

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
January 4, 2021
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE

PROCLAMATION: Human Trafficking Awareness Month

PRESENTATION: Alabama Land Trust

3. APPROVE MINUTES: December 21, 2020 regular council meeting

4. REPORTS OF STANDING COMMITTEES

- A. FINANCE COMMITTEE – Conaway**
Review the minutes from the December 21, 2020 meeting.
Treasurer's Report – November 2020
 Unrestricted Fund Balance - \$18,817,200
 Total Cash Balance - \$29,232,121
Sales Tax – October 2020: \$1,783,233
Lodging Tax – October 2020: \$144,161

MOTION to authorize the Mayor to enter into an agreement with the copier company to lease the replacement copier and die cutter equipment that was damaged during the lightning storm.

- B. BUILDINGS & PROPERTY COMMITTEE – Phillips**
- C. PUBLIC SAFETY COMMITTEE – Hughes**
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Olen**
- E. PUBLIC WORKS COMMITTEE – Coleman**

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

- A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones**
- B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway**
- C. INDUSTRIAL DEVELOPMENT BOARD – Scott**
- D. LIBRARY BOARD –Phillips**
- E. PLANNING COMMISSION – Olen**
Review the minutes from the November 19, 2020 meeting and the report from the December 17, 2020 meeting.
- F. RECREATION BOARD – Hughes**
- G. UTILITY BOARD – Goodlin**

City Council Agenda – January 4, 2021

- 6. MAYOR’S REPORT**
- 7. CITY ATTORNEY REPORT**
- 8. DEPARTMENT HEAD REPORTS**
- 9. CITY CLERK’S REPORT**

MOTION to approve the publication and set a public hearing on February 15, 2021 for the Proposed Amendments to Ordinance 2011-54, Land Use and Development Ordinance, Articles 16, Parking Requirements for All Districts, and Article 8, Definition of Terms.

MOTION to approve the publication and set a public hearing for the Burris-Warner, L.L.C. Zoning Amendment on February 15, 2021.

MOTION to appoint the City of Daphne Fire Chief.

- 10. PUBLIC PARTICIPATION**
- 11. RESOLUTIONS & ORDINANCES**

A. RESOLUTIONS:

B. 2nd READ ORDINANCES:

2021-01 - Amend and Make Additions to the City of Daphne Employee Handbook

C. 1ST READ ORDINANCES:

2021-02 – MUSCO Lighting Early Retirement of Debt – Note Payable

2021-03 – Additional Appropriation – Drainage Improvements Lakeshore Drive - \$8,500

- 12. COUNCIL COMMENTS**
- 13. ADJOURN**

The next City Council Meeting will be held on Tuesday, January 19, 2021.

CITY OF DAPHNE, ALABAMA

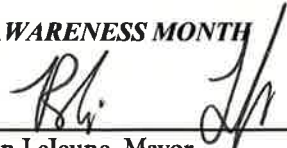
Proclamation

- WHEREAS; Alabama's Human Trafficking Awareness Month was established in January 2011 in observance of National Human Trafficking Awareness Day, to proclaim the equality and freedom of all people, to advocate for legislation, to educate leaders and to encourage public awareness to the various forms of human trafficking; and
- WHEREAS; human trafficking occurs when an adult or child is recruited, harbored, obtained, or exported through force, fraud or coercion for the purposes of sexual exploitation, forced labor, involuntary servitude, debt bondage and other methods of slavery; and
- WHEREAS; the United States government estimates that 600,000 to 800,000 individuals are trafficked across international borders each year and exploited through forced labor and forced sexual activity; and
- WHEREAS; the U.S. Institute Against Human Trafficking states that the United States is the number one consumer of commercial sex worldwide; and,
- WHEREAS; the National Center for Missing and Exploited Children estimates that 100,000 – 300,000 children are at risk for being trafficked in the United States; and
- WHEREAS; in 2017, the University of Alabama identified 1,167 human trafficking victims within the state of Alabama with 57% of those being minors; and
- WHEREAS; Polaris estimates that the national age of entry into the sex trade is 17 years old, here in Alabama, Homeland Security has identified victims as young as 9 years old; and,
- WHEREAS; the first step in eliminating human trafficking is to educate the community. We must work to ensure that all residents are aware of this problem, how to spot it, and how to report it. We must work together as a community to bring victims to safety and to punish human traffickers; and,
- WHEREAS; we ask all residents of this community to join us in raising the visibility of this crime whose victims are all too often invisible. Together, we can become more informed and work to combat its injustices.

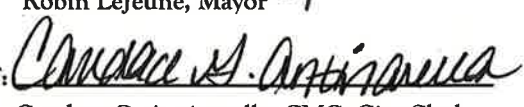
NOW,

THEREFORE; I, Robin LeJeune, as the Mayor of the City of Daphne, Alabama, along with the Daphne City Council, do hereby proclaim January 2021 as

HUMAN TRAFFICKING AWARENESS MONTH


Robin LeJeune, Mayor

ATTEST:


Candace G. Antinarella, CMC, City Clerk





Our Mission - South Alabama Land Trust protects land and promotes environmental education in coastal Alabama so current and future residents can enjoy clean water and the marine life, wildlife, and outdoor recreation that define our area.

INVESTING IN NATURE: the economic benefits



LAND IS THE ANSWER

Our outdoor spaces are the lifeline to clean air, water, food, a stable climate and human health.

HEALTH

People who engage in moderate exercise outdoors can save an average of

\$1,100

in medical costs annually.

CLEAN WATER

Treated drinking water from an unprotected watershed can cost

10 times

more than treating water in a protected watershed.

LOCAL ECONOMIES

Proximity to protected lands can increase home values by

3-9%

STORM PROTECTION

Coastal wetlands provide storm protection valued at

\$23.2 billion

per year by helping reduce the severity of impacts from hurricanes.

SUSTAINABLE FISHERIES

Wetlands support the life cycle of

75%

of commercially harvested fish and shellfish, and up to 90% of the recreational catch.

Sources: Land Trust Alliance; U.S. Fish and Wildlife

South Alabama Land Trust AT A GLANCE

SALT FOOTPRINT

- Acres protected in 2020: **1,501**
- Acres held in conservation easements: **1,645**
- Total acres protected: **9,500**

OUTREACH AND EDUCATION

- Guided Paddle Trips
- Nature and Plant Identification Walks
- Volunteer Restoration
- Invasive Species Workshops
- Photography Contest

FUND RAISING EVENTS

- Bald Eagle Bash
- Alabama Coastal BirdFest

OPERATIONS

- General Operating Budget: **\$412,500**
- Income from Contributions: **\$240,000**
- Earned Income: **\$3,000**
- Income from Events/Retail: **\$169,500**
- Number of Employees: **2.5**
- Board of Directors: **23**

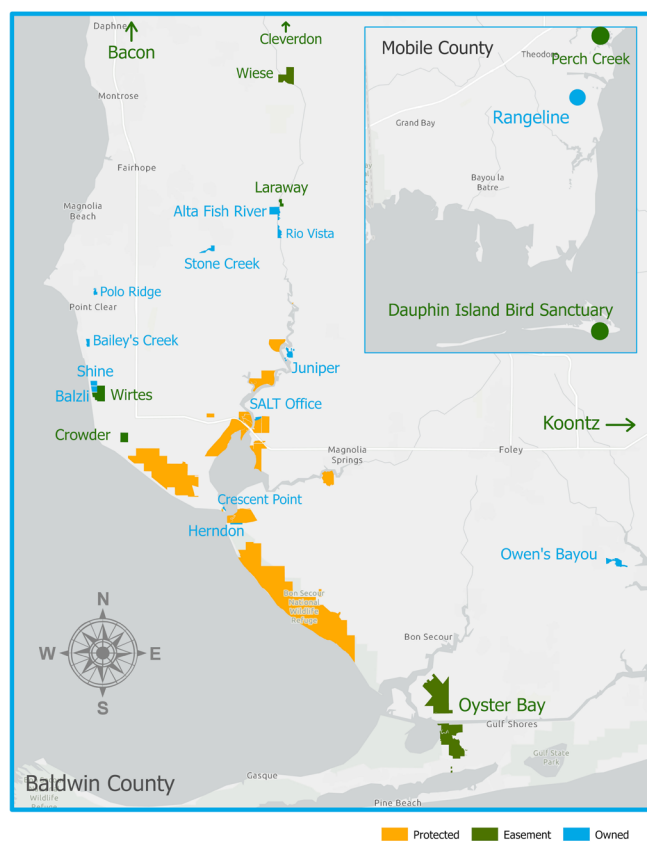
PARTNERS

Friends of the Weeks Bay National Estuarine Research Reserve

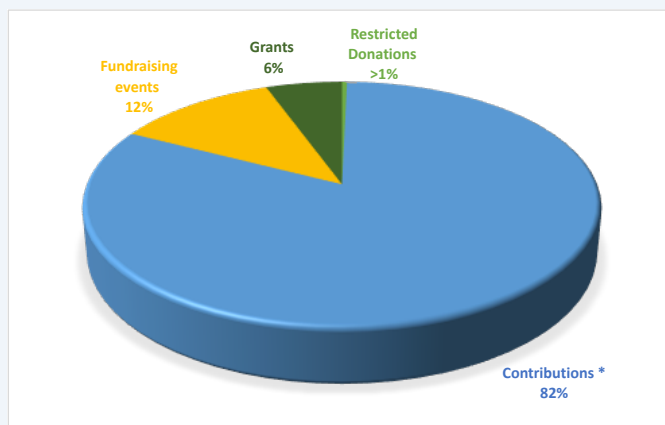
Alabama Department of
Conservation & Natural
Resources
Baldwin County Soil and Water
Conservation District
Dauphin Island Bird
Sanctuaries, Inc.
EPA Gulf of Mexico
Program
GulfCorps
Land Trust Alliance
Mobile Bay National Estuary
Program

National Estuarine Research
Reserve Association
National Fish and Wildlife
Foundation
National Oceanic and
Atmospheric Administration
Natural Resource Damage
and Assessment
Partnership for Gulf Coast
Land Conservation
The Conservation Fund
U.S. Fish & Wildlife Service
Weeks Bay Volunteers

PROPERTIES WE PROTECT



FUNDING SOURCES



* Individual and Corporate Memberships, Year-end and Spring Appeals, and General Donations



southalabamalandtrust.org
11401 U.S. Hwy 98 | Fairhope AL 36532

**December 21, 2020
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

There being a quorum present Council Pro Tem Joel Coleman called the meeting to order at 6:30pm.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Tommie Conaway, Benjamin Hughes, Steve Olen, Ron Scott and Joel Coleman

COUNCIL MEMBERS ABSENT: Doug Goodlin and Angie Phillips

Also Present: Candace Antinarella, City Clerk; Mayor LeJeune; Jay Ross, City Attorney; Conrad Bates, IT Department; Joey Holasz, Fire Department; Chief Carpenter, Police Department; Ange Baggett, Marketing; Troy Strunk, Director of City Development; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Councilman Ron Scott.

3. APPROVAL OF MINUTES:

The minutes from the November 30, 2020 special called meeting and December 7, 2020 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Conaway said the Committee met that afternoon and the report will be at the next meeting.

B. BUILDINGS & PROPERTY COMMITTEE

Councilwoman Phillips was absent.

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the minutes from the November 9th meeting were in the packet. He said the next meeting is January 11th at 4:30pm.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Olen said the next meeting is January 4th at 4:30pm.

E. PUBLIC WORKS COMMITTEE

Councilman Coleman said the next meeting is January 4th at 5:30pm.

MOTION by Councilman Coleman to use existing sidewalk funding to pay for engineering services to update the design for sidewalk additions on Ridgewood Drive. MOTION CARRIED UNANIMOUSLY.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones was absent.

B. Downtown Redevelopment Authority

Councilwoman Conaway said the Downtown Redevelopment Authority will meet on January 21st at 5:30pm.

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C. Industrial Development Board

Councilman Scott said the meeting that was scheduled for December 22nd has been cancelled. He said the Board is working hard to have some news to present to the Council soon.

D. Library Board

Councilwoman Phillips was absent.

E. Planning Commission

Councilman Olen said the next meeting is January 28th at 5:00pm.

F. Recreation Board

Councilman Hughes said the next meeting is January 13th at 6:30pm.

G. Utility Board

Councilman Goodlin was absent. Mayor LeJeune shared there will be no meeting in December.

6. MAYOR'S REPORT:

Mayor LeJeune wished Councilman Coleman a happy birthday.

He wished everyone a Merry Christmas and a Happy New Year. He thanked the staff for their work with the staff Christmas party this past Friday.

He thanked employees who had given donations to the Senior Center.

He encouraged everyone to look at the new sign located near Guido's.

7. CITY ATTORNEY REPORT:

City Attorney said there was a threatened litigation that warranted the Council to go into Executive Session at the end of the meeting. He said no action would be needed. He said it should take no longer than 5 minutes.

8. DEPARTMENT HEAD COMMENTS:

Joey Holasz, Fire Department, said the department has had a busy week with 107 incidents.

Chief Carpenter wished Councilman Coleman happy birthday. He said the department recently responded to an arson case that they assisted the County with. He commended two officers for their hard work at a recent wreck/car fire.

Ange Baggett said everyone enjoyed the Christmas party this past Friday. She updated everyone on upcoming events within the recreation department.

Troy Strunk spoke on behalf of Building Inspection. He said there were 45 new home permits in December. He updated the Council on road improvements.

9. CITY CLERK'S REPORT:

**MOTION by Councilwoman Conaway to approve the Mancini's St. Pat's Block Party on March 13, 2021 from 5:00pm – 10:00pm located at 1715 Main Street, Daphne, to block off Mancini's lot and a portion of Belrose beside Mancini's. Seconded by Councilman Hughes.
Discussion was had on the safety of the event during the COVID pandemic.**

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**MOTION by Councilman Scott to amend the original motion to approve the blocking of Belrose Avenue beside Mancini's tentatively with a final approval to be voted on at the February 15, 2021 Council meeting. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

10. PUBLIC PARTICIPATION:

Public Participation opened at 6:48pm.

Public Participation closed at 6:49pm.

11. RESOLUTIONS & ORDINANCES:

A. RESOLUTIONS:

ORDINANCES:

B. 2nd READ ORDINANCES:

2020-44 – FY2021 Personnel and Capital Budget

**MOTION by Councilwoman Conaway to waive the reading of Ordinances 2020-44. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

MOTION by Councilwoman Conaway to adopt Ordinance 2020-44. Seconded by Councilman Hughes.

**MOTION by Councilman Olen to amend Ordinance 2020-44 to change two items on the budget to amend the Capital Budget to purchase rather than lease the seven (7) police vehicles with the difference in the cost to be paid out of excess in the debt service fund. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY TO ADOPT THE AMENDMENT TO THE ORIGINAL MOTION.**

MOTION CARRIED UNANIMOUSLY TO ADOPT THE ORIGINAL MOTION AS AMENDED.

Councilman Scott pointed out that there were multiple items in the Finance meeting that were not funded previously, but were not included in the budget that was just passed.

C. 1ST READ ORDINANCES:

2020-45 – Amend and Make Additions to the City of Daphne Employee Handbook

12. COUNCIL COMMENTS:

City Attorney certified that the Council should enter into an Executive Session concerning matters of threatened litigation. He said it should take 5 minutes. He said no action is needed from the Council.

MOTION by Councilman Scott to enter into Executive Session. Seconded by Councilman Hughes.

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City Clerk called roll.

Councilwoman Conaway	Aye
Councilman Olen	Aye
Councilman Coleman	Aye
Councilman Scott	Aye
Councilman Hughes	Aye
Councilwoman Phillips	Absent
Council President Goodlin	Absent

MOTION CARRIED UNANIMOUSLY.

Councilman Hughes wished everyone Merry Christmas. He wished Councilman Coleman a happy birthday. He encouraged everyone to check on their loved ones during this holiday season. He asked everyone to remember first responders and those serving in the Armed Forces.

Councilman Olen wished everyone Happy Holidays and a Happy New Year.

Councilwoman Conaway wished everyone Happy Holidays and Happy New Year.

Councilman Scott wished everyone Merry Christmas and Happy New Year. He thanked the citizens for coming out that evening.

Mayor LeJeune wished everyone Merry Christmas and Happy New Year. He thanked the Council for passing the budget. He encouraged everyone to remember correction officers and dispatchers as well as they work over the holidays.

