76	35,576	17,10	36,283	17,44	36,990	17,78	37,697	18,12	38,404	18,46	39,111	18,80
11	34,913	16,79	35,663	17,15	36,413	17,51	37,163	17,87	37,913	18,23	38,663	18,59	39,413	18,95	40,163	19,31	40,913	19,67
12	36,108	17,36	36,879	17,73	37,650	18,10	38,421	18,47	39,192	18,84	39,963	19,21	40,734	19,58	41,505	19,95	42,276	20,33
13	37,567	18,06	38,381	18,45	39,195	18,84	40,009	19,24	40,823	19,63	41,637	20,02	42,451	20,41	43,265	20,80	44,079	21,19
14	38,794	18,65	39,630	19,05	40,466	19,45	41,302	19,86	42,138	20,26	42,974	20,66	43,810	21,06	44,646	21,46	45,482	21,87
15	39,989	19,23	40,846	19,64	41,703	20,05	42,560	20,46	43,417	20,87	44,274	21,29	45,131	21,70	45,988	22,11	46,845	22,52
16	41,206	19,81	42,084	20,23	42,962	20,65	43,840	21,08	44,718	21,50	45,596	21,92	46,474	22,34	47,352	22,77	48,230	23,19
17	42,433	20,40	43,333	20,83	44,233	21,27	45,133	21,70	46,033	22,13	46,933	22,56	47,833	23,00	48,733	23,43	49,633	23,86
18	43,870	21,09	44,813	21,54	45,756	22,00	46,699	22,45	47,642	22,90	48,585	23,36	49,528	23,81	50,471	24,26	51,474	24,72
19	45,087	21,68	46,051	22,14	47,015	22,60	47,979	23,07	48,943	23,53	49,907	23,99	50,871	24,46	51,835	24,92	52,799	25,38
20	46,524	22,37	47,531	22,85	48,538	23,34	49,545	23,82	50,552	24,30	51,559	24,79	52,566	25,27	53,573	25,76	54,580	26,24
21	47,740	22,95	48,768	23,45	49,796	23,94	50,824	24,43	51,852	24,93	52,880	25,42	53,908	25,92	54,936	26,41	55,964	26,91
22	48,995	23,56	50,048	24,06	51,101	24,57	52,154	25,07	53,207	25,58	54,260	26,09	55,313	26,59	56,366	27,10	57,419	27,61
23	50,282	24,17	51,363	24,69	52,444	25,21	53,525	25,73	54,606	26,25	55,687	26,77	56,768	27,29	57,849	27,81	58,930	28,33
24	51,567	24,79	52,676	25,33	53,785	25,86	54,884	26,39	56,003	26,92	57,112	27,46	58,221	27,99	59,330	28,52	60,439	28,76
25	52,865	25,42	54,003	25,96	55,141	26,51	56,279	27,06	57,417	27,60	58,555	28,15	59,693	28,70	60,831	29,25	61,969	29,79
26	54,150	26,03	55,316	26,59	56,482	27,15	57,648	27,72	58,814	28,28	59,980	28,84	61,146	29,40	62,312	29,96	63,478	30,52
27	55,445	26,66	56,639	27,23	57,834	27,80	59,029	28,38	60,224	28,95	61,419	29,53	62,613	30,10	63,808	30,68	64,996	31,25
28	56,732	27,28	57,955	27,86	59,178	28,45	60,401	29,04	61,624	29,63	62,847	30,21	64,070	30,80	65,293	31,39	66,516	31,98
29	58,030	27,90	59,282	28,50	60,534	29,10	61,786	29,70	63,038	30,31	64,290	30,91	65,542	31,51	66,794	32,11	68,046	32,71
30	59,304	28,51	60,583	29,13	61,862	29,74	63,141	30,36	64,420	30,97	65,699	31,59	66,978	32,20	68,257	32,82	69,536	33,43
31	60,602	29,14	61,910	29,76	63,218	30,39	64,526	31,02	65,634	31,65	67,142	32,28	68,450	32,91	69,758	33,54	71,066	34,17
32	61,888	29,75	63,224	30,40	64,560	31,04	65,896	31,68	67,232	32,32	68,568	32,97	69,904	33,61	71,240	34,25	72,576	34,89
33	63,185	30,38	64,550	31,03	65,915	31,69	67,280	32,35	68,645	33,00	70,010	33,66	71,375	34,31	72,740	34,97	74,105	35,63
34	64,470	31,00	65,863	31,66	67,256	32,33	68,649	33,00	70,042	33,67	71,435	34,34	72,828	35,01	74,221	35,68	75,614	36,35
35	65,757	31,61	67,178	32,30	68,599	32,98	70,020	33,66	71,441	34,35	72,862	35,03	74,283	35,71	75,704	36,40	77,125	37,08
36	67,042	32,23	68,491	32,93	69,940	33,63	71,389	34,32	72,838	35,02	74,287	36,71	75,736	36,41	77,185	37,11	78,634	37,80
37	68,328	32,85	69,805	33,56	71,282	34,27	72,759	34,98	74,236	36,69	75,713	38,40	77,190	37,11	78,667	37,82	80,144	38,53
38	69,624	33,47	71,130	34,20	72,636	34,92	74,142	35,65	75,648	36,37	77,154	37,09	78,660	37,82	80,166	38,54	81,672	39,27
39	70,900	34,09	72,433	34,82	73,966	35,56	75,499	36,30	77,032	37,03	78,565	37,77	80,098	38,51	81,631	39,25	83,164	39,98