Councilman Coleman wished everyone Merry Christmas. He thanked everyone for coming out that evening.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED INTO EXECUTIVE SESSION AT 6:56PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, CMC, City Clerk

Joel Coleman, Council Pro Tem

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
DECEMBER 21, 2020
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

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

Present were:

Chairperson Mrs. Tommie Conaway

Councilman Mr. Steve Olen

Councilman Mr. Joel Coleman

Councilman Mr. Ron Scott

Councilman Mr. Ben Hughes

Also Present: Mayor Robin LeJeune, Finance Director Mrs. Kelli Reid, Senior Accountant Mrs. Suzanne Henson, Human Resource Deputy Director Mrs. Hannah Noonan, Revenue Officer Mrs. Courtney Coleman, Operations Director Mrs. Betsy Schneider, City Clerk Mrs. Candace Antinarella, Assistant City Clerk Mrs. Jessica Linne, Executive Director of City Development Troy Strunk, Director of Events and Marketing Mrs. Ange Baggett, and City Attorney Patrick Dungan.

II. PUBLIC PARTICIPATION

There was no public participation.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved with minor changes.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Hannah Noonan reviewed the Human Resource Report:

- Posted positions – 8
- Reviewing/Testing/Interviewing/Background check - 5
- Promotion/Internal Transfer - 0
- New Hires – 4
- Open positions - 1

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

Other HR projects/meetings/events:

- Reviewing/updating policies for employee handbook
- Conversion of Flexible Spending Account with new company
- Developing Onboarding through ESS Portal to include New Hire Orientation, Employee Handbook & Safety Manual, and Stormwater Management Program videos.
- Developing and revising job descriptions

Mr. Scott asked Mrs. Noonan to discuss why some postings stay as open until filled and some do not. Mrs. Noonan discussed the positions that remain open. Discussion continued for the City attorney to review the process.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – November, 2020

Mrs. Coleman reviewed the following reports and information:

- Code enforcement issued 4 warnings resulting in businesses becoming compliant and \$974.71 in revenue.
- New Businesses with a physical location in Daphne - .
- Simplified Sellers Use Tax collections - \$83,569.88 and YTD collections - \$167,186.77

BUSINESS LICENSE COUNT through 11/30/2020	
NEW Licenses	30
RENEWAL Licenses (2020)	23
Total Issued THIS MONTH	53
Total Issued THIS MONTH - PREVIOUS YEAR	43
Net Gain/-Loss Current VS Previous Yr MONTH	10
Total Issued YTD 2020	3,979
Total Issued YTD - PREVIOUS YEAR	4,694
Net Gain/-Loss Current VS Previous Yr YTD	-715

Business License Fee Historical Comparison 2020 / 2021				
	FY 20	FY 21	+/- Previous Year	<u>Budget 2021</u> <u>\$2,390,000</u>
October	\$15,924.77	\$13,897.75	(\$2,027.02)	(\$2,376,102.25)
November	\$3,754.50	\$8,573.66	\$4,819.16	(\$2,367,528.59)
Year to Date	\$19,679.27	\$22,471.41	\$2,792.14	(\$2,367,528.59)
All amounts include penalty and interest.				

Mrs. Coleman noted she has added the additional information that was requested for the Simplified Sellers Use Report. Mrs. Coleman noted that 5,300 Business License renewals had been sent out for 2021.

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: October, 2020

Mrs. Henson reviewed the Sales & Use Tax Reports: \$1,783,232.58 was collected for October, 2020 which was up \$368,525.06 from October 2019's collections:

- YTD Variance over Budget - \$ 368,525.06

B. Lodging Tax Collections, October, 2020

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for October, 2020 were \$144,160.85 which is up \$50,240.63 from October 2019's collections.

- YTD Variance over Budget - \$50,240.63

C. Lodging Tax Fund : Statement of Rev over Exp, November, 2020

Mrs. Henson reviewed the Lodging Tax Statement of Revenues over Expenditure report for November, 2020.

- Unreserved balance for Bayfront related purchases - \$1,501,390.30
- Recreation for related purchases - \$ 685,889.76

Discussion was made that monies for the Tennis Center project at Lott Park were appropriated out of the General Fund and transferred to Capital Reserve.

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: November, 2020

Mrs. Reid reviewed the Treasurer's Report:

TREASURER'S REPORT					
As of November 30, 2020					
Account Type/Title	11/30/2020	10/31/2020	Increase (Decrease) from last Month	11/30/2019	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	\$ 12,810,047	\$ 12,618,580	\$ 191,468	\$ 8,543,961	\$ 4,266,086
CERTIFICATE OF DEPOSIT	-	-	-	505,908	\$ (505,908)
INVESTMENT FUND	5,915,455	5,893,756	21,699	5,668,775	\$ 246,680
CREDIT CARD ACCOUNT	91,698	85,548	6,150	14,668	\$ 77,030
Total Unrestricted Cash Balance	18,817,200	18,597,884	219,316	14,733,312	4,083,888
SPECIAL REVENUE FUNDS					
AGENCY FUNDS					
	4,152,382	4,033,478	118,904	3,470,759	681,623
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	4,145,735	4,209,833	(64,098)	2,403,671	1,742,064
2019 CAPITAL IMPROVEMENTS	-	-	-	919,936	(919,936)
	4,145,735	4,209,833	(64,098)	3,323,607	822,128
DEBT SERVICE FUNDS					
DEBT SERVICE	2,116,804	1,873,485	243,319	1,810,299	306,505
Total Restricted Cash Balance	10,414,921	10,116,797	298,124	8,604,665	1,810,256
Total City Cash Balance	\$ 29,232,121	\$ 28,714,681	\$ 517,440	\$ 23,337,977	\$ 5,894,144
	Encumbrance Total as of		11/30/2020	\$ 911,260.35	

Mrs. Reid noted that the Capital Reserve fund has increased since the previous year's balance due to monies being transferred to the fund for projects. Mrs. Reid noted that Category B has been submitted to FEMA for reimbursement and that Category A (Debris pickup) should be completed in a couple weeks.

The Treasurer's Report as of NOVEMBER, 2020 Total Unrestricted Cash Balance - \$18,817,200 and Total City Cash Balance - \$29,232,121 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance is - \$911,261 as of November, 2020.

Mrs. Reid reviewed the Encumbrance Report. Mr. Coleman discussed reducing the encumbrance for the Lavendar Lane project (\$77,043) once the cost of stabilizing is known or expended. Discussion continued on several projects. Mrs. Reid and Mr. Strunk discussed paving of the road to the Batting Cages at Daphne Sports Complex and noted the project should begin soon.

3. Outstanding Appropriations

Mrs. Reid reviewed the Outstanding Appropriations Report noting two of the largest projects that are currently being worked on are the FY 2020 Road Resurfacing Project and the Tennis Building at Lott Park.

4. Financial Overview: Debt Summaries & Monthly Financial Statements, October, 2020

The following Financial Statements were included in the packet for review:

- Debt Summary Schedules (General & Enterprise Funds), **November, 2020**
 - Jubilee Square: Debt payments are currently fully paid through December 2019 thus 11 months in arrears. Arrearage includes \$83,597 in principal and \$58,034 in interest

Mr. Scott discussed looking at options for paying down debt.

Monthly Financial Statements – October 2020 Financial Highlights

General Fund:

	<u>FY 2021</u>	<u>FY 2020</u>	<u>Change</u>
• YTD Budgetary Net Income:	\$397,452	\$(121,204)	\$518,656
• Total sales tax collected year to date is approximately \$368,500 over budgeted income and prior year to date income			
• Unassigned Fund Balance:	\$18,409,563		
• Outstanding Encumbrances:	\$924,538		

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of October 31, 2020: \$32,617,985
- The 2017 Warrants were refunded into the 2020A and 2020B Warrants
- Outstanding Note Payable Balance as of October 31, 2020: \$404,635
- Outstanding Capital Lease Balance as of October 31, 2020:
 - General Fund: \$1,080,319
 - Enterprise Fund: \$1,017,125

Capital Project Funds (Capital Reserve):

- No significant activity

Special Revenue Funds (11 separate funds):

- Lodging Tax Fund –
 - Bayfront Unreserved Fund Balance: \$1,467,759
 - Recreation Unreserved Fund Balance: \$646,172
 - Total lodging tax collected was \$50,241 over budgeted income and prior year to date income.

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

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

	<u>FY 2020</u>	<u>FY 2019</u>	<u>Change</u>
Solid Waste Fund	\$ -0-	\$ -0-	\$ -0-
Civic Center Fund	\$ -0-	\$ 39,719	\$ (39,719)

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

Mr. Scott asked how many funds the City has. Mrs. Reid noted approximately 20 funds. Mr. Olen asked about the Contingent Liabilities line item on the General Fund Balance sheet. Mrs. Reid noted this is from the Fannon lawsuit and is carried over from the previous year.

5. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Future Projects Expenditure Summary.

6. Summary of Budgetary Amendments

The General Fund budgetary amendments made to the FY2021 Budget.

- Total Appropriations Year to Date – \$556,678
- Adjusted Revenues over Expenses – \$3,318,200

B. Bills Paid Reports – November, 2020

The Bills Paid Report was previously presented electronically.

VIII. APPROPRIATION REQUESTS: (Ordinance)

A. Lakeshore drive Drainage Improvements Additional appropriation - \$8,500

Mrs. Reid reviewed the Lakeshore Drive drainage improvements project and noted an additional \$8,500 appropriation for engineering fees was needed.

MOTION BY Mr. Scott to recommend to Council to adopt an Ordinance amending the budget to appropriate \$8,500 for the Lakeshore Drive drainage improvements project. Seconded by Mr. Coleman.
MOTION CARRIED UNANIMOUSLY

B. Debt Retirement – Sterling National Bank Note Payable (Musco Lighting) - \$410,000

Mrs. Reid noted she had been trying to contact someone at Sterling Bank to coordinate the early payoff of the Musco Lighting notes payable. The original note was \$991,526 and the current balance is approximately \$410,000. An ordinance will need to be adopted to appropriate the monies from the Debt Service fund so the early payoff can be made.

MOTION BY Mr. Scott to recommend to Council to adopt an ordinance appropriating \$410,000 out of the Debt Service Fund for early retirement of the Musco lighting note payable. Seconded by Mr. Olen.
MOTION CARRIED UNANIMOUSLY

X. NEW BUSINESS

A. Canon Copier Lease – Motion to authorize the Mayor to sign a new lease

Mrs. Reid explained a new lease contract was needed to replace the copier and die cutter equipment that was damaged during a lightning storm. Mrs. Reid noted she was working with the copier and insurance company and that the lease would be through a State of Alabama bid contract.

MOTION BY Mr. Ben Hughes to recommend for Council to authorize the Mayor to enter into an agreement with the copier company to lease the replacement copier and die cutter equipment that was damaged during a lightning storm. Seconded by Mr. Coleman.
MOTION CARRIED UNANIMOUSLY

B. CAFR Award for Fiscal Year 2019

Mrs. Reid discussed that the City has received a Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report for the 2019 Fiscal Year. Mrs. Reid noted that she is currently working on the 2020 Fiscal Year CAFR. Council commended Mrs. Reid and the Finance staff for their hard work.

XI. OLD BUSINESS

There was no old business.

XII. ADJOURN

The meeting adjourned at 5:22 p.m.

To: Office of the City Clerk
From: Adrienne D. Jones, AICP, 
Community Development Director
Subject: Planning Commission Minutes and Report
Date: December 17, 2020

MEMORANDUM

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of November 19, 2020 and the report of the regular meeting of December 17, 2020 for placement on the January 4, 2021 City Council agenda for review.

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

ADJ/jv

From the Office of

Adrienne D. Jones,
Community Development Director
P. O. Box 400
Daphne, Alabama 36526
251-620-1700 ph

FILE
12/18/20
10:30 am

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 19, 2020
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:03 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

James "Bo" White
Phillip Hodgson, Secretary
Andrew Prescott, Vice Chairman
Kevin Spriggs
Steve Olen
Marybeth Bergin, Chairman

Staff Present:

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

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

Chairman asked for questions, comments or corrections to the minutes *of the regular meeting of October 22, 2020. There being none, minutes are approved as submitted.*

Chairman stated the next order of business is a request for Planning Commission approval of a psychic services business at 29159 U.S. Highway 98. She explained that the Commission will hold a public hearing because the ordinance does not specifically address this use in the Land Use and Development Ordinance. She noted that the Planning Commission previously held a public hearing and residents spoke in opposition. She stated the Planning Commission granted approval through December 31, 2020; prior to expiration of the business license to operate at this location, the business owner must seek Planning Commission approval again.

A presentation was given by Jennifer Marks, the representative, requesting consideration of Planning Approval of a psychic services business in a B-2 zone at 29159 U.S. Highway 98, north of the intersection of Shriner Avenue and U.S. Highway 98.

Chairman asked for Commission questions or comments.

Ms. Jones noted as the owner of the building, Planning Commissioner Spriggs, will recuse himself from discussion and action on the agenda item.

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

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 19, 2020
Council Chamber, City Hall - 5:00 P.M.

A **Motion** was made by Mr. Hodgson and **Seconded** by Mr. Spriggs **to grant Planning Commission approval for a psychic studio. There was no discussion on the motion. The Motion carried. Mr. Spriggs abstained.**

The next order of business is preliminary plat review for the Reserve at Daphne Subdivision, Phase Three.

An introductory presentation was given by Al Finley, representative of Dewberry, requesting preliminary plat review of an eighty-two lot subdivision consisting of approximately thirty-six point zero nine acres located north of the intersection of County Road 64 and Montelucia Way. He stated that the outstanding deficiencies have been addressed.

Mr. Anderson, representative of Dewberry, confirmed that the roadway issue has been addressed.

Chairman stated deficiencies outlined by the Public Works Director have been addressed. Ms. Campbell confirmed.

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

A **Motion** was made by Mr. Prescott and **Seconded** by Mr. Hodgson **to approve the Reserve at Daphne Subdivision, Phase Three preliminary subdivision plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a request for pre-rezoning and annexation for AJD Family Limited Partnership, L.L.C.

An introductory presentation was given by Gavin Willisson, representative of No Off Season, requesting pre-zoning and annexation of one-point eight four acres located southeast of the intersection of County Road 64 and Friendship Road.

Chairman asked for Commission questions or comments.

Mr. Hodgson asked the reason for the pre-zoning application. Mr. Willisson responded for annexation into the city.

Chief White asked about the plans for this site. Mr. Willisson stated we propose to expand the existing facility and to construct outdoor amenities. He also stated the adjacent property owners that will convey the private easement for access to this parcel are present, if you have any questions.

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

A **Motion** was made by Mr. Prescott and **Seconded** by Mr. Hodgson **to set forth a favorable recommendation for the pre-zoning of the subject property to B-2, General Business. There was no discussion on the motion. The Motion carried unanimously.**

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 19, 2020
Council Chamber, City Hall - 5:00 P.M.

A **Motion** was made by Mr. Hodgson and **Seconded** by Mr. Prescott **to set forth a favorable recommendation for annexation of the subject property into the Daphne corporate limits. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a master plan revision for Jubilee Farms Subdivision.

An introductory presentation was given by Al Finley, representative of Dewberry, requesting a master plan revision for Jubilee Farms Subdivision.

Ms. Jones stated that the proposed revision to the master plan is a minor adjustment that effects Jubilee Farms Subdivision, Phases Eleven, Twelve and Fourteen.

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

A **Motion** was made by Mr. Spriggs and **Seconded** by Mr. Olen **to approve the Jubilee Farms Subdivision PUD master plan amendment. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a request for a second extension of the Reserve of Daphne, Phase Two, Saint Augustine, Phase Five, and Diamante Subdivision, Phase Three.

An introductory presentation was given by Al Finley, representative of Dewberry, requesting approval of a second extension of preliminary plat approval for the Reserve of Daphne Subdivision, Phase Two, Saint Augustine Subdivision, Phase Five, and Diamante Subdivision, Phase Three set to expire in November.

Chairman asked for Commission questions or comments.

Ms. Jones noted this is the final extension and upon expiration, the developers must resubmit the applications for preliminary plat review.

Chairman clarified that the extension requests for the Reserve of Daphne Subdivision, Phase Two and Saint Augustine Subdivision, Phase Five are for preliminary plat approval; however, the one Diamante Subdivision, Phase Three is for preliminary plat approval and the site disturbance permit.

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

A **Motion** was made by Mr. Olen and **Seconded** by Mr. Spriggs **to approve a one-year extension of the Reserve of Daphne Subdivision, Phase Two and Saint Augustine Subdivision, Phase Five preliminary plats. There was no discussion on the motion. The Motion carried unanimously.**

A **Motion** was made by Mr. Prescott and **Seconded** by Mr. Spriggs **to approve a one-year extension of Diamante Subdivision, Phase Three preliminary plat and related site disturbance permit. There was no discussion on the motion. The Motion carried unanimously.**

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 19, 2020
Council Chamber, City Hall - 5:00 P.M.

The next order of business is an administrative presentation of the Storm Water Facility Maintenance Program.

Ms. Campbell presented an overview of the proposed implementation of the Storm Water Facility Maintenance Program and advised of the distribution of correspondence to each POA in January 2021. She stated this is a part of the enforcement of post-maintenance inspection requirement of detention facilities as a permitted municipality under our MS4 Phase II General Permit.

Chairman asked for Commission questions or comments.

Mr. Spriggs suggested a discussion with Mayor and City Council to request participation in the cost of the inspection of detention facilities. Ms. Campbell requested the attorney address his comment.

Mr. Dungan advised that there is a provision of the statute that allows for the assessment of a property owner as an ad valorem tax; he reiterated that the MS4 requires an annual inspection of detention facilities by the POA; otherwise, the city must conduct one. Mr. Olen commented that a liability exists with maintenance of private detention facilities.

Ms. Campbell stated that the city does not have the staff to continue to conduct the inspections. She advised no action is necessary. This presentation was for informational purposes.

The next order of business is a proposed amendment to the Parking Provisions and Definition of Terms of the Land Use and Development Ordinance.

Ms. Jones provided an overview of a proposed amendment to the Parking Provisions and Definition of Terms of the Land Use and Development Ordinance to Commissioners and asked for questions and/or comments in preparation of a recommendation to the City Council at the December meeting.

The next order of business is public participation.

Chairman asked for public participation.

None presented.

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

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

Commissioners welcomed Kevin Spriggs and Steve Olen to the Planning Commission.

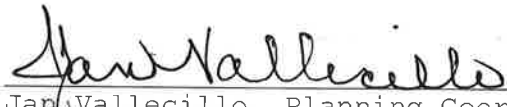
The next order of business is director's comments.

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 19, 2020
Council Chamber, City Hall - 5:00 P.M.

Ms. Jones stated that the City Council approved ORDG, L.L.C. zoning amendment from B-3, Professional Business, to R-6(G), Garden/Patio Home, but denied John & Deborah Kim rezoning from R-2, Medium Density Single Family, to B-3, Professional Business, on November 16, 2020. She stated Marybeth Bergin, Andrew Prescott, Steve Olen, Joel Coleman, and Betsy Schneider are the members of the Comprehensive Plan Consultant Selection Committee. Site Preview is December 9 and the Regular Meeting is December 17, 2020. She mentioned the upcoming Christmas holiday festivities planned for the city and wished everyone a Happy Thanksgiving!

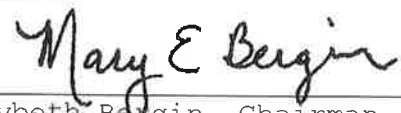
There being no further business, the meeting was adjourned at 5:47 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

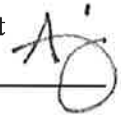
Approved: December 17, 2020



Marybeth Bergin, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 17, 2020
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report



1. **CALL TO ORDER:** 5:03 p.m.

2. **CALL OF ROLL:** Marybeth Bergin, James "Bo" White, Steve Olen, Kevin Spriggs, Hudson Sandefur, John Peterson, BJ Eringman, and Phillip Hodgson

3. **APPROVAL OF MINUTES:**

Review of minutes of the regular meeting of November 19, 2020. (**Approved**)

4. **NEW BUSINESS:**

A. **PRELIMINARY PLAT REVIEW:**

1. **File SDP20-04:** (**Approved**)

Subdivision: Jubilee Farms, Phase Eleven

Present Zoning: *PUD, Planned Unit Development*

Location: Southeast of Austin Road and Alabama Highway 181
Area: 29.98 ± Acres, (87) lots
Owner: Forestar (USA) Real Estate Group, Inc. - Tucker Dorsey
Agent: Dewberry - Al Finley or Casey Hill
Surveyor: Dewberry - Victor Germain
Engineer: Dewberry - Jason Estes

1. **File SDP20-05:** (**Tabled until the meeting of January 28, 2021**)

Subdivision: Belforest Estates

Present Zoning: *RSF-2, Single Family Residential, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

Location: Southeast of Rigsby Road and Larry Street
Area: 38.62 ± Acres, (61) lots
Owner: DCF, L.L.C. - Olympia Dyas
Agent: East Park, L.L.C. - Matt Sankey
Surveyor: Smith, Clark & Associates - David Clark
Engineer: Sawyer Consultants - Shane Sawyer

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

1. **File SDPF20-08:** (**Approved**)

Subdivision: Cotton Farms

Present Zoning: *R-A, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

Location: Northwest of Pursley Road and County Road 64
Area: 42.60 acres ±, (7) lots
Owner: Lazzari Family, L.L.C. - Steven Lazzari & Vincent Lazzari, Jr.
Surveyor: David Lowery Surveying, L.L.C. - David Lowery

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 17, 2020
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Report

C. FRENCH SETTLEMENT SUBDIVISION MASTER PLAN REVISION:

2. File MPA20-03: (Tabled until the meeting of January 28, 2021)

Presentation to be given by Al Finley or Casey Hill, representative of Dewberry, requesting a master plan revision of French Settlement Subdivision.

D. ZONING AMENDMENT: (Favorable recommendation to the City Council, with a condition that the development of the subject property shall be limited to no more than two residential lots; and, the rezoning shall be subject to the reversionary clause)

1. File ZA20-05: Burris-Warner, L.L.C.

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

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

Location: Northeast of the intersection of Ryan Avenue and Main Street

Area: 0.77 Acres ±

Owner: Burris Warner, L.L.C. - John Warner

E. ADMINISTRATIVE PRESENTATIONS:

1. File AP20-20: (Favorable recommendation to the City Council to amend the provisions of Article 16, Parking Requirements for All Districts, and Article 8, Definition of Terms)

Presentation to be given by Adrienne Jones, Director of Community Development, regarding a proposed amendment to the Parking Provisions and Definition of Terms of the Land Use and Development Ordinance.

5. PUBLIC PARTICIPATION: None presented

6. ATTORNEY'S REPORT: No report

7. COMMISSIONER'S COMMENTS: Merry Christmas and a Happy New Year!

8. DIRECTOR'S COMMENTS:

Director presented the following:

Comprehensive Plan Committee will finalize the RFQ in January. Discussed staff preparation of an amendment to the Land Use Ordinance to create an overlay district for the DISC project. She presented the upcoming meeting dates. Site Preview is January 20, and the Regular Meeting is January 28, 2021. She wished everyone a Merry Christmas and a Happy New Year!

9. ADJOURNMENT: 6:00 p.m.

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones, AICP, 
Community Development Director

Subject: Proposed Amendments to Ordinance 2011-54, Land Use and Development Ordinance, Articles 16, Parking Requirements for All Districts, and Article 8, Definition of Terms

Date: December 17, 2020

At the December 17, 2020, regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried for a unanimous **favorable recommendation** to approve a proposed amendment to the Land Use and Development Ordinance, Articles 16, Parking Requirements for All Districts, and Article 8, Definition of Terms to create parking requirements for a big box retail store or warehouse.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

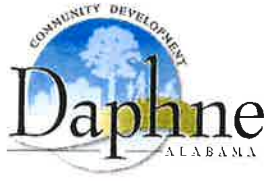
Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

attachment(s)

cc: file

FILE
12/18/20
10:30am



DRAFT LUDO AMENDMENT

LAND USE**PARKING REQUIREMENTS**

Restaurants, (including bars, bars grills, diners, cafés, taverns, night-clubs, lunch counters, and all similar dining and/or drinking establishments).

One and one-fourth (1.25) spaces for each four (4) seats.

(e) Major Retail Establishments Shopping Centers

One (1) space per each two hundred square feet (200 sq. ft.) of gross floor area.

(1) Shopping Center

One (1) space per each two hundred square feet (200 sq. ft.) of gross floor area.

(2) Big Box Retail Store or Retail Warehouse

One (1) parking space for each three hundred square feet (300 sq. ft.) of gross floor area.

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(f) Marinas

Two (2) spaces per berth (also applies to dry storage).

(g) Industries

(1) Commercial, Manufacturing and Industrial establishments (not catering to the maximum retail trade):

One (1) space for each employee on the working shift, plus one (1) space for each vehicle operating from the premises.

(2) Wholesale establishments:

One (1) space for every fifty square foot (50 ft) of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.

(3) Electric Power and Gas Substation:

Twenty five percent (25%) of the parcel on which located or four (4) spaces, whichever is smaller.

with the provision of breakfast for the guests by the home owner in an establishment having one to three guest rooms which are subordinate and incidental to the main, owner occupied, single family residential use. All service is to be provided by the home owner.

Berm. A planted or landscaped elevated ground area between two other areas, generally designed to restrict view and to deflect or absorb noise. Berms with ground cover that necessitates mowing shall have a slope not greater than one (1) foot of rise per three (3) feet of run.

Best Management Practice (BMPs). Permanent or temporary structural practices and vegetative measures which, when properly designated, installed and maintained by property owners or contractors, provide erosion and sedimentation control for rainfall events. The result of which is to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Biochemical Oxygen Demand or BOD₅. A measure of the organic strengths of wastes in wastewater/sewage.

Bio-retention. An engineered process which manages stormwater runoff, using the chemical, biological and physical properties afforded by a natural, terrestrial-based community of plants, microbes and soil. Bio-retention provides water quantity (flood) controls and improves water quality through removal of pollutants and nutrients associated with runoff.

Billboard. An off-premises or off-site sign advertising an establishment, merchandise, product, service, or entertainment which is not sold, provided, manufactured, or furnished on the property on which said sign is located.

Big Box Retail Store. A retail establishment with gross floor area exceeding 50,000 square feet in area. This definition shall also include warehouse retailing.

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Block. A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.

Board of Zoning Adjustment or Board. A board appointed by the Daphne City Council as authorized by state statute to hear and decide appeals, special exceptions and variances from the terms of the Land Use and Development Ordinance. Also known as the BZA or Board of Adjustment.

Boarding House. A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, where no cooking or dining facilities are provided in individual rooms.

Boat Repair. Major overhauling or repair of small craft and pleasure boats that requires open air, partially covered or enclosed dry dock facilities and such heavy equipment, yard space, and dock facilities as may be necessary.

Buffer. Land which is maintained in either a natural or landscaped state and is used to screen and/or mitigate the impacts of incompatible development on surrounding areas, properties or rights-of-way. Buffers may include berms, shrubs, trees, fences or walls, other screening devices, or a combination of such devices as required by *Article 19, Landscape and Tree Protection*.

Buildable Area. The portion of a lot remaining after required yards have been provided.

Buildable Area, Net. The total horizontal area of a parcel, in square feet, less the area of any

To: Office of the City Clerk

MEMORANDUM

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

Subject: Burris-Warner, L.L.C.
Zoning Amendment

Date: December 17, 2020

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

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

LOCATION: Northeast of the intersection of Ryan Avenue and Main Street

RECOMMENDATION: At the Thursday, December 17, 2020, regular meeting of the Daphne Planning Commission, eight members were present, and the motion carried for a favorable recommendation for the above-captioned zoning amendment.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

Attachment(s)

1. Zoning Amendment Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Adjacent property owners list
5. Community Development Report

FILE
12/18/20
10:20am



BURRIS WARNER, LLC
ZONING AMENDMENT REQUEST



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Application Number:

ZA-20-05 or PZA-

Date Submitted: Nov. 14, 2020

Planning Commission Public

Hearing Date: Dec. 17, 2020

Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable.

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):

PPIN#(s):

North side Ryan Ave, just east of Knights of Columbus

290347

Gross Site Area (acreage):

249.6 x 135 = 33,696 sq ft

Requested Zoning or Pre-Zoning:

from R1 to R2

Current Zoning Designation(s):

R1

Amended Request:

Initials:

Date:

Current Land Use:

vacant lot

Anticipated Land Use:

2 lots for single family homes

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

100' x 249.6' Lot 1 Columbus Way, Sub Slide 2296-C in City of Daphne
Section 29-T85-R2E (Deed)

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

Annexation

Subdivision

Site Plan

Special Exception

Variance

Specify Other

added 35' along Ryan on

APPLICANT & AGENT INFORMATION

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

west side

Name of Current Owner:

Burris-Warner, LLC - John Warner

Mailing Address:

24106 Main St, Fairhope, AL

Phone/Fax:

E-mail: 251-752-2558

Name of Authorized Agent:

John B Warner

76532

aymie@bellsouth.net

Mailing Address:

same

Phone/Fax:

E-mail:

Name of Developer*:

same

Phone/Fax:

E-mail:

Other:

Phone/Fax:

E-mail:

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature:

[Signature]

Date 11-9-20

Agent's Signature:

Date



REVERSIONARY CLAUSE ACKNOWLEDGEMENT

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

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

CURRENT OWNER'S ACKNOWLEDGEMENT

I, John B Warner J.B.W., acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 11-12-20

John B Warner, Burris-Warner, LLC
PRINTED NAME OF CURRENT OWNER/PETITIONER

DEVELOPER'S ACKNOWLEDGEMENT

I, J.B.W., acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 11-12-20

John B Warner, Burris-Warner, LLC
PRINTED NAME OF DEVELOPER

PROPERTY ADDRESS OR PPIN#(s):

290347

Burris-Warner, LLC

Rezoning Request of Vacant Lot on north side of Ryan Avenue

(lot in between Knights of Columbus and Baldwin County Board of Education)

EXHIBIT A

State of Alabama

County of Baldwin

City of Daphne

Legal Description

Lot 1A of the Re-Plat of Lots 1 & 2, Columbus Way, according to the map or plat thereof, recorded on Slide 2748-B, of the records in the Office of the Judge of Probate, Baldwin County, Alabama.

ROBIN LEJEUNE
MAYOR

ADRIENNE D. JONES, AICP,
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR



CITY COUNCIL
TOMMIE CONAWAY
DISTRICT 1
STEVE OLEN
DISTRICT 2
JOEL COLEMAN
DISTRICT 3
DOUG GOODLIN
DISTRICT 4
RON SCOTT
DISTRICT 5
BENJAMIN HUGHES
DISTRICT 6
ANGIE PHILLIPS
DISTRICT 7

December 4, 2020

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission. Burris-Warner, L.L.C. proposes to rezone 0.77 acres +/- located northeast of Ryan Avenue and Main Street, from R-1, Low Density Single Family Residential, to R-2, Medium Density Single Family Residential.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, December 9, 2020 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, December 17, 2020 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Burris-Warner, L.L.C. Zoning Amendment



BURRIS WARNER, LLC
Zoning Amendment

Zoning Classification:

R-1, Low Density Single Family Residential

Surrounding Zonings/Uses:

- **North**—R-1, Low Density Single Family Residential
- **South**—R-1, Low Density Single Family Residential
- **East**—B-2, General Business (Baldwin County Virtual School)
- **West**—R-1, Low Density Single Family Residential (Knights of Columbus Fraternal Organization)

Existing Utility Service Providers: Daphne Utilities, Riviera Utilities

Affected City Service Providers: Fire Station 1, Police Beat 1

Staff Recommendation to PC: Favorable recommendation City Council

Proposed Zoning:

R-2, Medium Density Single Family Residential

Development Concept:

To subdivide the site for two single residential dwellings.

Council District:
1

Existing Conditions:
0.77 ac

Planning Commission Recommendation:

Pending

What is R-1 zoning? R-1, Low Density Single Family Residential District:

This district is provided to afford the opportunity for a low density, suburban residential environment consisting of single family residences on large parcels of land.

What is R-2 zoning? This district is provided to afford the opportunity for a medium density single family, urban residential environment consisting of single family residences on lots of a moderate size.

What is allowed in R-1 and R-2 districts?

According to Article 35-3 Permitted Uses & Conditions, of the Land Use & Development Ordinance the following are permissible uses by right and/or by Planning Commission approval:

By Right: Dwelling, one family, home occupation, library, radio and tv antenna

By Planning Commission Approval: tennis courts, riding stables, park, playground, boat dock, water or sewage pump station, water storage, telephone exchange, racquetball, public utility station, post office, natural preserve area, manufactured home, laundry, innovative design development, business school or college, college or university, college sorority or frat house, electric power substation, gas regulator station, hospital, clinic, extended care facility, police substation, post office, public utility substation with proper screening, telephone exchange, water storage.