GRADE	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18	Step 19	Step 20									
PF20	46,524	16,57	47,531	16,93	48,538	17,29	49,545	17,64	50,552	18,00	51,559	18,36	52,566	18,72	53,573	19,08	54,580	19,44
PF21	47,740	17,00	48,768	17,37	49,796	17,73	50,824	18,10	51,852	18,47	52,880	18,83	53,908	19,20	54,936	19,56	55,964	19,93
PF22	48,995	17,45	50,048	17,82	51,101	18,20	52,154	18,57	53,207	18,95	54,260	19,32	55,313	19,70	56,366	20,07	57,419	20,45
PF29	56,030	20,67	59,282	21,11	60,534	21,56	61,786	22,00	63,038	22,45	64,290	22,90	65,542	23,34	66,794	23,79	68,046	24,23
P11	35,985	16,48	36,746	16,83	37,529	17,18	38,290	17,53	39,051	17,88	39,813	18,23	40,596	18,59	41,357	18,94	42,141	19,30
P20	46,524	21,30	47,531	21,76	48,538	22,22	49,545	22,69	50,552	23,15	51,559	23,61	52,566	24,07	53,573	24,53	54,580	24,99
P22	48,995	22,43	50,048	22,92	51,101	23,40	52,154	23,88	53,207	24,36	54,260	24,84	55,313	25,33	56,366	25,98	57,419	26,29
P25	52,865	24,21	54,003	24,73	55,141	25,25	56,279	25,77	57,417	26,29	58,555	26,81	59,693	27,33	60,831	27,85	61,969	28,37

ORDINANCE 2011- 61

Fiscal 2011 Road Striping & Marking Projects

WHEREAS, Ordinance 2010-71 approved and adopted the Fiscal Year 2011 Budget on December 20, 2010; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2011 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2011 budget; and

WHEREAS, the City has received a cost estimate from the County for road striping & marking for several areas within the City; and

WHEREAS, road striping & marking services are required for the following roads and additional areas as required (6.91+ /miles):

- 1. County Road 64**
- 2. Dimitrios Avenue**
- 3. Justina Avenue**
- 4. North Main Street**
- 5. South Main Street**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that an appropriation of \$ 14,915 from the Seven Cent Gas Tax Fund for the road striping & marking needed for the above listed road projects is hereby approved and if all funds are not expended on the above listed streets additional striping may be completed with remaining funds.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen,
City Clerk MMC

ORDINANCE 2011-63

NRDA Appraisal Appropriation

WHEREAS, Ordinance 2010-71 approved and adopted the Fiscal Year 2011 Budget on December 20, 2010; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2011 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2011 budget; and

WHEREAS, the City Council is aware of the environmental impact the various wetlands in Daphne have to the vitality of Mobile Bay; and

WHEREAS, the City Council plans to make application for NRDA grant funds to purchase coastal wetlands; and

WHEREAS, the City Council wishes to obtain appraisals on Leon Allen's property, Friday Construction's property, Marino's property, and Davenport's property for informational purposes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2011 Budget is hereby amended to include a Lodging Tax appropriation in an amount not to exceed \$ 7,500 for the appraisals of Leon Allen's property, Friday Construction's property, Marino's property, and Davenport's property.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this day of , 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2011-64**

**AN ORDINANCE TO ANNEX THE RIGHT OF WAY OF ALABAMA STATE
HIGHWAY 181 FROM LAWSON ROAD SOUTH TO THE SOUTHERNMOST
CORPORATE LIMITS OF THE CITY OF DAPHNE**

WHEREAS, on the 25th day of May, 2011, the State of Alabama, being the owner of the real property herein described, did file with the City a letter containing the signature of Vincent E. Calametti, P.E., an authorized agent of the State of Alabama Department of Transportation, and a map of said property showing its proximity to the corporate limits of the City of Daphne, Alabama, whereby the State of Alabama provided its consent to the annexation of said real property into the corporate limits of the City of Daphne, Alabama; and,

WHEREAS, the City of Daphne, Alabama, desires to utilize said real property for the health, safety, and welfare purposes of providing fire and police protection; and,

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of June 23, 2011, forwarded a unanimous favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "A"; and,

WHEREAS, after proper publication, a public hearing was held on August 1, 2011, by the City Council of the City of Daphne concerning said letter for annexation; and,

WHEREAS, the City Council of the City of Daphne determined it is in the public interest that said real property be annexed into the City of Daphne, Alabama and that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama (1975).