What is the difference in the proposed use and the adjacent property use?

The Knights of Columbus establishment and the Virtual School are institutional uses and the proposed use is residential. The current zoning allows for the construction of one dwelling unit. According to the applicant, John Warner, he desires to subdivide the property for two lots in a flag-lot configuration, thus two dwellings. The land across Ryan Avenue is zoned R-1.

RECOMMENDATION:

Staff recommends that the Planning Commission set forth a favorable recommendation to City Council with the condition that development of the subject property shall be limited to no more than 2 residential lots; and the rezoning shall be subject to the reversionary clause. If the property has not been duly subdivided within 12 months of the zoning approval, the zoning shall revert back to R-1, Low Density Single Family Residential district.

13-4 Minimum Lot Requirements

	Minimum Lot Area Square feet (sq ft)	Minimum Lot Width at Setback Line (ft)	Maximum Lot Coverage Percent (%) ^a	Maximum Density ^b (units/acre)	Maximum Height ^e (stories) (ft)
R-1, Low Density Single Family	20,000	100	25	2.0	2.5 stories 35 ft
R-2, Medium Density Residential	15,000	90	25	2.5	2.5 stories 35 ft
R-3, High Density Single Family	12,000	80	30	3.5	2.5 stories 35 ft
R-4, High Density Single Family-- Multi-Family--	5,000 7,500 ^c	50 85	38 35	8.0 14.0	3 stories 50 ft
R-5, Mobile Homes	See	Articles	25 & 26	for	Details
R-6(G) Garden/Patio Homes	5,000	50	38	8	2.5 stories 35 ft
R-6(D), Duplex, R-7(A), R-7(M), R-7(T) respectively: Apartments, Mid Rise Condominium, Townhouses	See	Section	13-9	for	Details
B-1, B-1(a), B-2, B-3 Business Districts and Mixed Use Districts	N/A	N/A	N/A	N/A	4 stories 50 ft
Extra-territorial Planning Jurisdiction	12,000 ^d	80	30	3.5	2.5 stories 35 ft

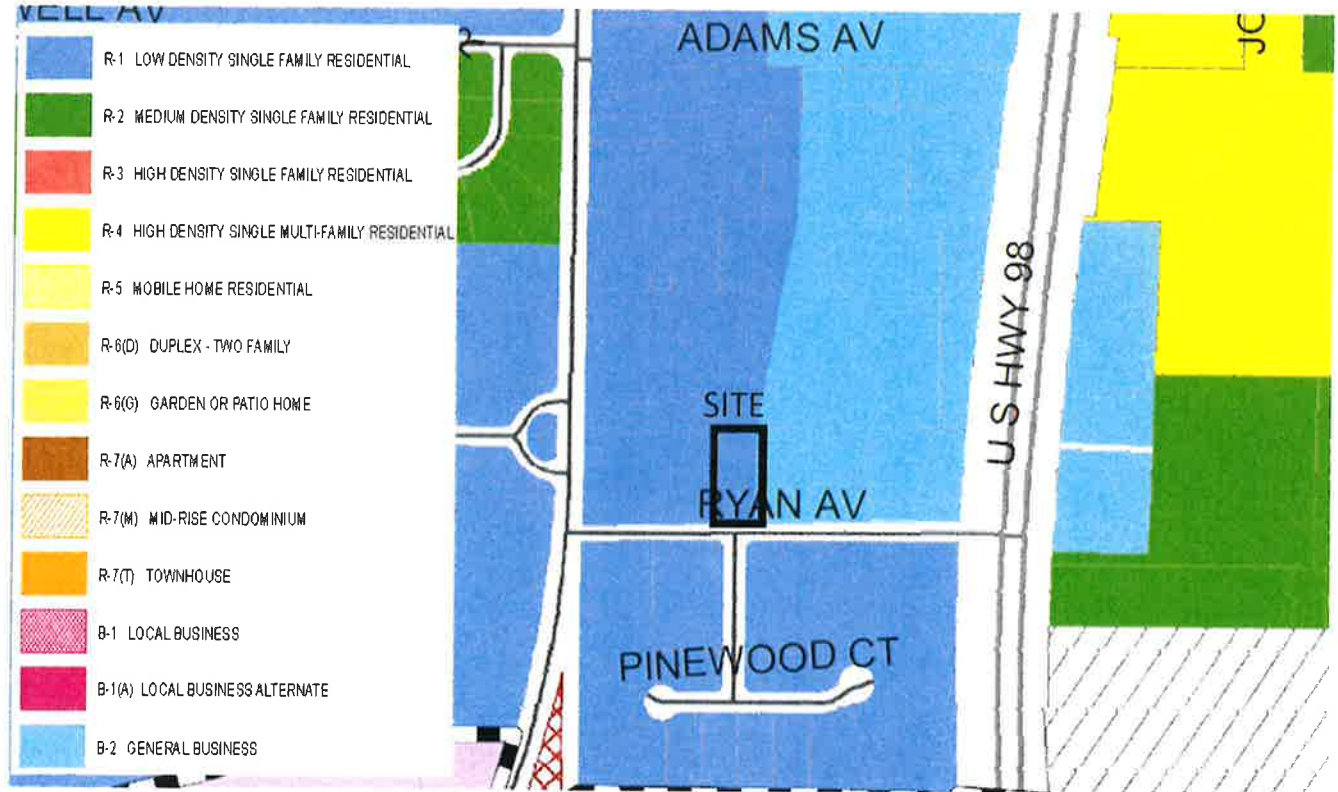
a. Maximum lot coverage percentages do not apply to lots of record smaller than required in the district in which they are located. b. Maximum density = total number of dwelling units per gross acre to be developed. c. Minimum lot area determined by adding 7,500 square feet for one (1) unit plus two thousand five hundred (2,500) square feet for each additional unit. d. Applies to unzoned lots contained within any subdivision located in the extraterritorial planning jurisdiction where the size of the development exceeds ten (10) acres. e. Maximum height does not apply to overlay districts (see specific applicable overlay districts. Structures up to seventy-five (75) feet may be permitted on sites zoned B-2 or R-7 upon approval by the Planning Commission. In no case shall such building exceed seventy-five feet in height

13-6 Minimum Zoning District Setback Requirements

The following setback requirements shall apply in districts as outlined below, except in a Planned Unit Development, the Olde Towne Daphne District, the Village Overlay District, the Eastern Shore Park Overlay District, or the Jubilee Retail Overlay District, unless otherwise provided in said overlay district.

SETBACKS

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



[illegible]

FRONT - 35 FEET
SIDE - 15 FEET
STREET SIDE - 25 FEET
REAR - 40 FEET

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2021-01**

**AN ORDINANCE TO AMEND AND MAKE ADDITIONS TO
THE CITY OF DAPHNE EMPLOYEE HANDBOOK**

WHEREAS, the City Council of the City of Daphne, after due consideration, believes it appropriate to amend several sections of the City of Daphne Employee Handbook and to adopt three new policies to add to the Employee Handbook;

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

SECTION I:

That the following Sections of the Employee Handbook be amended:

Section 1.10	Anti-Nepotism Policy
Section 3.1	Categories of Service
Section 4.1	General Staffing Policy
Section 4.5	Employment Offers
Section 4.8	Alternative Duty After Injury
Section 7.1	Employee Standards and Classification Of Offenses
Section 7.7	Guidelines For Suspension Without Pay, Demotion, And Dismissal (Regular Status Classified And Part-Time Employees)
Section 8.1	General Provisions
Section 8.2	Grievances Resolved By The Mayor
Section 9.2	Time and Attendance Records
Section 9.3	Work Schedules
Section 9.7	Official Holidays
Section 9.8	Paid Vacation
Section 9.9	Paid Sick Leave
Section 10.1	General Provisions

The specific revisions to these sections are set forth in Exhibit A to this Ordinance.

That the Employee Handbook be amended to include three new policies:

Section 1.16	Electronic Media Use and Monitoring Policy
Section 1.17	Cell Phone Use
Section 1.18	Reporting Misconduct and Internal Investigations

The specific terms of these new sections are set forth in Exhibit B to this Ordinance. The new Section 1.17 will replace and repeal Ordinance 2010-24.

That the Human Resources Department engage in non-substantive revisions of the Employee Handbook before its next publication (i) to achieve, where possible, gender neutrality with respect to pronouns in reference to employees, officials, and others and (ii) to ensure consistency in capitalization of titles or proper names.

SECTION II: REPEALER

That any Ordinance, or parts thereof, heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance be and is hereby repealed to the extent of such conflict.

SECTION III: SEVERABILITY

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 hereof.

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 publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2021.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

EXHIBIT A

AMENDMENTS
OF
EXISTING POLICIES

AMENDMENT OF SECTION 1.10 ANTI-NEPOTISM POLICY

Replace the existing policy with this re-written policy:

Purpose. The purpose of this policy is to avoid favoritism, the appearance of or potential for favoritism, and conflicts of interest and loyalty often associated with individuals favoring others due to a family or kinship relationship (“nepotism”). Nepotism is inconsistent with the City’s longstanding policy of making employment decisions and other business decisions based solely on the City’s needs and individual qualifications, skills, ability and performance.

“Relative” Defined. For purposes of this policy, an employee’s or job applicant’s “relative” includes an individual within the following degrees of kinship: spouse; parent (mother or father); child (daughter or son); sibling (brother or sister); uncle; aunt; nephew; niece; grandparent; grandchild. “Relative” also includes a person with whom the employee or applicant is involved in a romantic, sexual, or dating relationship and with whom the employee or applicant cohabits or resides in the same immediate household (“partner”) even if the individuals are not married. The term “relative” also includes the employee’s or job applicant’s spouse’s or partner’s child, parent, grandparent, sibling, uncle, aunt, nephew, and niece. The “relative” relationship may exist whether by blood, adoption, marriage, or remarriage (e.g., “step-child, “step-parent”).

Notice Requirements. Any existing but previously undisclosed “relative” relationships or situations must be disclosed immediately to the Human Resources Director or Mayor immediately after the effective date of this amended policy. Every job applicant is expected to disclose whether a “relative” works for the City. If a “relative” relationship is created between two employees during their employment (e.g., two employees marry one another, or begin cohabiting in a romantic relationship, or one employee marries the sister or brother of another employee), the employees involved must immediately disclose the new “relative” relationship to the Mayor and the Human Resources Director.

Prohibitions & Restrictions.

1. No two or more “relatives” are permitted to work in the same City department, if the related employees would be subject to the direct or indirect supervision of the same supervisor or manager within the department’s chain of command or the City’s chain of command. The City will refuse to transfer, demote, or promote an employee if the employment change results in the employee coming to work in the same department as a “relative.” The City will refuse to hire a job applicant if the applicant’s “relative” works in the same department in which the applicant is seeking employment.

2. No employee may work in any position in which a “relative” is within that employee’s chain of command by either directly or indirectly supervising the employee or being directly or indirectly supervised by the employee. The City will refuse to transfer, demote, or promote an employee if the employment change results in the employee coming into a supervisory or subordinate position to a “relative.” The City will refuse to hire a job applicant if the applicant would be in a supervisory or subordinate position toward an existing employee who is the applicant’s “relative.”

3. No employee may make, participate in, or attempt to influence employment or other business decisions involving a “relative” or seek to influence, pressure or cause others to do so. An employee must not use authority or position with the City to benefit or to disadvantage a “relative” who is currently employed or who is an applicant for a City job, regardless of the department in which the relative works or is seeking a position.

Remedial Action. If a “relative” relationship exists or is created between two employees during employment, one of the employees may be transferred to another position, as determined by the Mayor in consultation with the Human Resources Director. If a transfer is not possible, the Mayor may direct that one of the employees resign. If the employee does not resign, the Mayor will initiate action to dismiss one of the involved employees.

AMENDMENT OF SECTION 3.1 CATEGORIES OF SERVICE

Unclassified Service. “Unclassified service” employees are those who serve at the pleasure of the appointing authority and whose “at-will” employment relationship with the City may terminate at any time, with or without notice or cause. The unclassified service will include only those positions which are required by law, or approved by the City Council, to be assigned to such service. The unclassified service also includes those workers who are not hired to work any regular schedule and who are not required or expected to work more than one shift in any one work period. Unclassified service employees have no continued expectation of employment for a definite term and are not eligible to use the employment grievance and appeal rights provided to classified employees in Chapter 8 and may not challenge job-performance related demotions or dismissals as provided in Chapters 4 and 6. Unclassified employees are eligible to participate in all City provided employee benefits, including group insurance, retirement, vacation and sick leave, and holiday pay.

AMENDMENT OF SECTION 4.1 GENERAL STAFFING POLICY

Employee Consideration. When a vacancy occurs in the unclassified, classified, or part-time service, any current employee may apply for the vacancy along with other applicants from outside the City's employment. An employee is eligible to apply for promotion or transfer only under the following circumstances: (1) the employee must have been in the current position for a minimum of three months; (2) if the employee has not completed the initial probationary period, the employee's three-month or six-month evaluations must be at a "satisfactory" level or higher and the employee must have no written disciplinary actions on record; (3) if the employee has completed the initial probationary period and has been in the position for three months or longer, the employee must not have any written disciplinary actions within the previous three months and the most recent performance evaluation must be at a "satisfactory" level or higher. While the City will strive to give preference to qualified regular status classified and part-time employees, it reserves the right to select any individual who is considered to be best for the position. No consideration will be given to whether the requested reassignment to a vacancy would result in a transfer, promotion, or demotion of the employee.

AMENDMENT OF SECTION 4.5 EMPLOYMENT OFFERS

Effective Date of Internal Applicant Transfer/Promotion. If a City employee is selected as an internal applicant for a voluntary transfer or promotion to a vacant position, the appointing authority, the Human Resources Director, the employee's current department head, and the new department head will coordinate the effective date of the employee's reassignment. The employee selected for the reassignment must give a two-week notice to the employee's current department head before the reassignment effective date. The current department head has discretion to either permit reassignment at an earlier effective date or to require the employee to continue working in the department during the two-week notice period, but not beyond the two-week notice period. The effective date of the reassignment to the new position must always fall at the beginning of a new pay period. The Mayor or Human Resources Director may lengthen the notice working period (or shorten with the current department head's approval) to ensure the effective date of the employee's transfer falls on the beginning of a new pay period and is in the best business interest of the City.

AMENDMENT OF SECTION 4.8 *TEMPORARY ALTERNATIVE DUTY DUE TO INJURY, ILLNESS, OR MEDICAL CONDITIONS*

Under appropriate circumstances, the City may provide *temporary* alternative duty assignments for otherwise qualified employees who are temporarily unable to perform their regular job duties as result of injuries incurred on or off the job, or illnesses, or other medical conditions (*e.g.*, pregnancy complications). The City does not create alternative duty jobs for any other reason. The sole purpose of this policy is to provide temporary alternative duty assignments for employees who are recovering and to facilitate their return to regular job duties. An employee temporarily assigned alternative duties is not presumed by the City to be handicapped or disabled for the purposes of any other law or statute.

No employee has a right to an alternative duty assignment or to the continuation of any alternative duty assignment. The City's decision to offer an alternative duty assignment is within the City's discretion and will be made on a case-by-case basis. The City's decision will be made only when the City has sufficient specific information regarding the employee's functional abilities and work restrictions and the anticipated duration of any restrictions.

The City will consider the facts of each particular case, including but not limited to the following:

- The nature and duration of the employee's medical restrictions;
- The employee's qualifications; and
- The feasibility of creating temporary alternative duty assignments which are within the employee's restrictions and that the employee is qualified to perform.

If requested, an employee must provide a written authorization for the City's Human Resources Department to contact the employee's treating doctor(s) to obtain complete information about the employee's functional abilities and work restrictions and the anticipated duration of any restrictions. If deemed necessary by the City, the employee may be required to undergo an independent medical examination and work capacity evaluation.

The time period for any alternative duty assignment will begin once an employee has been deemed eligible to return to modified and/or light duty by the employee's medical provider and appropriate alternative duties have been identified by the Human Resources Director and the employee's Department Head. The duration of any alternative duty assignment will be in the sole discretion of the City, but no alternative duty assignment may last longer than 180 days from the date the employee begins the alternative duty assignment (or in cases of on-the-job injuries, Maximum Medical Improvement ("MMI"), whichever first occurs). As the only exception to this rule, any time spent on any leave of absence will not be counted toward the alternative duty assignment time period. The City may discontinue an employee's alternative duty assignment at any time with or without notice. No permanent or long-term alternative duty job will be created or otherwise made available to employees under this policy.

An employee's refusal to accept an alternative duty assignment will be considered a "voluntarily quit" unless the employee is on an approved medical leave covered by the City's FMLA policy.

An employee's refusal to accept an alternative duty assignment after the expiration of FMLA leave will be considered a voluntary quit.

If the alternative position has the same or higher pay scale as the employee's pre-injury job, the employee's pay rate will not change, meaning the employee will be compensated at the normal rate of pay for the regular job. If the pay scale for the alternative position is less than the employee's pre-injury rate of pay, the employee will be paid the rate of pay for the alternative position.

An employee temporarily assigned to alternative duty must immediately notify the employee's supervisor if the employee experiences any physical or mental difficulty performing the alternative duty assignment. Upon notification, the supervisor must immediately relieve the employee from further duty and inform the Human Resources Director, who will arrange for further consultation with the treating physician.

If an employee is unable to return to work in the original position after 180 days working in the alternative duty assignment, the City may permit a leave of absence or implement an incapacity separation, depending on the circumstances. If an employee's substantially limiting physical or mental impairments prevent the employee from returning to work in the original position, the City will attempt to determine if there is a reasonable accommodation that would permit the employee to continue employment with the City in the employee's original job or in another vacant regular position.

AMENDMENT OF SECTION 7.1. EMPLOYEE STANDARDS AND CLASSIFICATION OF OFFENSES

Revise these Group Two Violations as follows:

12. Violations of Instructions, Rules, or Law – violation of state or federal law, City administrative regulations, rules, policies, lawful orders or directions made or given by a supervisor.

20. Violation of Department Policies/Procedures – violation of any written policy, rule, or procedures adopted by a City department.

AMENDMENT OF SECTION 7.7 GUIDELINES FOR SUSPENSION WITHOUT PAY, DEMOTION, AND DISMISSAL (REGULAR STATUS CLASSIFIED AND PART-TIME EMPLOYEES)

Amend the following provision of this section as follows:

Informal Pre-Determination Hearing. If the Mayor determines disciplinary action is warranted, the Mayor will inform the employee in writing of the intended action and the employee's opportunity to participate in a pre-determination hearing concerning the allegations. The written notice to the employee will contain the following information: (1) the date, time, and place of the hearing; (2) a summary of the reason(s) for the proposed disciplinary action; (3) the proposed disciplinary action to be taken and effective date; and (4) notice that the employee may (i) appear in person and/or be represented by someone at the employee's expense, (ii) respond to the allegations orally or in writing, and (iii) present evidence in defense. A copy of the notice will be placed in the employee's personnel file.

If the employee does not appear for the scheduled hearing, the Mayor may proceed with the disciplinary action the Mayor deems warranted based upon the facts of the case. If the employee appears for the scheduled hearing, it will be conducted informally at the time and place designated in the notice to the employee. Formal rules of evidence will not apply during the hearing.

If, after conducting the hearing, the Mayor determines that the facts of the case do not support a suspension without pay, or demotion, or dismissal, the Mayor may impose a lesser disciplinary action, or decide that a written warning or disciplinary probation is sufficient, or advise the employee that no discipline will be imposed. If the Mayor decides that a written warning is sufficient, the Mayor will instruct the department head to proceed with a written warning or disciplinary probation. If the Mayor determines during the hearing that the facts of the case appear to support more severe discipline than originally requested or originally deemed warranted, such as a demotion or dismissal, the Mayor may decide to impose the more severe discipline. A record of the hearing, to include a written summary of the hearing results, will be filed in the employee's personnel file. Such record need not be a transcribed record.

AMENDMENT OF CHAPTER 8

AMENDMENT OF SECTION 8.1 GENERAL PROVISIONS

Revise the scope provisions as follows:

Scope. The City's grievance system provides a standard process for speedy investigation and resolution of an eligible employee's complaint of perceived improper treatment in administrative matters or appeal of serious disciplinary action where the employee's informal efforts, if any, have not resolved an issue. The City grievance system is not intended, and will not be used, for the following purposes:

- to resolve personal differences between or among employees;
- to appeal written warnings or disciplinary probation;
- to appeal pay reductions which are part of a general plan to reduce salaries and wages, when such reductions are pro-rated to all employees;
- to appeal non-selection for a position when properly established staffing procedures have been followed; or
- to appeal the contents of approved and published City resolutions or other legal actions.

AMENDMENT OF SECTION 8.2 GRIEVANCES RESOLVED BY THE MAYOR

Mayor as Hearing Authority. The Mayor is the hearing authority for any employee grievance that involves an administrative matter. The Mayor may delegate to the Human Resources Director the authority to review, hear, and make recommendations for decision.

Mayor's Review. Within five (5) working days of receipt of the employee's grievance, the designated hearing authority will review the facts as presented by the employee in the written grievance. The designated hearing authority will then schedule a meeting with the employee to discuss the grievance. If information from other individuals concerning the grievance is deemed necessary, the designated hearing authority will ensure that they are also present at this meeting. The employee or designated representative may present information on behalf of the employee and present reasonable questions to the other individuals present. The meeting will be held informally. A written summary of the factual material presented will be prepared.

The Mayor's Decision. Within three (3) working days of completion of the informal pre-determination hearing with the employee, the Mayor will provide the employee a written decision on the grievance that will be final.

Extension of Review and Decision Time. Time periods for completion of the review and rendering a decision may be extended by the designated hearing authority when deemed necessary.

AMENDMENT OF SECTION 9.2 TIME AND ATTENDANCE RECORDS

Revise “Time Records” provision in Section 9.2:

Time Records. Each employee is personally responsible for the accuracy of time records and should review the time records each pay period. All time that each employee works during the employee’s established work schedule must accurately be accounted for on a time and attendance report in accordance with procedures established by the Human Resources Director. Each department head will submit a time and attendance report that records the work schedule, the hours worked, and all absences for each employee assigned to the department. The Human Resources Director will maintain records as required by the FLSA for hours worked, wages earned, and wages paid. If an employee believes a mistake in time records has occurred or believes the records do not accurately reflect all hours worked, or questions whether all hours worked were not accurately recorded, the employee should immediately report the matter to the Human Resources Director for investigation.

AMENDMENT OF SECTION 9.3 WORK SCHEDULES

Addition of two new sections:

Non-Exempt Employee Breaks. City management will determine whether breaks from work for rest or for meals are permitted during the workday or shift and when such breaks are scheduled. As a general expectation, absent specific department rules, non-exempt employees should not take more than one 15-minute rest break for every four hours worked or more than one 30-60 minute meal break during any an eight-hour shift or eight hours worked. Non-exempt employees are also expected not to take any break within the first two hours or last two hours of an eight-hour shift and may not combine breaks. "Break time" may not be adjacent to the beginning or ending of any shift to permit any non-exempt employee to arrive late or leave early. Taking excessive breaks or taking longer than the allotted time for breaks is grounds for discipline up to and including dismissal. If breaks are permitted, non-exempt employees will not be paid for any uninterrupted break time away from job duties which lasts longer than 20 minutes, whether the time is allowed for a rest break or a meal break.

Nursing Mother Breaks. Beginning from the date of a child's birth and for up to one year, an employee who is an actively nursing mother may take reasonably necessary additional breaks during the workday to express breast milk for her infant child. The City will provide a room or other location (in relatively close proximity to the work area, if practical, and not a bathroom), where the employee can express her milk in privacy and without interruption. If possible, nursing breaks should run concurrently with any break times already provided or scheduled. Nursing breaks are unpaid, unless the employee takes the nursing break during a regularly scheduled or provided 15-20 minute paid rest break period. Nursing mothers should coordinate break times with their supervisors.

AMENDMENT OF SECTION 9.7 OFFICIAL HOLIDAYS

Scheduled Holidays. The City Council approves the following holidays to be observed by eligible employees as paid holidays:

- | | |
|----------------------------|----------------------------|
| (1) New Year's Day | (6) Veterans Day |
| (2) Martin Luther King Day | (7) Thanksgiving Day |
| (3) Memorial Day (May) | (8) Day after Thanksgiving |
| (4) Independence Day | (9) Christmas Eve |
| (5) Labor Day | (10) Christmas Day |

When an approved holiday falls on a Saturday, the preceding Friday will be observed as the holiday. When an approved holiday falls on a Sunday, the following Monday will be observed as the holiday.

Floating Holiday. Each calendar year, each eligible employee also may request to take one additional "floating holiday" (paid day off) in addition to the ten official holidays listed above, if there is no burden on City operations or on other employees. (For example, an employee might select to take off work on the employee's birthday or on another holiday not listed above.) Employees must schedule and obtain approval for the "floating holiday" from the Department Head and must notify the Human Resources Department at least two weeks in advance of the selected day off. The City reserves the right to request an employee to consider alternatives to the requested day off if the Department Head decides the request imposes a burden on operations or other employees.

AMENDMENT OF SECTION 9.8 PAID VACATION

Revise these provisions in this section:

Accrual of Vacation Pay. All eligible employees will earn vacation pay for each full leave year (January 1- December 31) that they work. The amount of vacation pay earned each year depends on the employee's continuous years of service and in accordance with the following criteria:

Continuous Years of Service	% X 2080	Hours Earned Per Year
0 thru 5 years	.0385 per hour	80 hours per year
6 years	.0423 per hour	88 hours per year
7 years	.0462 per hour	96 hours per year
8 years	.0500 per hour	104 hours per year
9 years	.0538 per hour	112 hours per year
10 thru 14 years	.0577 per hour	120 hours per year
15 thru 24 years	.0769 per hour	160 hours per year
Over 24 years	.0962 per hour	200 hours per year

Continuous Years of Service	% X 2808	Hours Earned Per Year
0 thru 5 years	.0385 per hour	108 hours per year
6 years	.0427 per hour	120 hours per year
7 years	.0470 per hour	132 hours per year
8 years	.0513 per hour	144 hours per year
9 years	.0556 per hour	156 hours per year
10 thru 14 years	.0577 per hour	162 hours per year
15 thru 24 years	.0769 per hour	216 hours per year
Over 24 years	.0962 per hour	270 hours per year

Vacation Accrual/Use During Probation. Employees serving a probationary period after hire will accrue vacation pay under this policy but will not be eligible to use such vacation pay until successfully completing probation unless the vacation use is pre-approved by the Human Resources Director and the Mayor at the time an offer of employment is extended.

Vacation Pay at Termination. Under some circumstances, an employee will forfeit all unused vacation pay at termination of employment and will not be paid for unused vacation pay. If an employee does not complete at least six month's service with the City after hire, all accrued vacation pay will be forfeited at termination. If an employee is dismissed for violation of City rules or policies or for the good of the City as a disciplinary measure under Section 7.7, all accrued vacation pay will be forfeited. If an employee does not provide written notice of resignation within the time frame required by Section 6.2, all accrued vacation pay will be forfeited. Otherwise, if an employee's employment with the City ends under any other circumstances, the employee will be eligible for unused vacation pay accrued up to termination.

AMENDMENT OF SECTION 9.9 PAID SICK LEAVE

Revise maximum accrual amount:

Accrual of Paid Sick Leave. Unclassified and classified employees based on 2,080 annual hours will earn paid sick leave credit at the rate of 3.08 hours per pay period for a total of 80 hours per year. Unclassified and classified employees based on 2,808 annual hours will earn paid sick leave credit at the rate of 9 hours per month for a total of 108 hours per year. However, an eligible employee will not earn any paid sick leave credit for any month in which the employee is in a non-pay status for more than one-half of the regularly scheduled working days during the month. An eligible employee may accrue up to a maximum of two thousand (2,000) hours of paid sick leave credit.

Add new provision after the “Use During Holiday” provision:

Use of Sick Leave During Notice of Resignation Period. During the period after an employee submits a notice of resignation, the City may allow use of paid sick leave only if the employee previously requested and was approved for using sick leave. If no prior approval or request was made before the notice of resignation, then the employee must provide a doctor’s excuse for any absence during the resignation period in order to use paid sick leave. Without prior approval or a doctor’s excuse, paid sick leave cannot be used after an employee submits a resignation notice.

Revise “Paid Sick Leave Donation” provisions:

Paid Sick Leave Donation

Overview: Subject to the provisions of this policy, an employee who accrues sick leave may voluntarily donate unused sick leave to another employee who has exhausted all sick leave and vacation pay and, because of a medical emergency or other qualifying condition, is in need of additional paid sick leave. A “donor” for purposes of this policy is the employee who voluntarily gives a portion of that employee’s accrued sick leave to another employee. A “recipient” for purposes of this policy is the employee who is the beneficiary of donated sick leave.

Eligibility: Only classified status full-time employees who have completed one full year of continuous employment are eligible to donate or receive donations of paid sick leave. The recipient must be eligible for or currently on a Medical Leave, Caregiver Medical Leave, or Military Caregiver Leave as defined by the City’s Family and Medical Leaves of Absence Policy (Section 9.13) and otherwise comply with the certification requirements of that policy. The recipient must have a current or reasonably anticipated, clear and demonstrated, immediate future need for additional paid sick leave. No retroactive donations will be allowed. The City will permit any employee-to-employee donation, regardless of the donor or recipient employee’s pay grade, unless the donor is a direct report of the recipient. The City also will permit supervisor-to-employee donation, regardless of supervisor rank or employee pay grade.

Paid sick leave may not be donated to an employee who is in an employment category which does not otherwise accrue paid sick leave. If an employee has short-term disability insurance coverage, the employee is eligible for receiving donations of paid sick leave only during the 15-day

qualifying period. Once the qualifying period ends and the employee is receiving disability benefits, the employee is no longer eligible for sick leave donation unless or until the disability benefits are exhausted.

Any employee who has been counseled or disciplined for an attendance violation within the past year before the proposed donation request is also not eligible to receive donated sick leave. No employee may donate paid sick leave to another employee during the 30-day period before a resignation or retirement date. An employee who has submitted notice of resignation or retirement may not donate paid sick leave after giving notice or within less than 30 days before the resignation or retirement effective date.

Amount of donated sick leave: Paid sick leave donations are only allowed in hourly increments. An employee may donate any number of sick leave hours (not to exceed a total lifetime donation of 480 hours) as long as the donor employee maintains at least 160 hours of accrued sick leave. A recipient employee may receive a total of 240 sick leave hours (e.g., 30 eight-hour workdays) during a rolling twelve month period. A recipient employee may receive a total lifetime donation of a maximum of 480 sick leave hours (e.g., 12 weeks of eight-hour days). Donations may come from more than one other employee but may not exceed 480 sick leave hours total. A recipient employee may not receive more total donated sick leave hours than the amount of absence time estimated on the medical certification or by the recipient's healthcare provider. A recipient also may not receive more than the equivalent of 40 hours of sick leave from any one donor.

Conversion of sick leave between employees: Conversion of donated paid sick leave will be based upon the equivalent dollar amount of sick leave. For example, if Employee A (who earns \$20 per hour) wants to donate the equivalent of 40 hours of sick leave to Employee B (who earns \$10 per hour), then A would donate 20 hours from A's balance (equal to \$400) and B would receive 40 hours ($\$10 \times 40 = \400) for B's sick leave balance. As another example, if Employee X (who makes \$6.00 per hour) wants to donate the equivalent of 40 hours of sick leave to Employee Y (who makes \$12.00 an hour), then X would donate 40 hours (equal to \$240) from X's balance, and Y would receive 20 hours of sick leave ($\$12 \times 20 = \240) for Y's sick leave balance.

Approval: The recipient employee must submit a written application for donated paid time off, including a description of the medical emergency. Requests to receive and donate paid sick leave must be made by using a "Sick Leave Donation Form" developed by the Human Resources Department. The employee's Department Head must review and approve an employee's request to donate sick leave. If the recipient employee works in another department, the Department Head of the recipient employee must also approve the donation because the additional paid sick leave may mean additional time away from work. A Department Head's request to donate paid sick leave to another employee must be reviewed and approved by the Mayor. All approved requests must then be forwarded to the Human Resources Department.

Additional Rules: The donation of paid sick leave must strictly be on a voluntary basis. Under no circumstances must any employee express, instruct, imply, or order that any employee is obligated to donate paid sick leave to any other employee. The Human Resources Department must receive all completed and approved donation request forms no later than two (2) business days (Monday-Friday) before time entries are due for Payroll processing. Late donations will not be made

retroactively. Late donation submissions may be credited to the next pay period, only if they are still needed and all other conditions of this policy are met. Human Resources will only transfer a number of leave hours to be donated, which would bring the recipient employee's sick leave account to the number of hours needed each pay period, not to exceed the number of days specified on the medical certification relating to the absence. A paid sick leave donation is irrevocable as of the date Human Resources Director approves the donation request. Donor employees and recipient employees are solely responsible for assessing the impact any donation will have on their respective taxes and benefits.