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

SECTION I: ANNEXATION

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

Name: Right-of-Way of Alabama State Highway 181 from Lawson Road southward unto the southernmost City limits

Legal Description: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD AND THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 181 (FORMERLY COUNTY ROAD 27), SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, FOR THE POINT OF BEGINNING; THENCE RUN SOUTHERLY ALONG THE WEST RIGHT-OF-WAY BOUNDARY LINE OF STATE HIGHWAY 181 TO THE POINT OF INTERSECTION OF THE SOUTH PROPERTY LINE OF OLDFIELD SUBDIVISION, PHASE ONE AS RECORDED WITH THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA ON SLIDE 2328-C&D, SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE EASTERLY TO THE POINT OF INTERSECTION OF THE SOUTH PROPERTY LINE OF DUNMORE SUBDIVISION, PHASE ONE AS RECORDED WITH THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA ON SLIDE 2414-A&B, SECTION 35, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE NORTHERLY ALONG THE EAST RIGHT-OF-WAY BOUNDARY LINE OF STATE HIGHWAY 181 TO THE POINT OF THE PROJECTED INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 181 AND THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD; THENCE WEST TO THE POINT OF BEGINNING.

Being contiguous to the Corporate Limits of the City of Daphne, Alabama.

SECTION II: PUBLICATION

This ordinance shall be published as provided by law, and a certified copy of the same shall be filed with the Probate Court of Baldwin County, Alabama.

SECTION III: SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION IV: EFFECTIVE DATE

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2011.

**CATHY S. BARNETTE
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**

"EXHIBIT A"

SR 181 ROW –LAWSON ROAD SOUTH TO SOUTHERN CITY LIMIT

LEGAL DESCRIPTION:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD AND THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 181 (FORMERLY COUNTY ROAD 27), SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, FOR THE POINT OF BEGINNING; THENCE RUN SOUTHERLY ALONG THE WEST RIGHT-OF-WAY BOUNDARY LINE OF STATE HIGHWAY 181 TO THE POINT OF INTERSECTION OF THE SOUTH PROPERTY LINE OF OLDFIELD SUBDIVISION, PHASE ONE AS RECORDED WITH THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA ON SLIDE 2328-C&D, SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE EASTERLY TO THE POINT OF INTERSECTION OF THE SOUTH PROPERTY LINE OF DUNMORE SUBDIVISION, PHASE ONE AS RECORDED WITH THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA ON SLIDE 2414-A&B, SECTION 35, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE NORTHERLY ALONG THE EAST RIGHT-OF-WAY BOUNDARY LINE OF STATE HIGHWAY 181 TO THE POINT OF THE PROJECTED INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 181 AND THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD; THENCE WEST TO THE POINT OF BEGINNING.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2011-**

**AN ORDINANCE TO ANNEX THE RIGHT OF WAY OF ALABAMA STATE
HIGHWAY 181 FROM LAWSON ROAD SOUTH TO THE SOUTHERNMOST
CORPORATE LIMITS OF THE CITY OF DAPHNE**

WHEREAS, on the 25th day of May, 2011, the State of Alabama, being the owner of the real property herein described, did file with the City a letter containing the signature of Vincent E. Calametti, P.E., an authorized agent of the State of Alabama Department of Transportation, and a map of said property showing its proximity to the corporate limits of the City of Daphne, Alabama, whereby the State of Alabama provided its consent to the annexation of said real property into the corporate limits of the City of Daphne, Alabama; and,

WHEREAS, the City of Daphne, Alabama, desires to utilize said real property for the health, safety, and welfare purposes of providing fire and police protection; and,

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of June 23, 2011, forwarded a unanimous favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "A"; and,

WHEREAS, after proper publication, a public hearing was held on August 1, 2011, by the City Council of the City of Daphne concerning said letter for annexation; and,

WHEREAS, the City Council of the City of Daphne determined it is in the public interest that said real property be annexed into the City of Daphne, Alabama and that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama (1975).

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

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Being contiguous to the Corporate Limits of the City of Daphne, Alabama.

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SECTION III: SEVERABILITY

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SECTION IV: EFFECTIVE DATE

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2011.

CATHY S. BARNETTE
COUNCIL PRESIDENT

FRED SMALL,
MAYOR

ATTEST:

DAVID COHEN,
CITY CLERK, MMC