AMENDMENT OF SECTION 10.1 GENERAL PROVISIONS

Add new provision:

Employee Responsibility to Review Pay Records. The City makes every effort to pay its employees correctly. Employees are personally responsible for the accuracy of their pay records. Employees should review their pay stubs when received to make sure pay record is accurate. An employee should immediately report the matter to the Human Resources Director for investigation if the employee believes a mistake has occurred, or has any questions about pay, or believes the pay does not accurately reflect all hours worked, or questions whether all hours worked were not accurately recorded.

EXHIBIT B

ADOPTION OF NEW POLICIES

ADOPT NEW SECTION 1.16

1.16. ELECTRONIC MEDIA USE AND MONITORING POLICY

Scope of Policy. This policy applies to all of the City's elected officials and employees who are provided City-owned "electronic media" during their term of office or employment. This policy must be broadly construed to govern all use of the City's "electronic media." "Electronic media" includes the computers, laptops, servers, modems, wireless network connections, computer files, computer disks, "zip disks," CD-ROMs, DVDs, fax machines, photocopiers, telephones, pagers, cell phones, handheld personal data assistants or organizers, digital cameras, CD-Rom players, DVD-players, VCRs, email software and communications, Internet services, voicemail, "instant messaging," and computer software of any kind or nature used or installed on or accessible by the computers and accessories or any similar electronic devices owned or used by the City, including even software or hardware installed without authorization or permission or in violation of this policy on other electronic media. This policy also governs the use of any computers, laptops, or devices personally owned by any employee or elected official if the employee or elected official is also using the City's electronic media in any manner. As an example, if an employee or elected official has a personal laptop at work and uses the City's wireless network connection software, servers, or other equipment to connect to and communicate via the Internet, this policy governs the employee's or elected official's use of the personal laptop. An employee's use of the City's electronic media that interferes with the employee's job performance or ability to perform assigned tasks when due, or results in any damage to the City's electronic media, is grounds for discipline, up to and including dismissal.

City's Property; Primary Use for Business Purposes. The City's electronic media furnished to or accessible by employees or elected officials are City property and are intended primarily for use in carrying out the City's objectives to provide prompt, efficient, and accurate services to the public. Such access permits employees or elected officials to perform their jobs, share files, and communicate with each other internally and with outside individuals and agencies designated or selected by the City in its sole discretion. No employee or elected official shall have exclusive use over the City's electronic media. No employee or elected official shall treat the City's electronic media as personal property in any manner. Employees or elected officials should not use another employee's or elected official's assigned computer without approval.

Restrictions. Elected officials and employees must not alter any security settings on any City electronic media put in place by the City's Network Admin/IT Director without express written permission from the Network Admin/IT Director. Employees and elected officials must not use the electronic media to conduct any commercial activities separate from the activities of the City and shall not use the electronic media in connection with any other employment, including self-employment, of the employee or elected official. Employees and elected officials must not make any false representations regarding authority to act for or as a representative of the City in any transmission, communication or transaction occurring via the City's electronic media. Employees and elected officials must not use any password, access any file, communicate with any electronic media, or retrieve any stored communications for any purpose other than as authorized by this policy. Employees and elected officials must not install any software programs or "download" copyrighted material (*e.g.*, music or video files) using the City's electronic media without authorization. Electronic media must not be used in any manner that is inappropriate for workplace communications, *e.g.*, for purposes that are inconsistent with the City's harassment prevention policy or other policies or

work rules. For example, email may not be used to solicit others for commercial ventures, personal, religious or political causes, outside organizations, or other non-City matters. As another example, employees and elected officials may not print, display, download, view, store, possess, access, send, or forward sexually explicit or racially offensive material on or using or through the City's electronic media. Emails must not be altered and forwarded to another user. Unauthorized attachments must not be placed on another's email when forwarding.

No Right of Privacy. Communications generated or received by employees or elected officials via the City's electronic media are the City's property and subject to review at any time. Employees or elected officials have no right of privacy or any property interest in the use of any of the City's electronic media including but not limited to email communications. The City reserves the right to record, to review, or to monitor the content of communications (*e.g.*, email) made to or from or with the City's electronic media to ensure that the electronic media are used for business purposes and to ensure that communications during work time are job related and consistent with the City's policies. The City also reserves the right to record, review, or monitor telephone numbers dialed from the City's business telephones and the length of each call. The City cannot and does not guarantee the privacy of communications made on the City's electronic media. Employees and elected officials should not assume that any communications on the electronic media are private and should be aware that communications may be reviewed or disclosed at any time.

Loss or Theft. Employees and elected officials must immediately report the loss or theft of any electronic device (such as cell phones or laptops) or other electronic media used by or issued to the individual. Depending on the circumstances, such as the failure to timely report the loss or theft, the individual may be held responsible for replacement costs in addition to other disciplinary consequences.

Limited Personal Use. The City allows only a limited use of email and the Internet for personal reasons during non-working time in compliance with the restrictions of this policy. Employees or elected officials who engage in this limited, occasional or incidental personal use do so with the understanding that any information transmitted through, stored in, printed from, or generated by the electronic media remains at all times the City's business information and property.

Confidentiality. Employees and elected officials must exercise care in addressing email messages to make sure that messages are not sent to persons who are not the intended recipients or to incorrect addresses. In particular, employees and elected officials who use distribution lists should examine the list to make sure that all listed persons are appropriate recipients of the information and that their addresses are current. No employee or elected official should routinely forward messages containing confidential information received by or accessed by the City to multiple parties, unless all recipients are authorized to receive the information individually. Employees and elected officials shall under no circumstances provide to anyone not employed by the City or not in an elected office with the City any messages (or the contents thereof) sent to, or received from, the attorneys for the City without first receiving written authorization from the City or from the City's attorneys.

Personal Electronic Equipment. Due to the significant risk of harm to the City's electronic resources, or loss of data, from any unauthorized access that causes data loss or disruption, unless expressly

permitted to do so, employees and elected officials must not connect to the City's electronic systems any personal computers or data storage devices (such as floppy disks, CDs/DVDs, external hard drives, USB / flash drives, "smart" phones, iPods/iPads/iTouch or similar devices, laptops or other mobile computing devices, or other data storage media). Any employee or elected official connecting a personal computing device, data storage device, or image-recording device to City networks or information systems thereby gives permission to the City: (1) to inspect the personal computer, data storage device, or image-recording device at any time with personnel and/or electronic resources of the City's choosing; and (2) to analyze any files, other data, or data storage devices or media that may be within or connectable to the data-storage device in question in order to ensure that confidential City records and proprietary information have not been taken without authorization. Employees and elected officials who do not wish such inspections to be done on their personal computers, data storage devices, or imaging devices should not connect them to City computers or networks.

Return of Electronic Media. At any time on request for inspection, every employee and elected official must promptly return or otherwise give access to the City's Network Admin/IT Director all of the City's electronic media issued to or used by the employee or elected official. Even without a request, no later than two business days before the end of the employee's employment or the end of the elected official's term of office, each employee and elected official must return or otherwise give access for inspection to the City's Network Admin/IT Director all of the City's electronic media issued to or used by the employee or elected official.

ADOPT NEW SECTION 1.17

1.17. CELL PHONE USE

While at work, employees are expected to exercise the same discretion in using personal cell phones as is expected for the use of any City-owned phones. Excessive personal calls and text messages during the workday can interfere with productivity and be distracting to others. Incoming personal calls on any phone should be brief and dismissed promptly. Employees are expected to ensure that friends and family members are aware of the City's policy requiring limited use of cell phones during working time. Verbal calls and non-verbal communications via cell phone, such as text messages, must be kept to a minimum, must not interfere with job functions, and must not cause a disruption within the office. At no time are personal phone calls to interfere or delay completion of job duties. During meetings or training sessions, all cell phones are to be turned off or placed in silent mode.

Personal cell phones in the workplace must be turned off or kept in silent/vibrate mode during all scheduled work hours to avoid disruption. Employee use of personal cell phones in the workplace must be restricted to non-working time such as rest breaks and lunch breaks, absent emergency circumstances.

City-issued cell phones must be used for City business purposes only and in a safe manner. Each employee issued a City cell phone must have a professional voice mail recording for messages. Employees using City-issued cell phones must take appropriate precautions to make sure these devices are not lost, stolen, or accessed by unauthorized persons. All City-issued cell phones must have text message and instant message retention settings set to keep the messages indefinitely without any automatic deletion.

Due to the potential difficulties involved in maintaining records in compliance with applicable laws, employees should not routinely use texting, instant-messaging systems or similar systems of any City-issued cell for conducting City business. Employees are expected to follow up on any such communication with an email using the City email system or paper correspondence. Employees must never use texting, instant-messaging systems or similar systems of any personal cell phone for conducting any City business.

Employees are prohibited from using the camera function of any personal cell phone to take pictures of the non-public areas of the City's offices, or of any City's non-public records, or of any public records without following the City's procedures relating to release of public records in Section 11.5. Employees are prohibited from using the camera function of any cell phone, whether personal or City-issued, to take pictures of any other City employees or members of the public without the individual's express permission. Employees are prohibited from using the camera function of any City-issued cell phone to take pictures of the non-public areas of the City's offices without a legitimate reason related to their job duties or the business of the City.

The City prohibits non-exempt employees from using cell phones when off duty to remotely access the City's documents or data or City-provided voice mail or email systems.

While driving or operating City-owned mobile equipment or vehicles or while driving a personal vehicle while engaged in City business, employees must not use any cell phone, whether personal or City-issued, at any time for purposes of writing or reading text messages, instant-messages, or emails or for utilizing any application including an internet browser.

Unless the employee is using “hands-free” technology, employees must not make or accept any personal calls while operating City equipment or driving a City vehicle or driving a personal vehicle while engaged in City business.

Employees are required to familiarize themselves and comply at all times with the laws of the state or locality in which they work or travel concerning the use of cell phones. Where state or local law prohibits cell phone use by anyone operating a moving vehicle or heavy machinery, employees are also prohibited by this policy from using a device under the circumstances described in that law.

Safety must come before all other concerns. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a cell phone call. Special care should be taken in situations where there is traffic or inclement weather or the employee is driving in an unfamiliar area.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

ADOPT NEW SECTION 1.18

1.18 REPORTING MISCONDUCT AND INTERNAL INVESTIGATIONS

Reporting Misconduct. All employees are required to report known or suspected violations of City policy or applicable laws or employee misconduct or any situation that does not appear to be in the City's best interests. Employees must report suspected violations of City policy or laws or misconduct, even if it appears that a manager or supervisor is violating or has violated City policy or law or has engaged in misconduct. Employees must promptly report these issues to the Mayor, or the employee's Department Head, or the Human Resources Director. Reporting these issues will not adversely affect any employee's employment. The City will not take or allow adverse action against anyone who honestly and in good faith makes such a report or complaint or who honestly and in good faith participates in any investigation of such a report or complaint. On the other hand, failure to report or retaliation against an employee who reports are grounds for discipline, including dismissal.

Investigations. The City must be able to investigate suspected unauthorized conduct. Employees are required to cooperate and to assist management during investigations. To the extent practicable, investigations will be confidential with due regard for the sensitive nature of such complaints. Employees may be required to provide and sign written statements and to submit to reasonable searches of clothing, purses, lunch boxes or other containers, desks, toolboxes and personal vehicles. An employee's refusal to cooperate in an investigation, including a refusal to provide a written statement or submit to a search if requested to do so, is grounds for discipline, including dismissal.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2021-02**

EARLY RETIREMENT OF DEBT – NOTE PAYABLE

WHEREAS, Ordinance 2020-32 approved and adopted the Fiscal Year 2021 Budget on September 21, 2020; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2021 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2021 budget; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2021 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2021 budget; and

WHEREAS, the City issued debt in the amount of \$991,526 in September 2018 to partially finance a new MUSCO lighting system at Lott Park and the Daphne Sports Complex; and

WHEREAS, the note payable was due in five (5) annual amounts of \$214,382.04 and matures On October 15, 2022; and

WHEREAS, the City wishes to use excess funds in the Debt Service fund to retire the debt early; and

WHEREAS, an additional appropriation of \$410,000 is needed for the early retirement of the note payable with Sterling National Bank for Fiscal Year 2021 Budget.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that funds in the amount of \$410,000 from the Debt Service Fund are hereby appropriated and made a part of the Fiscal Year 2021 Budget for the early retirement of the note payable due to Sterling National Bank.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2021.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

EXHIBIT A

AMENDMENTS OF EXISTING POLICIES

AMENDMENT OF SECTION 1.10 ANTI-NEPOTISM POLICY

Replace the existing policy with this re-written policy:

Purpose. The purpose of this policy is to avoid favoritism, the appearance of or potential for favoritism, and conflicts of interest and loyalty often associated with individuals favoring others due to a family or kinship relationship (“nepotism”). Nepotism is inconsistent with the City’s longstanding policy of making employment decisions and other business decisions based solely on the City’s needs and individual qualifications, skills, ability and performance.

“Relative” Defined. For purposes of this policy, an employee’s or job applicant’s “relative” includes an individual within the following degrees of kinship: spouse; parent (mother or father); child (daughter or son); sibling (brother or sister); uncle; aunt; nephew; niece; grandparent; grandchild. “Relative” also includes a person with whom the employee or applicant is involved in a romantic, sexual, or dating relationship and with whom the employee or applicant cohabits or resides in the same immediate household (“partner”) even if the individuals are not married. The term “relative” also includes the employee’s or job applicant’s spouse’s or partner’s child, parent, grandparent, sibling, uncle, aunt, nephew, and niece. The “relative” relationship may exist whether by blood, adoption, marriage, or remarriage (e.g., “step-child, “step-parent”).

Notice Requirements. Any existing but previously undisclosed “relative” relationships or situations must be disclosed immediately to the Human Resources Director or Mayor immediately after the effective date of this amended policy. Every job applicant is expected to disclose whether a “relative” works for the City. If a “relative” relationship is created between two employees during their employment (e.g., two employees marry one another, or begin cohabiting in a romantic relationship, or one employee marries the sister or brother of another employee), the employees involved must immediately disclose the new “relative” relationship to the Mayor and the Human Resources Director.

Prohibitions & Restrictions.

1. No two or more “relatives” are permitted to work in the same City department, if the related employees would be subject to the direct or indirect supervision of the same supervisor or manager within the department’s chain of command or the City’s chain of command. The City will refuse to transfer, demote, or promote an employee if the employment change results in the employee coming to work in the same department as a “relative.” The City will refuse to hire a job applicant if the applicant’s “relative” works in the same department in which the applicant is seeking employment.

2. No employee may work in any position in which a “relative” is within that employee’s chain of command by either directly or indirectly supervising the employee or being directly or indirectly supervised by the employee. The City will refuse to transfer, demote, or promote an employee if the employment change results in the employee coming into a supervisory or subordinate position to a “relative.” The City will refuse to hire a job applicant if the applicant would be in a supervisory or subordinate position toward an existing employee who is the applicant’s “relative.”

3. No employee may make, participate in, or attempt to influence employment or other business decisions involving a “relative” or seek to influence, pressure or cause others to do so. An employee must not use authority or position with the City to benefit or to disadvantage a “relative” who is currently employed or who is an applicant for a City job, regardless of the department in which the relative works or is seeking a position.

Remedial Action. If a “relative” relationship exists or is created between two employees during employment, one of the employees may be transferred to another position, as determined by the Mayor in consultation with the Human Resources Director. If a transfer is not possible, the Mayor may direct that one of the employees resign. If the employee does not resign, the Mayor will initiate action to dismiss one of the involved employees.

AMENDMENT OF SECTION 3.1 CATEGORIES OF SERVICE

Unclassified Service. “Unclassified service” employees are those who serve at the pleasure of the appointing authority and whose “at-will” employment relationship with the City may terminate at any time, with or without notice or cause. The unclassified service will include only those positions which are required by law, or approved by the City Council, to be assigned to such service. The unclassified service also includes those workers who are not hired to work any regular schedule and who are not required or expected to work more than one shift in any one work period. Unclassified service employees have no continued expectation of employment for a definite term and are not eligible to use the employment grievance and appeal rights provided to classified employees in Chapter 8 and may not challenge job-performance related demotions or dismissals as provided in Chapters 4 and 6. Unclassified employees are eligible to participate in all City provided employee benefits, including group insurance, retirement, vacation and sick leave, and holiday pay.

AMENDMENT OF SECTION 4.1 GENERAL STAFFING POLICY

Employee Consideration. When a vacancy occurs in the unclassified, classified, or part-time service, any current employee may apply for the vacancy along with other applicants from outside the City's employment. An employee is eligible to apply for promotion or transfer only under the following circumstances: (1) the employee must have been in the current position for a minimum of three months; (2) if the employee has not completed the initial probationary period, the employee's three-month or six-month evaluations must be at a "satisfactory" level or higher and the employee must have no written disciplinary actions on record; (3) if the employee has completed the initial probationary period and has been in the position for three months or longer, the employee must not have any written disciplinary actions within the previous three months and the most recent performance evaluation must be at a "satisfactory" level or higher. While the City will strive to give preference to qualified regular status classified and part-time employees, it reserves the right to select any individual who is considered to be best for the position. No consideration will be given to whether the requested reassignment to a vacancy would result in a transfer, promotion, or demotion of the employee.

AMENDMENT OF SECTION 4.5 EMPLOYMENT OFFERS

Effective Date of Internal Applicant Transfer/Promotion. If a City employee is selected as an internal applicant for a voluntary transfer or promotion to a vacant position, the appointing authority, the Human Resources Director, the employee's current department head, and the new department head will coordinate the effective date of the employee's reassignment. The employee selected for the reassignment must give a two-week notice to the employee's current department head before the reassignment effective date. The current department head has discretion to either permit reassignment at an earlier effective date or to require the employee to continue working in the department during the two-week notice period, but not beyond the two-week notice period. The effective date of the reassignment to the new position must always fall at the beginning of a new pay period. The Mayor or Human Resources Director may lengthen the notice working period (or shorten with the current department head's approval) to ensure the effective date of the employee's transfer falls on the beginning of a new pay period and is in the best business interest of the City.

AMENDMENT OF SECTION 4.8 TEMPORARY ALTERNATIVE DUTY DUE TO INJURY, ILLNESS, OR MEDICAL CONDITIONS

Under appropriate circumstances, the City may provide *temporary* alternative duty assignments for otherwise qualified employees who are temporarily unable to perform their regular job duties as result of injuries incurred on or off the job, or illnesses, or other medical conditions (*e.g.*, pregnancy complications). The City does not create alternative duty jobs for any other reason. The sole purpose of this policy is to provide temporary alternative duty assignments for employees who are recovering and to facilitate their return to regular job duties. An employee temporarily assigned alternative duties is not presumed by the City to be handicapped or disabled for the purposes of any other law or statute.

No employee has a right to an alternative duty assignment or to the continuation of any alternative duty assignment. The City's decision to offer an alternative duty assignment is within the City's discretion and will be made on a case-by-case basis. The City's decision will be made only when the City has sufficient specific information regarding the employee's functional abilities and work restrictions and the anticipated duration of any restrictions.

The City will consider the facts of each particular case, including but not limited to the following:

- The nature and duration of the employee's medical restrictions;
- The employee's qualifications; and
- The feasibility of creating temporary alternative duty assignments which are within the employee's restrictions and that the employee is qualified to perform.

If requested, an employee must provide a written authorization for the City's Human Resources Department to contact the employee's treating doctor(s) to obtain complete information about the employee's functional abilities and work restrictions and the anticipated duration of any restrictions. If deemed necessary by the City, the employee may be required to undergo an independent medical examination and work capacity evaluation.

The time period for any alternative duty assignment will begin once an employee has been deemed eligible to return to modified and/or light duty by the employee's medical provider and appropriate alternative duties have been identified by the Human Resources Director and the employee's Department Head. The duration of any alternative duty assignment will be in the sole discretion of the City, but no alternative duty assignment may last longer than 180 days from the date the employee begins the alternative duty assignment (or in cases of on-the-job injuries, Maximum Medical Improvement ("MMI"), whichever first occurs). As the only exception to this rule, any time spent on any leave of absence will not be counted toward the alternative duty assignment time period. The City may discontinue an employee's alternative duty assignment at any time with or without notice. No permanent or long-term alternative duty job will be created or otherwise made available to employees under this policy.

An employee's refusal to accept an alternative duty assignment will be considered a "voluntarily quit" unless the employee is on an approved medical leave covered by the City's FMLA policy.

An employee's refusal to accept an alternative duty assignment after the expiration of FMLA leave will be considered a voluntary quit.

If the alternative position has the same or higher pay scale as the employee's pre-injury job, the employee's pay rate will not change, meaning the employee will be compensated at the normal rate of pay for the regular job. If the pay scale for the alternative position is less than the employee's pre-injury rate of pay, the employee will be paid the rate of pay for the alternative position.

An employee temporarily assigned to alternative duty must immediately notify the employee's supervisor if the employee experiences any physical or mental difficulty performing the alternative duty assignment. Upon notification, the supervisor must immediately relieve the employee from further duty and inform the Human Resources Director, who will arrange for further consultation with the treating physician.

If an employee is unable to return to work in the original position after 180 days working in the alternative duty assignment, the City may permit a leave of absence or implement an incapacity separation, depending on the circumstances. If an employee's substantially limiting physical or mental impairments prevent the employee from returning to work in the original position, the City will attempt to determine if there is a reasonable accommodation that would permit the employee to continue employment with the City in the employee's original job or in another vacant regular position.

AMENDMENT OF SECTION 7.1. EMPLOYEE STANDARDS AND CLASSIFICATION OF OFFENSES

Revise these Group Two Violations as follows:

12. Violations of Instructions, Rules, or Law – violation of state or federal law, City administrative regulations, rules, policies, lawful orders or directions made or given by a supervisor.
20. Violation of Department Policies/Procedures – violation of any written policy, rule, or procedures adopted by a City department.

AMENDMENT OF SECTION 7.7 GUIDELINES FOR SUSPENSION WITHOUT PAY, DEMOTION, AND DISMISSAL (REGULAR STATUS CLASSIFIED AND PART-TIME EMPLOYEES)

Amend the following provision of this section as follows:

Informal Pre-Determination Hearing. If the Mayor determines disciplinary action is warranted, the Mayor will inform the employee in writing of the intended action and the employee's opportunity to participate in a pre-determination hearing concerning the allegations. The written notice to the employee will contain the following information: (1) the date, time, and place of the hearing; (2) a summary of the reason(s) for the proposed disciplinary action; (3) the proposed disciplinary action to be taken and effective date; and (4) notice that the employee may (i) appear in person and/or be represented by someone at the employee's expense, (ii) respond to the allegations orally or in writing, and (iii) present evidence in defense. A copy of the notice will be placed in the employee's personnel file.

If the employee does not appear for the scheduled hearing, the Mayor may proceed with the disciplinary action the Mayor deems warranted based upon the facts of the case. If the employee appears for the scheduled hearing, it will be conducted informally at the time and place designated in the notice to the employee. Formal rules of evidence will not apply during the hearing.

If, after conducting the hearing, the Mayor determines that the facts of the case do not support a suspension without pay, or demotion, or dismissal, the Mayor may impose a lesser disciplinary action, or decide that a written warning or disciplinary probation is sufficient, or advise the employee that no discipline will be imposed. If the Mayor decides that a written warning is sufficient, the Mayor will instruct the department head to proceed with a written warning or disciplinary probation. If the Mayor determines during the hearing that the facts of the case appear to support more severe discipline than originally requested or originally deemed warranted, such as a demotion or dismissal, the Mayor may decide to impose the more severe discipline. A record of the hearing, to include a written summary of the hearing results, will be filed in the employee's personnel file. Such record need not be a transcribed record.

AMENDMENT OF CHAPTER 8

AMENDMENT OF SECTION 8.1 GENERAL PROVISIONS

Revise the scope provisions as follows:

Scope. The City's grievance system provides a standard process for speedy investigation and resolution of an eligible employee's complaint of perceived improper treatment in administrative matters or appeal of serious disciplinary action where the employee's informal efforts, if any, have not resolved an issue. The City grievance system is not intended, and will not be used, for the following purposes:

- to resolve personal differences between or among employees;
- to appeal written warnings or disciplinary probation;
- to appeal pay reductions which are part of a general plan to reduce salaries and wages, when such reductions are pro-rated to all employees;
- to appeal non-selection for a position when properly established staffing procedures have been followed; or
- to appeal the contents of approved and published City resolutions or other legal actions.

AMENDMENT OF SECTION 8.2 GRIEVANCES RESOLVED BY THE MAYOR

Mayor as Hearing Authority. The Mayor is the hearing authority for any employee grievance that involves an administrative matter. The Mayor may delegate to the Human Resources Director the authority to review, hear, and make recommendations for decision.

Mayor's Review. Within five (5) working days of receipt of the employee's grievance, the designated hearing authority will review the facts as presented by the employee in the written grievance. The designated hearing authority will then schedule a meeting with the employee to discuss the grievance. If information from other individuals concerning the grievance is deemed necessary, the designated hearing authority will ensure that they are also present at this meeting. The employee or designated representative may present information on behalf of the employee and present reasonable questions to the other individuals present. The meeting will be held informally. A written summary of the factual material presented will be prepared.

The Mayor's Decision. Within three (3) working days of completion of the informal pre-determination hearing with the employee, the Mayor will provide the employee a written decision on the grievance that will be final.

Extension of Review and Decision Time. Time periods for completion of the review and rendering a decision may be extended by the designated hearing authority when deemed necessary.

AMENDMENT OF SECTION 9.2 TIME AND ATTENDANCE RECORDS

Revise “Time Records” provision in Section 9.2:

Time Records. Each employee is personally responsible for the accuracy of time records and should review the time records each pay period. All time that each employee works during the employee’s established work schedule must accurately be accounted for on a time and attendance report in accordance with procedures established by the Human Resources Director. Each department head will submit a time and attendance report that records the work schedule, the hours worked, and all absences for each employee assigned to the department. The Human Resources Director will maintain records as required by the FLSA for hours worked, wages earned, and wages paid. If an employee believes a mistake in time records has occurred or believes the records do not accurately reflect all hours worked, or questions whether all hours worked were not accurately recorded, the employee should immediately report the matter to the Human Resources Director for investigation.

AMENDMENT OF SECTION 9.3 WORK SCHEDULES

Addition of two new sections:

Non-Exempt Employee Breaks. City management will determine whether breaks from work for rest or for meals are permitted during the workday or shift and when such breaks are scheduled. As a general expectation, absent specific department rules, non-exempt employees should not take more than one 15-minute rest break for every four hours worked or more than one 30-60 minute meal break during any an eight-hour shift or eight hours worked. Non-exempt employees are also expected not to take any break within the first two hours or last two hours of an eight-hour shift and may not combine breaks. "Break time" may not be adjacent to the beginning or ending of any shift to permit any non-exempt employee to arrive late or leave early. Taking excessive breaks or taking longer than the allotted time for breaks is grounds for discipline up to and including dismissal. If breaks are permitted, non-exempt employees will not be paid for any uninterrupted break time away from job duties which lasts longer than 20 minutes, whether the time is allowed for a rest break or a meal break.

Nursing Mother Breaks. Beginning from the date of a child's birth and for up to one year, an employee who is an actively nursing mother may take reasonably necessary additional breaks during the workday to express breast milk for her infant child. The City will provide a room or other location (in relatively close proximity to the work area, if practical, and not a bathroom), where the employee can express her milk in privacy and without interruption. If possible, nursing breaks should run concurrently with any break times already provided or scheduled. Nursing breaks are unpaid, unless the employee takes the nursing break during a regularly scheduled or provided 15-20 minute paid rest break period. Nursing mothers should coordinate break times with their supervisors.

AMENDMENT OF SECTION 9.7 OFFICIAL HOLIDAYS

Scheduled Holidays. The City Council approves the following holidays to be observed by eligible employees as paid holidays:

- | | | | |
|-----|------------------------|------|------------------------|
| (1) | New Year's Day | (6) | Veterans Day |
| (2) | Martin Luther King Day | (7) | Thanksgiving Day |
| (3) | Memorial Day (May) | (8) | Day after Thanksgiving |
| (4) | Independence Day | (9) | Christmas Eve |
| (5) | Labor Day | (10) | Christmas Day |

When an approved holiday falls on a Saturday, the preceding Friday will be observed as the holiday. When an approved holiday falls on a Sunday, the following Monday will be observed as the holiday.

Floating Holiday. Each calendar year, each eligible employee also may request to take one additional "floating holiday" (paid day off) in addition to the ten official holidays listed above, if there is no burden on City operations or on other employees. (For example, an employee might select to take off work on the employee's birthday or on another holiday not listed above.) Employees must schedule and obtain approval for the "floating holiday" from the Department Head and must notify the Human Resources Department at least two weeks in advance of the selected day off. The City reserves the right to request an employee to consider alternatives to the requested day off if the Department Head decides the request imposes a burden on operations or other employees.

AMENDMENT OF SECTION 9.8 PAID VACATION

Revise these provisions in this section:

Accrual of Vacation Pay. All eligible employees will earn vacation pay for each full leave year (January 1- December 31) that they work. The amount of vacation pay earned each year depends on the employee's continuous years of service and in accordance with the following criteria:

Continuous Years of Service	% X 2080	Hours Earned Per Year
0 thru 5 years	.0385 per hour	80 hours per year
6 years	.0423 per hour	88 hours per year
7 years	.0462 per hour	96 hours per year
8 years	.0500 per hour	104 hours per year
9 years	.0538 per hour	112 hours per year
10 thru 14 years	.0577 per hour	120 hours per year
15 thru 24 years	.0769 per hour	160 hours per year
Over 24 years	.0962 per hour	200 hours per year

Continuous Years of Service	% X 2808	Hours Earned Per Year
0 thru 5 years	.0385 per hour	108 hours per year
6 years	.0427 per hour	120 hours per year
7 years	.0470 per hour	132 hours per year
8 years	.0513 per hour	144 hours per year
9 years	.0556 per hour	156 hours per year
10 thru 14 years	.0577 per hour	162 hours per year
15 thru 24 years	.0769 per hour	216 hours per year
Over 24 years	.0962 per hour	270 hours per year

Vacation Accrual/Use During Probation. Employees serving a probationary period after hire will accrue vacation pay under this policy but will not be eligible to use such vacation pay until successfully completing probation unless the vacation use is pre-approved by the Human Resources Director and the Mayor at the time an offer of employment is extended.

Vacation Pay at Termination. Under some circumstances, an employee will forfeit all unused vacation pay at termination of employment and will not be paid for unused vacation pay. If an employee does not complete at least six month's service with the City after hire, all accrued vacation pay will be forfeited at termination. If an employee is dismissed for violation of City rules or policies or for the good of the City as a disciplinary measure under Section 7.7, all accrued vacation pay will be forfeited. If an employee does not provide written notice of resignation within the time frame required by Section 6.2, all accrued vacation pay will be forfeited. Otherwise, if an employee's employment with the City ends under any other circumstances, the employee will be eligible for unused vacation pay accrued up to termination.

AMENDMENT OF SECTION 9.9 PAID SICK LEAVE

Revise maximum accrual amount:

Accrual of Paid Sick Leave. Unclassified and classified employees based on 2,080 annual hours will earn paid sick leave credit at the rate of 3.08 hours per pay period for a total of 80 hours per year. Unclassified and classified employees based on 2,808 annual hours will earn paid sick leave credit at the rate of 9 hours per month for a total of 108 hours per year. However, an eligible employee will not earn any paid sick leave credit for any month in which the employee is in a non-pay status for more than one-half of the regularly scheduled working days during the month. An eligible employee may accrue up to a maximum of two thousand (2,000) hours of paid sick leave credit.

Add new provision after the “Use During Holiday” provision:

Use of Sick Leave During Notice of Resignation Period. During the period after an employee submits a notice of resignation, the City may allow use of paid sick leave only if the employee previously requested and was approved for using sick leave. If no prior approval or request was made before the notice of resignation, then the employee must provide a doctor’s excuse for any absence during the resignation period in order to use paid sick leave. Without prior approval or a doctor’s excuse, paid sick leave cannot be used after an employee submits a resignation notice.

Revise “Paid Sick Leave Donation” provisions:

Paid Sick Leave Donation

Overview: Subject to the provisions of this policy, an employee who accrues sick leave may voluntarily donate unused sick leave to another employee who has exhausted all sick leave and vacation pay and, because of a medical emergency or other qualifying condition, is in need of additional paid sick leave. A “donor” for purposes of this policy is the employee who voluntarily gives a portion of that employee’s accrued sick leave to another employee. A “recipient” for purposes of this policy is the employee who is the beneficiary of donated sick leave.

Eligibility: Only classified status full-time employees who have completed one full year of continuous employment are eligible to donate or receive donations of paid sick leave. The recipient must be eligible for or currently on a Medical Leave, Caregiver Medical Leave, or Military Caregiver Leave as defined by the City’s Family and Medical Leaves of Absence Policy (Section 9.13) and otherwise comply with the certification requirements of that policy. The recipient must have a current or reasonably anticipated, clear and demonstrated, immediate future need for additional paid sick leave. No retroactive donations will be allowed. The City will permit any employee-to-employee donation, regardless of the donor or recipient employee’s pay grade, unless the donor is a direct report of the recipient. The City also will permit supervisor-to-employee donation, regardless of supervisor rank or employee pay grade.

Paid sick leave may not be donated to an employee who is in an employment category which does not otherwise accrue paid sick leave. If an employee has short-term disability insurance coverage, the employee is eligible for receiving donations of paid sick leave only during the 15-day

qualifying period. Once the qualifying period ends and the employee is receiving disability benefits, the employee is no longer eligible for sick leave donation unless or until the disability benefits are exhausted.

Any employee who has been counseled or disciplined for an attendance violation within the past year before the proposed donation request is also not eligible to receive donated sick leave. No employee may donate paid sick leave to another employee during the 30-day period before a resignation or retirement date. An employee who has submitted notice of resignation or retirement may not donate paid sick leave after giving notice or within less than 30 days before the resignation or retirement effective date.

Amount of donated sick leave: Paid sick leave donations are only allowed in hourly increments. An employee may donate any number of sick leave hours (not to exceed a total lifetime donation of 480 hours) as long as the donor employee maintains at least 160 hours of accrued sick leave. A recipient employee may receive a total of 240 sick leave hours (e.g., 30 eight-hour workdays) during a rolling twelve month period. A recipient employee may receive a total lifetime donation of a maximum of 480 sick leave hours (e.g., 12 weeks of eight-hour days). Donations may come from more than one other employee but may not exceed 480 sick leave hours total. A recipient employee may not receive more total donated sick leave hours than the amount of absence time estimated on the medical certification or by the recipient's healthcare provider. A recipient also may not receive more than the equivalent of 40 hours of sick leave from any one donor.

Conversion of sick leave between employees: Conversion of donated paid sick leave will be based upon the equivalent dollar amount of sick leave. For example, if Employee A (who earns \$20 per hour) wants to donate the equivalent of 40 hours of sick leave to Employee B (who earns \$10 per hour), then A would donate 20 hours from A's balance (equal to \$400) and B would receive 40 hours ($\$10 \times 40 = \400) for B's sick leave balance. As another example, if Employee X (who makes \$6.00 per hour) wants to donate the equivalent of 40 hours of sick leave to Employee Y (who makes \$12.00 an hour), then X would donate 40 hours (equal to \$240) from X's balance, and Y would receive 20 hours of sick leave ($\$12 \times 20 = \240) for Y's sick leave balance.

Approval: The recipient employee must submit a written application for donated paid time off, including a description of the medical emergency. Requests to receive and donate paid sick leave must be made by using a "Sick Leave Donation Form" developed by the Human Resources Department. The employee's Department Head must review and approve an employee's request to donate sick leave. If the recipient employee works in another department, the Department Head of the recipient employee must also approve the donation because the additional paid sick leave may mean additional time away from work. A Department Head's request to donate paid sick leave to another employee must be reviewed and approved by the Mayor. All approved requests must then be forwarded to the Human Resources Department.

Additional Rules: The donation of paid sick leave must strictly be on a voluntary basis. Under no circumstances must any employee express, instruct, imply, or order that any employee is obligated to donate paid sick leave to any other employee. The Human Resources Department must receive all completed and approved donation request forms no later than two (2) business days (Monday-Friday) before time entries are due for Payroll processing. Late donations will not be made

retroactively. Late donation submissions may be credited to the next pay period, only if they are still needed and all other conditions of this policy are met. Human Resources will only transfer a number of leave hours to be donated, which would bring the recipient employee's sick leave account to the number of hours needed each pay period, not to exceed the number of days specified on the medical certification relating to the absence. A paid sick leave donation is irrevocable as of the date Human Resources Director approves the donation request. Donor employees and recipient employees are solely responsible for assessing the impact any donation will have on their respective taxes and benefits.

AMENDMENT OF SECTION 10.1 GENERAL PROVISIONS

Add new provision:

Employee Responsibility to Review Pay Records. The City makes every effort to pay its employees correctly. Employees are personally responsible for the accuracy of their pay records. Employees should review their pay stubs when received to make sure pay record is accurate. An employee should immediately report the matter to the Human Resources Director for investigation if the employee believes a mistake has occurred, or has any questions about pay, or believes the pay does not accurately reflect all hours worked, or questions whether all hours worked were not accurately recorded.

EXHIBIT B

ADOPTION OF NEW POLICIES

ADOPT NEW SECTION 1.16

1.16. ELECTRONIC MEDIA USE AND MONITORING POLICY

Scope of Policy. This policy applies to all of the City's elected officials and employees who are provided City-owned "electronic media" during their term of office or employment. This policy must be broadly construed to govern all use of the City's "electronic media." "Electronic media" includes the computers, laptops, servers, modems, wireless network connections, computer files, computer disks, "zip disks," CD-ROMs, DVDs, fax machines, photocopiers, telephones, pagers, cell phones, handheld personal data assistants or organizers, digital cameras, CD-Rom players, DVD-players, VCRs, email software and communications, Internet services, voicemail, "instant messaging," and computer software of any kind or nature used or installed on or accessible by the computers and accessories or any similar electronic devices owned or used by the City, including even software or hardware installed without authorization or permission or in violation of this policy on other electronic media. This policy also governs the use of any computers, laptops, or devices personally owned by any employee or elected official if the employee or elected official is also using the City's electronic media in any manner. As an example, if an employee or elected official has a personal laptop at work and uses the City's wireless network connection software, servers, or other equipment to connect to and communicate via the Internet, this policy governs the employee's or elected official's use of the personal laptop. An employee's use of the City's electronic media that interferes with the employee's job performance or ability to perform assigned tasks when due, or results in any damage to the City's electronic media, is grounds for discipline, up to and including dismissal.

City's Property; Primary Use for Business Purposes. The City's electronic media furnished to or accessible by employees or elected officials are City property and are intended primarily for use in carrying out the City's objectives to provide prompt, efficient, and accurate services to the public. Such access permits employees or elected officials to perform their jobs, share files, and communicate with each other internally and with outside individuals and agencies designated or selected by the City in its sole discretion. No employee or elected official shall have exclusive use over the City's electronic media. No employee or elected official shall treat the City's electronic media as personal property in any manner. Employees or elected officials should not use another employee's or elected official's assigned computer without approval.

Restrictions. Elected officials and employees must not alter any security settings on any City electronic media put in place by the City's Network Admin/IT Director without express written permission from the Network Admin/IT Director. Employees and elected officials must not use the electronic media to conduct any commercial activities separate from the activities of the City and shall not use the electronic media in connection with any other employment, including self-employment, of the employee or elected official. Employees and elected officials must not make any false representations regarding authority to act for or as a representative of the City in any transmission, communication or transaction occurring via the City's electronic media. Employees and elected officials must not use any password, access any file, communicate with any electronic media, or retrieve any stored communications for any purpose other than as authorized by this policy. Employees and elected officials must not install any software programs or "download" copyrighted material (*e.g.*, music or video files) using the City's electronic media without authorization. Electronic media must not be used in any manner that is inappropriate for workplace communications, *e.g.*, for purposes that are inconsistent with the City's harassment prevention policy or other policies or

work rules. For example, email may not be used to solicit others for commercial ventures, personal, religious or political causes, outside organizations, or other non-City matters. As another example, employees and elected officials may not print, display, download, view, store, possess, access, send, or forward sexually explicit or racially offensive material on or using or through the City's electronic media. Emails must not be altered and forwarded to another user. Unauthorized attachments must not be placed on another's email when forwarding.

No Right of Privacy. Communications generated or received by employees or elected officials via the City's electronic media are the City's property and subject to review at any time. Employees or elected officials have no right of privacy or any property interest in the use of any of the City's electronic media including but not limited to email communications. The City reserves the right to record, to review, or to monitor the content of communications (*e.g.*, email) made to or from or with the City's electronic media to ensure that the electronic media are used for business purposes and to ensure that communications during work time are job related and consistent with the City's policies. The City also reserves the right to record, review, or monitor telephone numbers dialed from the City's business telephones and the length of each call. The City cannot and does not guarantee the privacy of communications made on the City's electronic media. Employees and elected officials should not assume that any communications on the electronic media are private and should be aware that communications may be reviewed or disclosed at any time.

Loss or Theft. Employees and elected officials must immediately report the loss or theft of any electronic device (such as cell phones or laptops) or other electronic media used by or issued to the individual. Depending on the circumstances, such as the failure to timely report the loss or theft, the individual may be held responsible for replacement costs in addition to other disciplinary consequences.

Limited Personal Use. The City allows only a limited use of email and the Internet for personal reasons during non-working time in compliance with the restrictions of this policy. Employees or elected officials who engage in this limited, occasional or incidental personal use do so with the understanding that any information transmitted through, stored in, printed from, or generated by the electronic media remains at all times the City's business information and property.

Confidentiality. Employees and elected officials must exercise care in addressing email messages to make sure that messages are not sent to persons who are not the intended recipients or to incorrect addresses. In particular, employees and elected officials who use distribution lists should examine the list to make sure that all listed persons are appropriate recipients of the information and that their addresses are current. No employee or elected official should routinely forward messages containing confidential information received by or accessed by the City to multiple parties, unless all recipients are authorized to receive the information individually. Employees and elected officials shall under no circumstances provide to anyone not employed by the City or not in an elected office with the City any messages (or the contents thereof) sent to, or received from, the attorneys for the City without first receiving written authorization from the City or from the City's attorneys.

Personal Electronic Equipment. Due to the significant risk of harm to the City's electronic resources, or loss of data, from any unauthorized access that causes data loss or disruption, unless expressly

permitted to do so, employees and elected officials must not connect to the City's electronic systems any personal computers or data storage devices (such as floppy disks, CDs/DVDs, external hard drives, USB / flash drives, "smart" phones, iPods/iPads/iTouch or similar devices, laptops or other mobile computing devices, or other data storage media). Any employee or elected official connecting a personal computing device, data storage device, or image-recording device to City networks or information systems thereby gives permission to the City: (1) to inspect the personal computer, data storage device, or image-recording device at any time with personnel and/or electronic resources of the City's choosing; and (2) to analyze any files, other data, or data storage devices or media that may be within or connectable to the data-storage device in question in order to ensure that confidential City records and proprietary information have not been taken without authorization. Employees and elected officials who do not wish such inspections to be done on their personal computers, data storage devices, or imaging devices should not connect them to City computers or networks.

Return of Electronic Media. At any time on request for inspection, every employee and elected official must promptly return or otherwise give access to the City's Network Admin/IT Director all of the City's electronic media issued to or used by the employee or elected official. Even without a request, no later than two business days before the end of the employee's employment or the end of the elected official's term of office, each employee and elected official must return or otherwise give access for inspection to the City's Network Admin/IT Director all of the City's electronic media issued to or used by the employee or elected official.

ADOPT NEW SECTION 1.17

1.17. CELL PHONE USE

While at work, employees are expected to exercise the same discretion in using personal cell phones as is expected for the use of any City-owned phones. Excessive personal calls and text messages during the workday can interfere with productivity and be distracting to others. Incoming personal calls on any phone should be brief and dismissed promptly. Employees are expected to ensure that friends and family members are aware of the City's policy requiring limited use of cell phones during working time. Verbal calls and non-verbal communications via cell phone, such as text messages, must be kept to a minimum, must not interfere with job functions, and must not cause a disruption within the office. At no time are personal phone calls to interfere or delay completion of job duties. During meetings or training sessions, all cell phones are to be turned off or placed in silent mode.

Personal cell phones in the workplace must be turned off or kept in silent/vibrate mode during all scheduled work hours to avoid disruption. Employee use of personal cell phones in the workplace must be restricted to non-working time such as rest breaks and lunch breaks, absent emergency circumstances.

City-issued cell phones must be used for City business purposes only and in a safe manner. Each employee issued a City cell phone must have a professional voice mail recording for messages. Employees using City-issued cell phones must take appropriate precautions to make sure these devices are not lost, stolen, or accessed by unauthorized persons. All City-issued cell phones must have text message and instant message retention settings set to keep the messages indefinitely without any automatic deletion.

Due to the potential difficulties involved in maintaining records in compliance with applicable laws, employees should not routinely use texting, instant-messaging systems or similar systems of any City-issued cell for conducting City business. Employees are expected to follow up on any such communication with an email using the City email system or paper correspondence. Employees must never use texting, instant-messaging systems or similar systems of any personal cell phone for conducting any City business.

Employees are prohibited from using the camera function of any personal cell phone to take pictures of the non-public areas of the City's offices, or of any City's non-public records, or of any public records without following the City's procedures relating to release of public records in Section 11.5. Employees are prohibited from using the camera function of any cell phone, whether personal or City-issued, to take pictures of any other City employees or members of the public without the individual's express permission. Employees are prohibited from using the camera function of any City-issued cell phone to take pictures of the non-public areas of the City's offices without a legitimate reason related to their job duties or the business of the City.

The City prohibits non-exempt employees from using cell phones when off duty to remotely access the City's documents or data or City-provided voice mail or email systems.

While driving or operating City-owned mobile equipment or vehicles or while driving a personal vehicle while engaged in City business, employees must not use any cell phone, whether personal or City-issued, at any time for purposes of writing or reading text messages, instant-messages, or emails or for utilizing any application including an internet browser.

Unless the employee is using “hands-free” technology, employees must not make or accept any personal calls while operating City equipment or driving a City vehicle or driving a personal vehicle while engaged in City business.

Employees are required to familiarize themselves and comply at all times with the laws of the state or locality in which they work or travel concerning the use of cell phones. Where state or local law prohibits cell phone use by anyone operating a moving vehicle or heavy machinery, employees are also prohibited by this policy from using a device under the circumstances described in that law.

Safety must come before all other concerns. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a cell phone call. Special care should be taken in situations where there is traffic or inclement weather or the employee is driving in an unfamiliar area.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

ADOPT NEW SECTION 1.18

1.18 REPORTING MISCONDUCT AND INTERNAL INVESTIGATIONS

Reporting Misconduct. All employees are required to report known or suspected violations of City policy or applicable laws or employee misconduct or any situation that does not appear to be in the City's best interests. Employees must report suspected violations of City policy or laws or misconduct, even if it appears that a manager or supervisor is violating or has violated City policy or law or has engaged in misconduct. Employees must promptly report these issues to the Mayor, or the employee's Department Head, or the Human Resources Director. Reporting these issues will not adversely affect any employee's employment. The City will not take or allow adverse action against anyone who honestly and in good faith makes such a report or complaint or who honestly and in good faith participates in any investigation of such a report or complaint. On the other hand, failure to report or retaliation against an employee who reports are grounds for discipline, including dismissal.

Investigations. The City must be able to investigate suspected unauthorized conduct. Employees are required to cooperate and to assist management during investigations. To the extent practicable, investigations will be confidential with due regard for the sensitive nature of such complaints. Employees may be required to provide and sign written statements and to submit to reasonable searches of clothing, purses, lunch boxes or other containers, desks, toolboxes and personal vehicles. An employee's refusal to cooperate in an investigation, including a refusal to provide a written statement or submit to a search if requested to do so, is grounds for discipline, including dismissal.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2021-03**

ADDITIONAL APPROPRIATION: DRAINAGE IMPROVEMENTS FOR LAKESHORE DRIVE

WHEREAS, Ordinance 2020-32 approved and adopted the Fiscal Year 2021 Budget on September 21, 2020; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2021 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2021 budget; and

WHEREAS, Drainage improvements at Lakeshore Drive are being reviewed; and

WHEREAS, monies were previously appropriated in the amount of \$40,000 for engineering for the Lakeshore Drive drainage improvements; (Ord 2020-33); and

WHEREAS, the City Council has determined it to be in the best interest of the City to evaluate this project and therefore an additional appropriation is needed in the amount of \$8,500 for engineering fees for the Lakeshore Drive drainage project.

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

1. Funds from the General Fund are hereby appropriated and made a part of the Fiscal Year 2021 budget in the amount of \$8,500 for the Lakeshore Drive Drainage project.
2. The Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such projects.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2021.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk