

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
March 1, 2021
6:30 P.M.

1. **CALL TO ORDER**
2. **ROLL CALL**
INVOCATION Reverend Thack Dyson, St. Paul's Episcopal Church
PLEDGE OF ALLEGIANCE

RECOGNITION: Daphne High School Girls' Wrestling Team
3. **APPROVE MINUTES:** February 15, 2021 regular meeting
4. **REPORTS OF STANDING COMMITTEES**
 - A. **FINANCE COMMITTEE** – Conaway
Review the minutes from the February 15th meeting.
Treasurer's Report – January 2021
 - Unrestricted Fund Balance - \$19,740,459
 - Total Cash Balance - \$29,476,304Sales Tax – December 2020 - \$2,053,072
Lodging Tax – December 2020 - \$77,738
 - B. **BUILDINGS & PROPERTY COMMITTEE** – Phillips
Review the minutes from the January 11, 2021 meeting.
 - 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
 - F. **RECREATION BOARD** – Hughes
 - G. **UTILITY BOARD** – Goodlin
6. **MAYOR'S REPORT**
7. **CITY ATTORNEY REPORT**
8. **DEPARTMENT HEAD REPORTS**

City Council Agenda – March 1, 2021

9. CITY CLERK’S REPORT

MOTION to approve the South Alabama Out of the Darkness Walk on October 24, 2021 from 1:00pm – 4:00pm and the use of City Hall’s front lawn with no street closures.

MOTION to approve the 140 – Special Events Retail to Mancini’s Antique LLC dba O’Mancini’s St. Patrick’s Block Party located at 1715 Main Street, Daphne, Alabama.

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2021 – 04 – 2021-C-Oil & Lubricants Bid Award: Waring Oil Company LLC

2021 – 05 – Application for Recreation Trails

2021 – 06 – Vacation of Easement: Southern Shores Homes, L.L.C. – 5’ Drainage Easement Dividing Lots 20 & 21, Lake Forest Subdivision, Unit 28

B. 2nd READ ORDINANCES:

2021 – 07 – Appropriation for Hurricane Zeta Damage: Boardwalks and Bay Access - \$108,500

2021 – 08 – Amending the City of Daphne, Alabama Land Use and Development Ordinance 2011-54, Article XVI, Parking Requirements for All Districts and Article VIII, Definition of Terms

2021 – 09 – Re-Zone Property Located Northeast of the Intersection of Ryan Avenue and Main Street

2021 – 10 – Council Rules and Procedures

C. 1ST READ ORDINANCES:

2021 – 11 – Appropriation: Pipe Crawler Camera - \$54,000

2021 – 12 – Appropriation: Daphne High School Turf Field - \$575,000

12. COUNCIL COMMENTS

13. ADJOURN

**February 15, 2021
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Doug Goodlin called the meeting to order at 6:30pm.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Tommie Conaway, Benjamin Hughes, Ron Scott, Steve Olen, Doug Goodlin, and Angie Phillips

COUNCIL MEMBERS ABSENT: Joel Coleman

Also Present: Candace Antinarella, City Clerk; Mayor LeJeune; Misty Gray, City Attorney; Chief Tacon, Fire Department; Jud Beedy, Police Department; Vickie Hinman, Human Resources; Ronnie Huskey, Public Works; and Adrienne Jones, Community Development.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Pastor Mike Megginson, 3 Circle Church.

PUBLIC HEARING: Adrienne Jones gave an update on 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.

Public hearing opened at 6:35pm. No one came forward to speak.

Public hearing closed at 6:36pm.

PUBLIC HEARING: Adrienne Jones presented on the Burris – Warner, L.L.C. Zoning Amendment request.

Public hearing opened at 6:37pm. No one came forward to speak.

Public hearing closed at 6:38pm.

3. APPROVAL OF MINUTES:

The minutes from the February 1, 2021 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Conaway said the Committee met that afternoon. The Financial Report will be given at the next Council meeting.

B. BUILDINGS & PROPERTY COMMITTEE

Councilwoman Phillips said the minutes from the January 11, 2021 meeting were in the packet. The next meeting will be March 8th.

**MOTION by Councilwoman Phillips to authorize the Mayor to execute a contract with Dewberry Engineers for the Lavender Lane Contract. A Second was not needed.
MOTION CARRIED UNANIMOUSLY.**

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the minutes from the January 11th meeting were in the packet. He said the next meeting is March 8th at 4:30pm.

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**MOTION by Councilman Hughes to create a part-time Corrections Officer position for the Daphne Police Department. A Second was not needed.
MOTION CARRIED UNANIMOUSLY.**

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Olen said the Committee met earlier in the month. He said the next meeting is March 1st at 4:30pm.

E. PUBLIC WORKS COMMITTEE

Councilman Coleman was absent. Council President Goodlin said the minutes from the January 4th meeting were in the packet.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said the minutes from the January 7, 2021 meeting and the summarization from the February 4, 2021 meeting were in the packet. She said BZA was still in need of members.

B. Downtown Redevelopment Authority

Councilwoman Conaway said the Downtown Redevelopment Authority will meet on February 18th at 5:30pm.

C. Industrial Development Board

Councilman Scott said there have been a few meetings and the Board is working with the City Attorney to create the covenants for the DISC project. The City Clerk said the IDB cancelled the meeting previously scheduled for tomorrow.

D. Library Board

Councilwoman Phillips said the next meeting is March 11th at 4:30. She said the Library is still finding ways to accommodate the citizens during the pandemic. She shared of recent events the Library hosted.

E. Planning Commission

Councilman Olen said the next meeting is February 25th at 5:00pm.

F. Recreation Board

Councilman Hughes said the Board met this past Wednesday. He said the Board appointed Brad Osbourne as the President of the Board. He said the Board will present the Parks and Recreation Proposal at the next Council Work Session.

G. Utility Board

Councilman Goodlin said the minutes from the November 2020 meeting were in the packet. He said the next meeting is February 24th at 5:00pm.

6. MAYOR'S REPORT:

Mayor LeJeune said OWA has postponed tomorrow's vaccinations due to inclement weather. It has been rescheduled for Friday. He said 17 out of 85 police officers have received vaccines and 18 out of 54 firefighters have received vaccines. He said the Civic Center reached out to the Mardi Gras group, Shadow Barons, and were able to get two floats from the Shadow Barons to celebrate "Yardi Gras".

7. CITY ATTORNEY REPORT:

City Attorney said there was no report.

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8. DEPARTMENT HEAD COMMENTS:

Jud Beedy, Police, shared about two car chases over the weekend. He said they were in the process of hiring and promoting in the wake of Captain Taylor retiring after 30 years of service.

Chief Tacon, Fire Department, said they have started the process for new hires. She said they should be hiring 9 individuals. She said they have purchased a stair stepper for the department. She said they have had zoom meetings recently with Baldwin County EMA regarding Hazmat training.

Ronnie Huskey, said they are working on closing out the Fire Station 5 project. He said the Street Department has checked the streets and drainages in preparation of the freeze. Council President Goodlin gave kudos to the Public Works Department for their work on the drainage at the Whispering Pines roundabout.

Adrienne Jones, Planning, said they have secured training for the Planning Commission and Board of Zoning Adjustments members. She said they are close to finalizing the Comprehensive Plan. She said they are close to issuing a certificate of occupancy for Fire Station 5.

9. CITY CLERK'S REPORT:

MOTION by Councilman Scott to approve the publication and set a public hearing on April 5, 2021 for the Destiny Church International, Inc. proposed Zoning Amendment. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to approve the street closure for the Mancini's Antique Club St. Pat's Block Party located at 1715 Main Street, Daphne, on March 13, 2021 from 5:00pm – 10:00pm. Seconded by Councilman Hughes.

Aye – Goodlin, Scott, Phillips, Hughes Nay – Conaway, Olen

MOTION CARRIED.

10. PUBLIC PARTICIPATION:

Public Participation opened at 6:58pm.

Curt Fonger, 1443 Randall Avenue, spoke in favor of the new Council Rules and Procedures, Ordinance 2021-10. He said he appreciates that the Ordinance is limiting presentations and citizens sharing to 3 minutes. He said he doesn't like that public participation is being moved up on the agenda.

Councilman Goodlin said he thinks the reason that public participation is being considered to be moved up is to allow the Mayor and Council the opportunity to respond to items that citizens might discuss during public participation.

Public Participation closed at 7:05pm.

11. RESOLUTIONS & ORDINANCES:

A. RESOLUTIONS:

2021 – 03 – Resolution Authorizing the City to Enter into a Cooperative Maintenance Agreement with the Alabama Department of Transportation for the City's Maintenance of Certain Structures within the State's Right – of – Way

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MOTION by Councilwoman Conaway to waive the reading of Resolution 2021-03. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Resolution 2021-03. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

ORDINANCES:

B. 2nd READ ORDINANCES:

2021 – 06 – Appropriation: Police Vehicle Replacement - \$24,911

MOTION by Councilwoman Phillips to waive the reading of Ordinance 2021-06. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Phillips to adopt Ordinance 2021-06. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

C. 1ST READ ORDINANCES:

2021 – 07 – Appropriation for Hurricane Zeta Damage: Boardwalks and Bay Access - \$108,500

2021 – 08 – Amending the City of Daphne, Alabama Land Use and Development Ordinance 2011-54, Article XVI, Parking Requirements for All Districts and Article 8, Definition of Terms

2021 – 09 – Re-Zone Property Located Northeast of the Intersection of Ryan Avenue and Main Street

2021 – 10 – Council Rules and Procedures

12. COUNCIL COMMENTS:

Councilwoman Phillips said she hopes Mr. Fonger or any citizens never feel that their comments are an annoyance because the Council appreciates the feedback. She said her thoughts and prayers are with those who are affected by the pandemic.

Councilman Scott said his wife successfully received her first shot of the vaccine. He said he appreciates Mr. Olen's review of the Dewberry contract.

Councilman Hughes said if anyone knew someone who was at risk during this upcoming freeze to check on them.

Councilwoman Conaway said the Education Advisory Committee will meet Monday, February 22nd at 11:00am in the Jubilee Conference Room.

Mayor LeJeune asked everyone to remember their pets during the cold. He said it was his suggestion to move public participation up on the agenda in hopes that it would allow the Council to respond to citizens questions or concerns.

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Councilman Goodlin thanked the Baldwin County Board of Education for taking on the task to get vaccinations to teachers.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 7:15 PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, CMC, City Clerk

Doug Goodlin, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
FEBRUARY 15, 2021
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. Doug Goodlin

Councilman Mr. Ron Scott
Councilman Mr. Ben Hughes
Councilwoman Mrs. Angie Phillips

Also Present: Mayor Robin LeJeune, Senior Accountant Mrs. Suzânn Henson, Human Resource Director Mrs. Vickie Hinman, City Clerk Mrs. Candace Antinarella, Public Works Director Mr. Ronnie Huskey, Engineer Mr. Andy Bobe, Dewberry, and City Attorney Ms. Missty Gray.

II. PUBLIC PARTICIPATION

A. Daphne High School (DHS) Stadium-Turf Field Project Appropriation – \$575,000, Mr. Comer, Principal and Coach King

Mr. Comer and Coach Kenny King reviewed their power point presentation and handouts provided to the Finance Committee members to revitalize the stadium field. Mr. Comer discussed the estimated cost for the upgrades needed for the Daphne High School stadium is \$1.2 million with DHS planning to offset ½ of this cost through advertisements and sponsors and fundraising by booster/school clubs. Coach King reviewed the need for the upgrades and gave several examples of surrounding schools that had already changed to a synthetic turf stadium field. Coach King noted these are the fields of the future. Discussion continued that the City also uses this field for City programs.

Mayor LeJeune stated there was a motion made by the Recreation Board to move this request to the Finance Committee for funding to assist with the turf field project for the Daphne High School stadium. Mayor LeJeune also discussed the City's cost for helping maintain the current grass field and irrigation cost over the next 10 years and noted the estimated cost would be \$305,000. Discussion continued on irrigation and other maintenance cost.

Mr. Olen addressed his concern with appropriating these monies for the turf field and stated he felt these funds would be better spent on City parks and recreation facilities or City road paving and new sidewalks. Mr. Olen reviewed monies being spent each year by the City for Daphne High School for supplementing football coach's salary, paying school coaches for clinics, and football field maintenance totaling \$95,000, as well as \$75,000 spent by the City in 2019 to upgrade the track at Daphne High School. Mr. Olen also outlined monies spent by the City each year for all the public schools in the City of Daphne, specifically \$100,000 donated through the Education Advisory Committee and \$40,000 donated through SEEDS, plus over \$250,000 spent each year on 6 school resource officers (SROs), one supervisor for the SROs and vehicles, so that the City is spending a total of almost \$500,000 each year on the public schools in Daphne. Mr. Olen stated the DHS stadium is a worthwhile project, but he did not feel the City should bear the burden of spending \$575,000.

Mrs. Phillips discussed as a previous bookkeeper for a county school she became aware of the cost for these type improvements and that they do not happen unless they have some outside funding support. Mrs. Phillips said while this is school property she sees this project as an extension of the City because of all the different functions held at the stadium. Mrs. Phillips discussed other events that could be held at the DHS Stadium. Discussion continued on the appropriation.

Discussion was made on whether the full amount requested is needed up front. Mayor LeJeune stated that the \$575,000 is needed up front for the project to progress. Discussion was made on potential funding from the potential millage increase. Mrs. Conaway noted that these monies, if approved, would not even be available until at least 2022 or later. Mrs. Phillips noted that sometimes the monies from millage collections are designated for academics only.

MOTION BY Mr. Scott to recommend to Council to adopt an ordinance appropriating \$575,000 out of the General Fund for Daphne High School stadium turf field project including a Memorandum of Understanding be prepared for the project funding. Seconded by Mr. Hughes.

AYE-Scott, Phillips, Hughes, Conaway, Goodlin - NAY- Olen

B. Drainage Repairs near 25636 Pollard Road - Mr. Willie Young

Mr. Young stated he had brought the drainage repair request before Council back in July/August and wanted to follow up on the status of those repairs. Mr. Huskey said he would get with Mr. Young to discuss the repairs.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resource Report:

- Posted positions – 6
- Reviewing/Testing/Interviewing/Background check - 8
- Promotion/Internal Transfer - 4
- New Hires – 2
- Open positions - 0

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

- Next Safety Committee meeting is February 24 @ 10:00 a.m. in Council Chambers
- Other HR projects/meetings/events:
- Request for Proposal: Classification and Compensation Study
- COVID-19 Leave Tracking
- Firefighter Written Test and Oral Board – interviewed 18 candidates
- Chief Corrections Officer promotion interviews
- ACA 1095-C report
- Statement of Economic Interest reminders
- Revising Performance Evaluation form

Mrs. Hinman discussed the Police Department promotions and that Captain Scott Taylor is retiring as of April 1, 2021. Mrs. Hinman noted that Lt. Brian Gulsby will be promoted as a new Captain and Lt. Reginald Ardis will take Captain Gulsby's previous position. Discussion continued on other position changes as well as the succession plan for the Police Department. Discussion was also made on Council's participation in the review process for appointed positions.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – January, 2021

Mrs. Henson reviewed the following reports and information:

- Code enforcement issued 5 warnings resulting in businesses becoming compliant and \$565 in revenue.
- New Businesses with a physical location in Daphne - 3
- Simplified Sellers Use Tax collections - \$100,303 and YTD collections - \$ 353,881

BUSINESS LICENSE COUNT through 01/31/2021				
NEW Licenses				51
RENEWAL Licenses (2021)				1597
Total Issued THIS MONTH				1648
Total Issued THIS MONTH - PREVIOUS YEAR				2368
Net Gain/-Loss Current VS Previous Yr MONTH				-720
Total Issued YTD 2021				1,648
Total Issued YTD - PREVIOUS YEAR				2,368
Net Gain/-Loss Current VS Previous Yr YTD				-720

Business License Fee Historical Comparison 2020 / 2021				
	FY 20	FY 21	+/- Previous Year	Budget 2021 \$2,390,000
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)
December	\$80,771.34	\$38,677.07	(\$42,094.27)	(\$2,328,851.52)
January	\$1,641,711.72	\$1,084,222.56	(\$557,489.16)	(\$1,244,628.96)
Year to Date	\$1,742,162.33	\$1,145,371.04	(\$596,791.29)	(\$1,244,628.96)
All amounts include penalty and interest.				

Mrs. Henson noted that Mrs. Coleman had noted in her e-mail an explanation for the difference in the number of licenses issued January 2021 verses January 2020. Mrs. Coleman noted that one reason for the difference is last year Revenue still had an extra full time employee and this year that employee was changed to a part time employee. Also, Mrs. Coleman expected there to be a large difference in renewals for this January due to the mail running very behind and noted that a week or two into February they are still receiving mail that had been postmarked in January.

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: December, 2020

Mrs. Henson reviewed the Sales & Use Tax Reports: \$2,053,072 was collected for December, 2020 which was up \$187,679 from December 2019's collections:

- YTD Variance over Budget - \$913,984

Mr. Scott noted this is the first time the City has collected over \$2 million for Sales and Use Tax.

B. Lodging Tax Collections, December, 2020

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for December, 2020 were \$77,738 which is up \$7,072 from December 2019's collections.

- YTD Variance over Budget - \$77,460

C. Lodging Tax Fund : Statement of Rev over Exp, January, 2021

Mrs. Henson reviewed the Lodging Tax Statement of Revenues over Expenditure report for January, 2021.

- Unreserved balance for Bayfront related purchases - \$1,514,947
- Recreation for related purchases - \$ 682,863

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: January, 2021

TREASURER'S REPORT					
As of January 31, 2021					
Account Type/Title	1/31/2021	12/31/2020	Increase (Decrease) from last Month	1/31/2020	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	\$ 13,727,463	\$ 11,351,675	\$ 2,375,789	\$ 12,376,762	\$ 1,350,701
CERTIFICATE OF DEPOSIT	-	-	-	505,908	\$ (505,908)
INVESTMENT FUND	5,896,170	5,925,741	(29,571)	5,662,000	\$ 234,170
CREDIT CARD ACCOUNT	116,826	105,195	11,631	19,419	\$ 97,407
Total Unrestricted Cash Balance	19,740,459	17,382,611	2,357,848	18,564,089	1,176,370
SPECIAL REVENUE FUNDS					
AGENCY FUNDS					
MUNICIPAL COURT	474	430	44	683	(209)
SELF INSURANCE	222,803	222,722	81	181,413	41,390
FLEX SPENDING	23,257	30,809	(7,552)	(12,833)	36,090
OPEB TRUST INVESTMENT FUND	797,110	550,467	246,643	-	797,110
	4,469,378	4,184,923	284,455	3,552,272	917,106
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	3,791,082	4,105,781	(314,699)	3,257,567	533,515
2019 CAPITAL IMPROVEMENTS	-	-	-	920,421	(920,421)
	3,791,082	4,105,781	(314,699)	4,177,988	(386,906)
DEBT SERVICE FUNDS					
DEBT SERVICE	1,475,385	1,602,737	(127,352)	1,752,758	(277,373)
Total Restricted Cash Balance	9,735,845	9,893,441	(157,596)	9,483,018	252,827
Total City Cash Balance	\$ 29,476,304	\$ 27,276,052	\$ 2,200,252	\$ 28,047,107	\$ 1,429,197
Encumbrance Total as of			1/31/2021	\$ 876,467.38	

Mrs. Henson noted that \$250,000 was transferred to the OPEB Trust in January per the approved FY2021 budget.

The Treasurer's Report as of JANUARY, 2021 Total Unrestricted Cash Balance - \$19,740,459 and Total City Cash Balance - \$29,476,304 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance is - \$876,467.38 as of January, 2021.

Entrance signs were discussed for Hwy181 since the construction has been completed in that area. Mayor LeJeune stated he had been working on the entrance sign project for that area. Mayor LeJeune noted the sign was previously planned to be constructed in the median but there were complications with that so he is working to place the sign on the outside of the road.

3. Outstanding Appropriations

Mrs. Henson reviewed the Outstanding Appropriations report. Discussion continued on the Sandbox project, street resurfacing, and sidewalk projects. Mr. Huskey noted that the street resurfacing projects were delayed due to Hurricane Sally damage in the construction areas.

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

Mrs. Reid provided the following Financial Statements and summary information for review:

- Debt Summary Schedules (General & Enterprise Funds), January, 2021
 - o Jubilee Square: Debt payments are currently fully paid through December 2020. The loan matured 1/1/2021 and has been extended for up to five years per the agreement. Only the remaining principal balance remains.

Monthly Financial Statements – December 2020 Financial Highlights

General Fund:

- | | <u>FY 2021</u> | <u>FY 2020</u> | <u>Change</u> |
|--|----------------|----------------|---------------|
| • YTD Budgetary Net Income: | \$2,771,895 | \$2,959,512 | (\$187,617) |
| • Total sales tax collected year to date is approximately \$914,000 over budgeted income and prior year to date income | | | |
| • Hurricane Sally expenditures YTD are \$3,775,000 with the majority of the expenditures relating to debris removal. FEMA will reimburse 75% and the state 12.5% | | | |
| • Unassigned Fund Balance: | \$20,752,861 | | |
| • Outstanding Encumbrances: | \$884,527 | | |

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of December 31, 2020: \$31,939,664
- Outstanding Note Payable Balance as of December 31, 2020: \$404,635
- Outstanding Capital Lease Balance as of December 31, 2020:
 - o General Fund: \$946,115
 - o Enterprise Fund: \$1,017,125

Capital Project Funds (Capital Reserve):

- No significant activity

Special Revenue Funds (11 separate funds):

- Lodging Tax Fund –
 - o Bayfront Unreserved Fund Balance: \$1,503,966
 - o Recreation Unreserved Fund Balance: \$687,697
 - o Total lodging tax collected was \$77,460 over budgeted income and prior year to date income.

Enterprise Funds (Solid Waste and Civic Center):

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

	<u>FY 2021</u>	<u>FY 2020</u>	<u>Change</u>
Solid Waste Fund	\$ -0-	\$ -0-	\$ -0-
Civic Center Fund	\$ -296-	\$ 96,196	\$ <95,900>

5. Unfunded Future Projects Expenditure Summary

The Unfunded Future Projects Expenditure Summary was included in the packet for review. No appropriations have been made.

6. Summary of Budgetary Amendments

Mrs. Henson reviewed the Summary of Budgetary Amendments Report for amendments made to the FY2021 Budget.

- Total Appropriations Year to Date – \$565,178
- Adjusted Expenses over Revenue – (\$536,900)

B. Bills Paid Reports – January, 2021

The Bills Paid Report was previously presented electronically.

VIII. BIDS (Resolution)

A. 2021-C-Oil and Lubricants

Mrs. Henson reviewed the handout with the updated bid minutes and Mr. Huskey's recommendation letter to award the bid to Waring Oil. Mr. Huskey had noted in his letter that there were some discrepancies with the low bidders bid submittal. Mrs. Henson noted that the Mechanical Supervisor had researched the products bid on by the low bidder and did not find where the low bidder had submitted the required documentation for information showing that the products had meet the same testing requirements as the specifications listed. Further research on products was done online. Mrs. Henson noted there were also three items that were not the same product description and therefore had to be removed from the comparison.

MOTION BY Mrs. Phillips to recommend to Council to award the 2020-C-Oil and Lubricants bid to Waring Oil Co. LLC for unit costs as bid. Seconded by Mr. Olen.
MOTION CARRIED UNANIMOUSLY

IX. APPROPRIATION REQUESTS: (Ordinance)

A. Hurricane Zeta damage: Boardwalks and Bay Access Appropriation - \$108,500

A list of projects of repairs needed as a result of damages from Hurricane Zeta was included in the packet. Mr. Huskey reviewed the list of projects and noted that these projects will not receive any FEMA funding since the State of Alabama did not declare this storm a disaster for Baldwin County as they did for Mobile County. Discussion continued on the projects.

MOTION BY Mr. Hughes to recommend to Council to adopt the Ordinance amending the budget to appropriate \$108,500 from the General Fund for boardwalk and bay access repairs caused from damage from Hurricane Zeta. Seconded by Mr. Olen.
MOTION CARRIED UNANIMOUSLY

B. Pipe Crawler Camera Appropriation - \$54,000

Mr. Huskey discussed the need for pipe crawler equipment to be purchased to assist with inspection of drainage pipes and to reduce the need for Public Works employees to have to physically enter drainage pipes. Discussion continued on the safety issues of employees having to physically enter the drainage pipes. Mr. Huskey noted the pipe crawler equipment would be bid out.

MOTION BY Mr. Olen to recommend to Council to adopt an ordinance appropriating \$54,000 out of the General Fund for Pipe Crawler Camera equipment . Seconded by Mr. Hughes.
MOTION CARRIED UNANIMOUSLY

X. NEW BUSINESS

A. Recreational Trails Grant - Approval to Apply (Resolution)

Mrs. Henson noted that Mrs. Cara Stallman had provided information that Recreational Trails Project Grant funding in the amount of \$200,000 with a \$50,000 in kind contribution is available for the next phase of the City's trails. The due date for the application for the grant is March 3, 2021. A cost estimate is being preparing for the project.

Mr. Andy Bobe, Dewberry reviewed the grant project and noted that the grant monies would come through ADECA. Mr. Bobe noted the City will be required to put out a RFQ for engineering services for this project to be eligible for the grant

funding. This is the final part of the project and will tie into the existing boardwalk near the cemetery and provide ADA access. A resolution needs to be adopted to authorize the application for this grant.

MOTION BY Mrs. Phillips to recommend to Council to authorize the application for the Recreational Trails Grant Program (RTP) requesting \$200,000 in grant funds with a \$50,000 match requirement. Seconded by Mr. Goodlin.

MOTION CARRIED UNANIMOUSLY

B. Street Lighting – Highway 98

Mrs. Conaway discussed improving the lighting on Highway 98 because the lights were so dim. Mayor LeJeune stated he was working on several lighting projects with Riviera including Highway 98 so he would have more information soon on those projects.

XI. OLD BUSINESS

A. Dewberry Engineering contract – Lavender Lane Project

Discussion was made that the updated engineering contract with Dewberry for the Lavender Lane project was included in the Council packet for the meeting that night.

XII. ADJOURN

The meeting adjourned at 6:00 p.m.

BUILDINGS & PROPERTY COMMITTEE MEETING

January 11, 2021, 5:15 p.m.

City Hall, Council Chamber

1705 Main Street, Daphne, AL 36526

MEETING MINUTES

MEMBERS PRESENT: Councilwoman Angie Phillips, Councilman Ron Scott, Councilman Benjamin Hughes, Councilman Joel Coleman, Councilman Doug Goodlin, Councilman Steve Olen, and Councilwoman Tommie Conaway

ALSO PRESENT: Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; Mayor LeJeune; Troy Strunk, City Development; Suzanne Henson, Finance; Kelli Reid, Finance; Ange Baggett, Marketing; Charlie McDavid, Recreation; BJ Eringman, Public Works.

1) CALL MEETING TO ORDER / ROLL CALL

There being a quorum present Councilwoman Angie Phillips called the meeting to order at 5:15 p.m.

2) PUBLIC PARTICIPATION

Al Guarisco, Randall Avenue, shared his concerns about the Village Point Preserve. He said there were very special trees in the park. He said there needs to be more specialty plants in the park.

3) SURPLUS PROPERTY

There was no resolution for surplus.

4) BUILDING INSPECTION REPORT

Troy Strunk shared about the senior living location. He said he is not sure when the work will start.

5) CIVIC CENTER & BAYFRONT PAVILION REPORT

Ange Baggett gave the report on the Civic Center. She said carpet installation should be completed that week.

6) RECREATION REPORT

Ange Baggett gave the recreation report and said there was an update in the packet on the Senior Center. Councilman Scott asked if there was a way the Senior Center could help seniors schedule their COVID vaccines.

7) LIBRARY REPORT

There was no report.

8) VILLAGE POINT BAYFRONT PROPERTIES REPORT

There was no report. Mayor LeJeune said they are looking to do some potted plants for Arbor Day.

9) FACILITIES REPORT

The Facilities Report will be given at the next meeting.

10) OLD BUSINESS

11) NEW BUSINESS

Troy Strunk presented a proposal for the Main Street Streetscape from Jade Consulting. The Council discussed the proposal from Jade Consulting.

**MOTION by Councilman Scott to move to Council to authorize the Mayor to enter into a contract for the Olde Towne Daphne Streetscape Masterplan with Jade Consulting LLC. Seconded by Councilman Coleman. Councilman Goodlin asked about the fee schedule for Jade Consulting along with hourly rates. Troy Strunk said there will be a few public presentations. Councilman Scott said Jade Consulting was the engineering company on the Gator Boardwalk.
MOTION CARRIED UNANIMOUSLY.**

Troy Strunk presented on the Right-of-Way Licensing Agreement at North Main Street and Van Buren Street. Council discussed the agreement.

12) ANY OTHER BUILDINGS AND PROPERTY BUSINESS

13) NEXT MEETING

The next meeting is scheduled for Monday, February 8, 2021 at 5:15 p.m.

17) ADJOURN

There being no further business to discuss, the Council adjourned at 6:20pm.



City of Daphne Event Permit Application

Date of Application: 2/16/2021 Permit Requested: ☐ Event/Fundraiser ☒ Walk ☐ Parade/Run ☐ Band

Contact Information

Organization Name: American Foundation for Suicide Prevention
Contact Name: Lydia Barber E-mail Address: lydiabarber1@gmail.com
Address: 606 Oak Ridge West Daphne, AL 36526
Street / P.O. Box City/State/Zip Code
Primary Phone Number: 251-455-6453 Secondary: _____

Event Information

Event Name: South AL Out of the Darkness Walk Event Date: 10/24/2021
Event Location: Front of Daphne City Hall # Participants/Vehicles: 300 / 300
Start Time: 1:00 pm Stop Time: 4:00 pm Assembly Time: 10:00 AM
Special Requests: Actual "walk" is from 2:45-3:30 pm. The rest is entertainment, vendors, etc. Parade/Runs Only
Road Closures Requested: ☒ Yes ☐ No

Special Instructions This is all pending on how we are doing with the pandemic. Will be monitoring situation.

Approval: Internal Use Only

Date Routed: 2/16/2021

Fire Dept: _____

Police Dept: _____

Public Works: _____

Parks & Recreation: _____

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____

Design #

Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____

Date of Approval

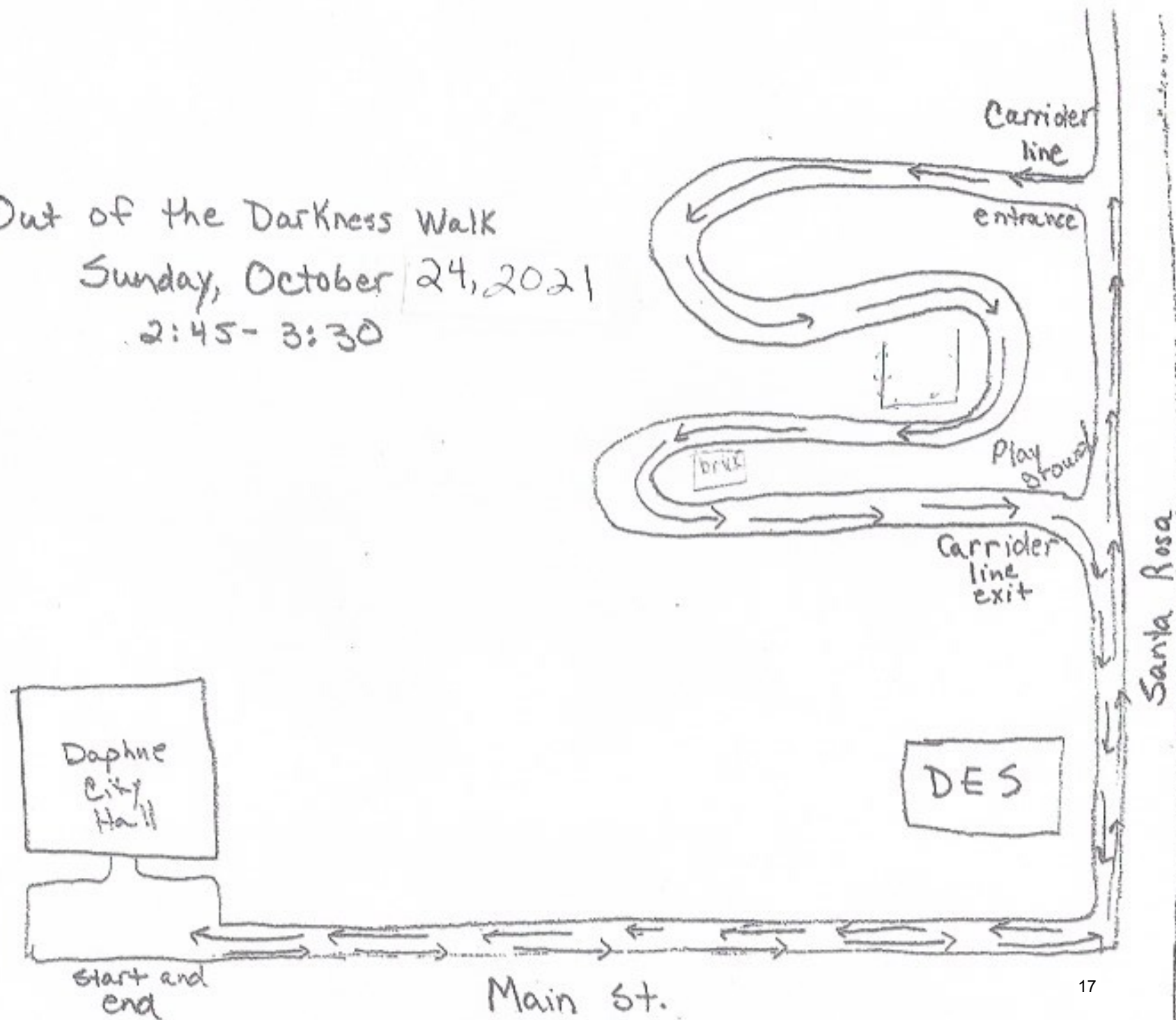
Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4

Out of the Darkness Walk
Sunday, October 24, 2021
2:45 - 3:30





STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20210212152950123

Type License: 140 - SPECIAL EVENTS RETAIL State: \$150.00 County: \$233.00
 Type License: State: County:
 Trade Name: **OMANCIS ST PATRICKS BLOCK PARTY** Filing Fee: \$50.00
 Applicant: **MANCIS ANTIQUE LLC** Transfer Fee:
 Location Address: 1715 MAIN ST DAPHNE, AL 36526
 Mailing Address: 1715 MAIN ST DAPHNE, AL 36526
 County: BALDWIN Tobacco sales: NO Tobacco Vending Machines:
 Product Type: Type Ownership: LLC
 Book, Page, or Document info: 1498258
 Do you sell Draft Beer?:
 Date Incorporated: 2/10/2015 State incorporated: AL County Incorporated: BALDWIN
 Date of Authority: 2/10/2015
 Federal Tax ID: 47-3077005 Alabama State Sales Tax ID: R009132071

Name:	Title:	Date and Place of Birth:	Residence Address:
JOHN MCDERMOTT THOMPSON 4671906 - AL	MEMBER	11/06/1962 ALABAMA	261 LEVERT ST MOBILE, AL 36607
HARRY PATRIDGE JOHNSON 2769374 - AL	MEMBER	12/06/1950 ALABAMA	105 BELROSE AVE DAPHNE, AL 36526
GARRETT PAUL DELUCA 7547130 - AL	MEMBER	1/19/1990 ALABAMA	199 RIDGEWOOD DR DAPHNE, AL 36526

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

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

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

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

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

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

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

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

Contact Person: GARRETT DELUCA

Business Phone: 251-375-0543

Fax:

Home Phone: 251-421-0279

Cell Phone:

E-mail: GARRETT.DELUCA@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20210212152950123

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
Name of Property owner/lessor and phone number: **MANCI ENTERPRISES LLC 251-415-1000**
What is lessors primary business? **PHYSICIAN**
Is lessor involved in any way with the alcoholic beverage business? **NO**
Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **NO**
Is the business used to habitually and principally provide food to the public? **NO**
Does the establishment have restroom facilities? **YES**
Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
Building Dimensions Square Footage: **2400** Display Square Footage:
Building seating capacity: **0** Does Licensed premises include a patio area? **NO**
License Structure: **ONE STORY** License covers: **OTHER**
Number of licenses in the vicinity: Nearest:
Nearest school: **1 blocks** Nearest church: **1 blocks** Nearest residence: **1 blocks**
Location is within: **CITY LIMITS** Police protection: **CITY**

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

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA

ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION



Confirmation Number: 20210212152950123

Initial each

☐

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

☐

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

☐

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

☐

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

☐ XXX

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

☐ XXX

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

☐

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

☐

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

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

☐

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

Applicant Name (print): Gannett DeLuca

Signature of Applicant:

Notary Name (print):

Notary Signature:

Commission expires:

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION

Confirmation Number: 20210212152950123



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

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

Has Agent verified membership applications for each member listed?

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

Agent's Initials:

For what purpose is the club organized?

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

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

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: 3/13/2021 Ending Date: 3/16/2021

Special terms and conditions for special event/special retail:

BEER WILL BE SERVED IN 16 OZ CUPS AND 12 OZ CANS. WINE WILL BE 6 OZ POUR
SERVED IN 12 OZ CUPS. LIQUOR WILL BE 1.5 OZ PUR IN 12 AND 16 OZ CUPS. THE
DRINKING AREA WILL BE BARRICADED.

Other Explanations

License Covers: EVENT WILL BE IN A TENT ON A VACANT LOT

Receipt Confirmation Page

Receipt Confirmation Number: **20210212152950123**

Application Payment Confirmation Number: **71770832**

Payment Summary	
Payment Item	Fee
Application Fee for License 140	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
140 - SPECIAL EVENTS RETAIL	\$233.00	\$150.00	\$383.00
			\$0.00
Total Amount to be Charged	\$233.00	\$150.00	\$383.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 140 - SPECIAL EVENTS RETAIL

License Type 2:

License County: BALDWIN

Business Type: LLC

Trade Name: **OMANCIS ST PATRICKS BLOCK PARTY**

Applicant Name: **MANCIS ANTIQUE LLC**

Location Address: 1715 MAIN ST
DAPHNE, AL 36526

Mailing Address: 1715 MAIN ST
DAPHNE, AL 36526

Contact Person: GARRETT DELUCA

Contact Home Phone: 251-421-0279

Contact Business Phone: 251-375-0543

Contact Fax:

Contact Cell Phone:

Contact Email Address:

Contact Web Address:

Application Payment Receipt Confirmation Page

Receipt Confirmation Number: 20210212152950123

Application Payment Confirmation Number: 71770832

Payment Summary	
Payment Item	Fee
Application Fee for License 140	\$50.00
Total Amount to be Charged	\$50.00

Application Information

Application Type: APPLICATION

License Type 1: 140 - SPECIAL EVENTS RETAIL

[Continue](#)

Technical Support: 866-353-3468 or support@alabamainteractive.org

Version 2.6.11

CASE NO. 2021-2

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 2/17/21 (initial) CAC

DATE FORWARDED TO POLICE DEPT. 2/17/21 CAC

DATE RECEIVED BY POLICE DEPT. 2/17/21 HCL

DATE: APPROVED ☒ DISAPPROVED ☐

POLICE DEPT SIGNATURE [Signature] 2/18/21

DATE RETURNED TO REVENUE DIV. 2/18/2021 HCL

DATE FORWARDED TO CITY CLERK 2/18/21 CAC

DATE RECEIVED BY CITY CLERK _____

SCHEDULED DATE ON AGENDA _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____

OR TO ABC FIELD OFFICE. _____ (per taxpayer request)

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2021-04**

2021-C-OIL & LUBRICANTS

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

WHEREAS, The City of Daphne acknowledges that the cost for the OIL & LUBRICANTS will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the OIL & LUBRICANTS and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the OIL & LUBRICANTS be awarded to Waring Oil Company LLC..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City hereby accept the bid of Waring Oil Company LLC for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2021-C-OIL & LUBRICANTS.

Product Description	Quantity/Case Unit	Waring Oil Co. LLC (Cost Incl Delivery)
Mobil 1 0W40 European Formula Full Synthetic	Case of 6 - 1 Qts	\$ 40.90
DELO 400 MULTIGRADE 15W40	Case of 12 - 1 Qts	\$ 45.11
DELO 400 MULTIGRADE 15W40	Case - 3 - 1 Gal	\$ 42.44
Valvoline Maxlife ATF (VV324)- Multi-Vehicle	Case of 6 - 1 Qts	\$ 79.38
Valvoline ATF+4 (822348) Chrysler Trans Fluid	Case of 6 - 1 Qts	\$ 76.21
Chevron 1000 THF Hydraulic Fluid	5 Gallon Pail	\$ 49.08
Hyd Oil ISO 68	5 Gallon Pail	\$ 45.90
Hyd Oil ISO 46	5 Gallon Pail	\$ 45.90
Hyd Oil ISO 32	5 Gallon Pail	\$ 45.90
GEAR OIL SAE 80W-90	5 Gallon Pail	\$ 40.88
Havoline Pro DS DEXOS 5W-30 Full Synthetic	Case of 6 - 1 qt Bottles	\$ 36.24
Castrol 10W40 Full Synthetic	Case of 6 - 1 qt Bottles	\$ 32.54
Delo Grease EP2	1/35 lb Bucket	\$ 79.44
Havoline Pro DS DEXOS 0W-20 Full Synthetic	Case of 6 - 1 qt Bottles	\$ 36.24
Havoline Conventional Full Strength Concentrate Antifreeze	Case of 6 - 1 Gallon	\$ 57.96
DEF (Diesel Exhaust Fluid)	Case of 1 - 2.5 Gallon	\$ 8.61

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____day of _____, 2021.

ATTEST:

Robin LeJeune, Mayor

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2021-05**

Application for Recreation Trails

WHEREAS, the City of Daphne intends to submit an application to the Alabama Department of Economic and Community Affairs (ADECA) requesting grant assistance from the Recreational Trails Program (RTP) to continue the elevated wooden boardwalk walking trail at Village Point Park; and

WHEREAS, the grant funds requested are \$200,000 (80%) and the local match provided by the City of Daphne is \$50,000 (20%) for a total project cost of \$250,000; and

NOW, THEREFORE IT BE RESOLVED that the City Council of Daphne authorizes the submission of an application to ADECA requesting \$200,000 in FY 2021 RTP Funds; and

BE IT FURTHER RESOLVED that the City of Daphne agrees to hold in reserve \$50,000 of the proposed project cost for the purpose of matching funds; and

BE IT FURTHER RESOLVED that in the event a grant is awarded, the City will sign assurances to comply with all applicable Federal and State laws, rules and regulations.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, the ____ day of _____, 2021.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2021 - 06
VACATION OF EASEMENT
SOUTHERN SHORES HOMES, LLC
5' DRAINAGE EASEMENT DIVIDING LOTS 20 & 21, UNIT 28, LAKE FOREST**

WHEREAS, Southern Shores Homes, LLC has presented to the City Council of Daphne, Alabama a petition seeking vacation of easement, the desire to vacate said easement, and said consent to the vacation thereof has been given by certain entities and abutting landowners having certain rights therein; and,

WHEREAS, the City Council of Daphne, Alabama does assent to and approve the vacation and the annulment of the dedication thereof as reflected on said recorded plat and/or restrictive covenants of Lake Forest Subdivision.

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the act of the aforesaid petitioner in vacating and annulling said easement is described as follows:

The 5' wide drainage and utility easement on each side of the lot line dividing Lots 20 and 21, Unit 28, Lake Forest Subdivision, as shown on the final plat recorded in Map Book 8, Page 104, Instrument #745-B, in the Judge of Probate of Baldwin County, Alabama. Said easements being located in Section 6, Township 5 South, Range 2 East.

BE IT FURTHER RESOLVED, that the City Council of Daphne, Alabama is authorized to execute this resolution and that the City Clerk is authorized and directed to attest and certify the same.

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

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED

COMMENCING AT THE SOUTHEAST CORNER OF LOT 20, LAKE FOREST, UNIT 28, AS RECORDED IN MAP BOOK 8, PAGE 104, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE NORTH 00°00'00" EAST A DISTANCE OF 61.98 FEET TO A POINT MARKED BY A CRIMPED TOP PIPE; THENCE NORTH 50°09'50" WEST A DISTANCE OF 13.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°00'00" WEST A DISTANCE OF 6.51 FEET TO A POINT; THENCE NORTH 50°09'50" WEST A DISTANCE OF 125.51 FEET TO A POINT; TO POINT OF A NON-TANGENTIAL 60.00' RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 10.01 FEET (CHORD BEARS SOUTH 39°32'40" WEST, 10.00'); THENCE SOUTH 50°09'50" EAST A DISTANCE OF 133.81 FEET TO A POINT; THENCE NORTH 00°00'05" WEST A DISTANCE OF 6.51 FEET TO THE POINT OF BEGINNING.

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones, AICP
Community Development Director

Subject: Southern Shores Homes, L.L.C.
120 and 121 Timberline Court
Vacation of the Easement(s) between Lots
20 & 21, Lake Forest Subdivision, Unit
28

Date: January 29, 2021

At the, January 28, 2021, regular meeting of the City of Daphne Planning Commission, six members were present. The motion carried unanimously for a **favorable recommendation** of the above-mentioned vacation of easement(s).

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

Upon receipt of said documentation, please prepare a resolution for placement on the City Council agenda.

Thank you,
ADJ/jd

cc: file

attachment(s):

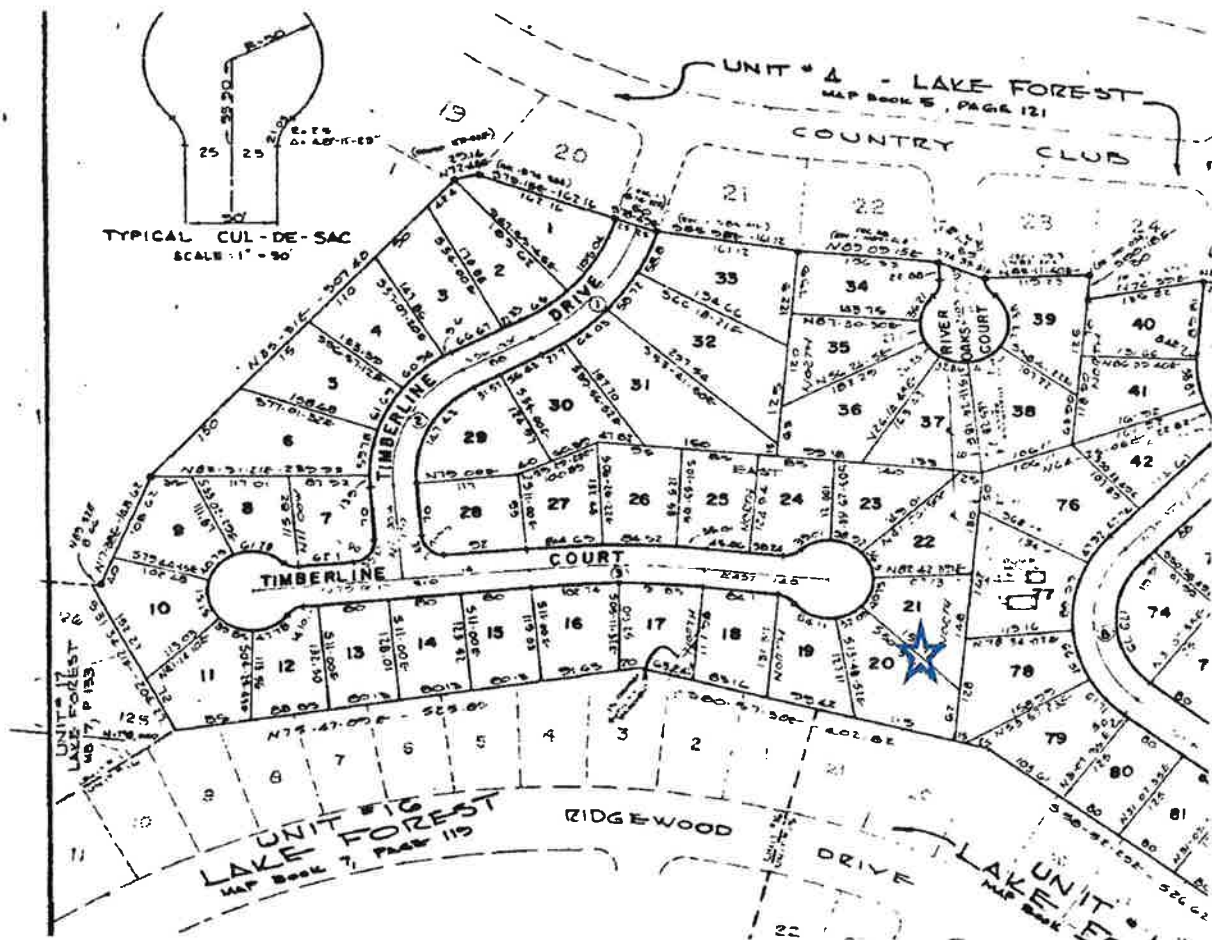
1. Community Development Report and Supplemental Documents
2. Application
3. Petition for Vacation of Easement(s)
4. Subdivision Plat
5. Legal Description
6. Current Survey of Easement(s)
7. Easement Release Forms
8. Adjacent Property Owners List

01/29/21
3:03pm
48

VACATION OF RECORDED DRAINAGE/UTILITY EASEMENT



SOUTHERN SHORES HOMES LAKE FOREST UNIT 28



ARTICLE XXIV

VACATION OF EASEMENT AND/OR RIGHT-OF-WAY

24-1 PROCEDURE

The City Council may, from time to time, after examination and review thereon, amend, supplement, or change the subdivision requirements in regard to easements and right-of-ways provided herein or subsequently established, whether initiated by the Planning Commission, or any person, firm, or a corporation shall be treated in accordance with the following procedure:

- (a) An application on the prescribed form shall be submitted in writing to the Department of Community Development thirty (30) days prior to the regularly scheduled meeting of the Planning Commission and must be accompanied by an adjacent property owners list, warranty deed (proof of ownership), legal description of subject property, current survey, and a map of the subject property.
- (b) The application shall be reviewed by the Planning Commission at its next regular meeting.
- (c) Said Commission before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the Planning Commission with proper notice as required by law. Due notice shall also be given to the parties in interest of the date, time, and place of said hearing.

Said notice of a vacation of easement or right-of-way shall be published in full for one (1) insertion in a newspaper of general circulation published in the municipality prior to the said public hearing by the City Council.

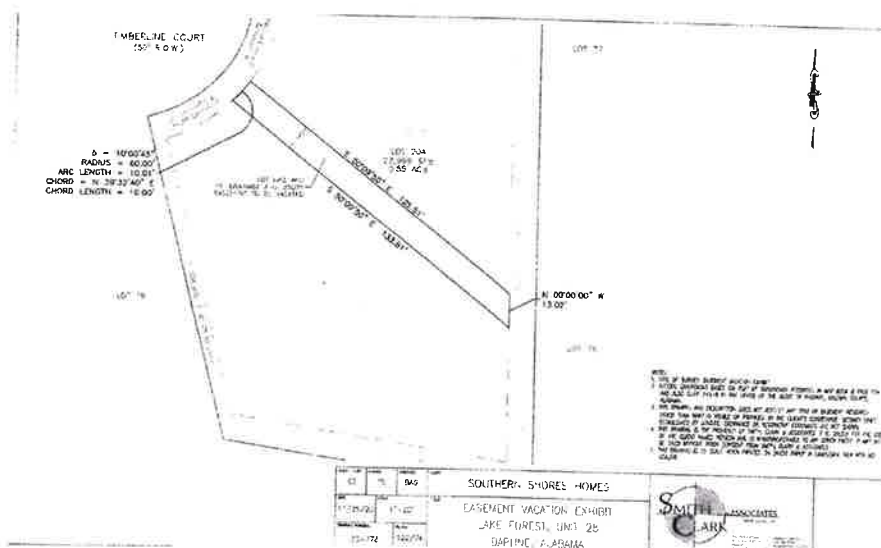
- (d) Said easement or right-of-way shall be vacated and/or relocated upon the recommendation of the Planning Commission and the acceptance by resolution of the City Council.
- (e) Any petition for vacation of easement and/or right-of-way may be withdrawn prior to action thereon by the Planning Commission or City Council at the discretion of the owner, authorized representative, firm, or corporation initiating such a request upon written notice to the Planning Coordinator in the Department of Community Development or City Clerk in the City Clerk's Office, whichever is applicable.

Vacation of Right-of-Way process is governed by Code of Alabama Sections 23-4-20 and 35-2-54 and Article 24 of the Land Use & Development Ordinance.

LAKE FOREST UNIT 28, LOTS 20 AND 21 VACATION OF DRAINAGE EASEMENT REVIEW

Proposal:

The applicant proposes to combine the two lots into one lot. In order to make the lot fully useable, the easement between the two lots must be removed. Therefore, as no entity has presented objectives, staff recommends approval.



Staff recommends that the Planning Commission set forth a favorable recommendation to the City Council to vacate the drainage and utility easement between Lots 20 and 21 of Lake Forest Subdivision, Unit 28.

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

74 JB

8-100





APPLICATION & SUPPLEMENTAL DOCUMENTS



Vacation of Easement Application

OFFICE USE ONLY	Application Number: VOE-20-01	Date Submitted: December 18, 2020
Planning Commission Decision:		Date Presented: January 28, 2020
Date Submitted to City Clerk:		
Council Resolution Approval Date:		RESOLUTION NUMBER#

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

Property Owner(s): Southern Shores Homes, LLC

If owner is an LLC or LLP, list managing member: Zachary Blake Cooper

Mailing Address: 35433 State Hwy 225

Daytime Phone (251) 753-6546 Alternate Phone: _____ Fax: _____

Location: Timberline Ct Subdivision: Lake Forest Lot(s): 20/21 Unit or Phase: 28

Reason for request: To combine lots for new construction

To the best of your knowledge, are any utilities in the easement, including drainage ditches or pipes? No

Check each item included with this submittal:

- ☒ Petition
- ☒ Recorded Plat or copy of the filed document that created the easement
- ☒ Legal description of area to be vacated - See Survey
- ☒ Current Survey showing the easement(s) proposed to be vacated. Label this drawing, "Exhibit A"
- ☒ Easement Release Form from:
 - ☒ City of Daphne Division of Public Works
 - ☒ Utilities Board of the City of Daphne (Daphne Utilities)
 - ☒ Utilities Board of the City of Foley (Riviera Utilities)
 - ☒ AT&T
 - ☒ Cable Company (Mediacom)
 - ☐ Other _____
- ☒ Property Owners Association or similar body (if applicable)
- ☒ List of adjacent property owners. Also attach mailing address labels-1 set
- ☒ Fee

I hereby make application for vacation of certain easements on the above cited property. I understand that the City might not approve what I am applying for, or might set conditions on approval. All statements contained in this application are true to the best of my knowledge and belief. I have attached all documents listed above.

1st Owner's Signature/Date: [Signature] 12/17/20

2nd Owner's Name & Signature/Date: N/A

PETITION FOR VACATION OF EASEMENT

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

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL OF DAPHNE, ALABAMA:

The undersigned Southern Shores Homes, LLC is/are the owner(s) of said property and this is a statement and petition seeking vacation of certain drainage and utility easement(s). Aforesaid plat and/or restrictive covenants to said subdivision provides for drainage and utility easement(s) along lot lines. Owner(s) hereby petition, by the attached copies to vacate a certain drainage and utility easement(s) described as follows:

The 5 foot drainage and utility easement on each side of the lot line dividing Lot(s) 20 and 21, Unit 28 of Lake Forest Subdivision, as shown in Map Book 8, Page 104, Instrument # 745-B in the Office of the Judge of Probate of Baldwin County, Alabama, said easements being located in Section 6, Township 5 South, Range 2 East.

All applicable utility providers in said subdivision, by instruments filed herewith, have consented to the vacation of said easement(s), and the hereinabove described portion of the said easement and the annulment of the dedication thereof as reflected on the said recorded plat and/or restrictive covenants.

The Petitioner further requests the Mayor and City Clerk be authorized and directed to execute a resolution which approves, ratifies, adopts, and confirms the vacation of the hereinabove described portion of the said easement.

IN WITNESS WHEREOF, the Petitioner(s) have hereto set their hand and seals on this the 17th day of December, 2020

OWNER(S) SIGNATURE: [Signature]

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Blake Cooper, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 17th day of December, 2020

[Signature]
Notary Public

My Commission Expires 03-02-2024



LEGAL DESCRIPTION OF EASEMENT TO BE VACATED

COMMENCING AT THE SOUTHEAST CORNER OF LOT 20, LAKE FOREST, UNIT 28, AS RECORDED IN MAP BOOK 8, PAGE 104, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE NORTH 00°00'00" EAST A DISTANCE OF 61.98 FEET TO A POINT MARKED BY A CRIMPED TOP PIPE; THENCE NORTH 50°09'50" WEST A DISTANCE OF 13.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°00'00" WEST A DISTANCE OF 6.51 FEET TO A POINT; THENCE NORTH 50°09'50" WEST A DISTANCE OF 125.51 FEET TO A POINT; TO POINT OF A NON-TANGENTIAL 60.00' RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 10.01 FEET (CHORD BEARS SOUTH 39°32'40" WEST, 10.00'); THENCE SOUTH 50°09'50" EAST A DISTANCE OF 133.81 FEET TO A POINT; THENCE NORTH 00°00'05" WEST A DISTANCE OF 6.51 FEET TO THE POINT OF BEGINNING.

TIMBERLINE COURT
(50' R.O.W.)

LOT 77

LOT 21

LOT 20A
23,999 SF±
0.55 AC±

$\Delta = 10^{\circ}00'45''$
RADIUS = 60.00'
ARC LENGTH = 10.01'
CHORD = N 39°32'40" E
CHORD LENGTH = 10.00'

LOT LINE AND
10' DRAINAGE AND UTILITY
EASEMENT TO BE VACATED

LOT 19

LOT 20

N 00°00'00" W
13.02'

LOT 78

NOTES:

1. TYPE OF SURVEY: EASEMENT VACATION EXHIBIT
2. RECORD DIMENSIONS BASED ON PLAT OF SUBDIVISION RECORDED IN MAP BOOK 8 PAGE 104 AND ALSO SLIDE 745-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.
3. THIS DRAWING AND DESCRIPTION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE OR PROVIDED BY THE CLIENT'S CONVEYANCE. SETBACK LINES ESTABLISHED BY STATUTE, ORDINANCE OR RESTRICTIVE COVENANTS ARE NOT SHOWN.
4. THIS DRAWING IS THE PROPERTY OF SMITH, CLARK & ASSOCIATES. IT IS SOLELY FOR THE USE OF THE CLIENT NAMED HEREON AND IS NONTRANSFERABLE TO ANY OTHER PARTY. IT MAY NOT BE USED WITHOUT PRIOR CONSENT FROM SMITH, CLARK & ASSOCIATES.
5. THIS DRAWING IS TO SCALE WHEN PRINTED ON 24X36 PAPER IN LANDSCAPE VIEW WITH NO SCALING.

PARTY CHIEF:	DRAWN:	CHECKED:	CLIENT:
CS	TS	BAG	
DATE:	SCALE:	TITLE:	
11/25/20	1"=20'	SOUTHERN SHORES HOMES EASEMENT VACATION EXHIBIT LAKE FOREST, UNIT 28 DAPHNE, ALABAMA	
DRAWING NUMBER:	FB/PG:		
20-776	122/76		



Physical Address: 11111 E. Hwy. 31
Bellaire, TX 77401
Phone: (281) 438-4444
Fax: (281) 438-4444

20-776 LOTS 20_21 LF-SSH.dwg EASEMENT VACATION 12/14/2020 14:11:22

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, _____, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 20 and Lot 21 of Unit 28 of Lake Forest Subdivision as set forth in the attached exhibit with the following comments:

Comments

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided the following described easements are retained.

- ☐ Objects to the vacation(s) described above, reason described below.

AGENCY NAME: DAPHNE PUBLIC WORKS

By: Will S.

Its: DEPUTY DIRECTOR

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that William Eringman whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 16th day of Nov., 2020

[Signature]
Notary Public
My Commission Expires 07/29/2023

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, Daphne Utilities, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 20 and Lot 21 of Unit 28 of Lake Forest Subdivision as setforth in the attached exhibit with the following comments: Timberline Court

Comments

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided the following described easements are retained.

- ☐ Objects to the vacation(s) described above. reason described below.

AGENCY NAME:

Daphne Utilities

By:

Johnny Grimes

Its:

Compliance Supervisor

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that Johnny Grimes whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 6TH day of November, 2020

Notary Public

My Commission Expires

Lori May Wilson

August 13, 2022



EASEMENT RELEASE FORM

WHEREAS, we the undersigned, RIVIERA UTILITIES do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 20 and Lot 21 of Unit 28 of Lake Forest Subdivision as setforth in the attached exhibit with the following comments:

Comments

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided the following described easements are retained.

- ☐ Objects to the vacation(s) described above, reason described below.

AGENCY NAME: Riviera Utilities

By: [Signature]

Its: ENG. SUPERVISOR

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that WES ABRAMS whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 9th day of Nov, 2020

[Signature]
Notary Public
My Commission Expires 3/6/2021

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, AT&T - Alabama / Wade Mitchell do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 20 and Lot 21 of Unit 28 of Lake Forest Subdivision as set forth in the attached exhibit with the following comments:

Comments

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided the following described easements are retained.

- ☐ Objects to the vacation(s) described above, reason described below.

AGENCY NAME: AT&T - Alabama
By: Wade Mitchell
Its: Outside Plant Engineer

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that Wade Mitchell whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 16th day of October 2020

Candace W. Antinorella
Notary Public
My Commission Expires April 14, 2024

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, Mediacom, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 20 and Lot 21 of Unit 28 of Lake Forest Subdivision as setforth in the attached exhibit with the following comments:

Comments

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided the following described easements are retained.

- ☐ Objects to the vacation(s) described above, reason described below.

AGENCY NAME: Mediacom

By: [Signature]
Its: Const. Coord.

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public, in and for said County and in said State hereby certify that Tobias W. Evingman, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 14 day of Dec, 20



Jennifer C. Rice
Notary Public
My Commission Expires 1/27/2024

VOE 2018

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, Lake Forest Property Owners Association do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot 20 and Lot 21 of Unit 28 of Lake Forest Subdivision as set forth in the attached exhibit with the following comments:

Comments

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided the following described easements are retained.

- ☐ Objects to the vacation(s) described above, reason described below.

AGENCY NAME: Lake Forest POA

By: Stephanie Cochran

Its: Architectural Dept.

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that Stephanie Cochran whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 21 day of January 2021



Tracey Anderson
Notary Public
My Commission Expires March 13, 2024

Lake Forest Unit 28, Lots 20 & 21

Adjacent Property Owner's List

GEORGE, JOHN N III & MARTHA A 169 RIDGEWOOD DR DAPHNE, AL 36526	UTILITIES BOARD OF THE TOWN OF DAPHNE P. O. BOX 2550 DAPHNE, AL 36526
JT, LLC 263 DILSTON LN MOBILE, AL 36608	DARRING, KEITH & FELICIA 171 RIDGEWOOD DR DAPHNE, AL 36526
CRENSHAW, INEZ M P. O. BOX 1962 DAPHNE, AL 36526	SOUTHERN SHORES HOMES, LLC 35433 STATE HWY 225 SPANISH FORT, AL 36527



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

January 15, 2021

NOTICE OF PUBLIC HEARING

A petition for VACATION OF EASEMENT will be considered by the Daphne Planning Commission for the five-foot drainage easement on each side of Lots 20 and 21, Lake Forest Subdivision, Unit 28 as shown on Slide No. 745-B in the Office of the Judge of Probate, Baldwin County, Alabama. Said property is zoned R-3, High Density Single Family Residential.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, January 20, 2021 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, January 28, 2021 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones, AICP,
Director of Community Development

Southern Shores Home Vacation of Easement

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

ROBIN LEJEUNE
MAYOR

CANDACE G. ANTINARELLA
CITY CLERK

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

January 29, 2021

Southern Shores Homes
Attn.: Zachary B. Cooper
35433 State Highway 225
Spanish Fort, AL 36527

**Subject: Vacation of Easements for Lots 120 & 121, on Timberline Court in
Lake Forest Subdivision, Unit 28, Project Status #VOE21-01**

Dear Mr. Cooper,

On January 28, 2021, the Daphne Planning Commission made a favorable recommendation to vacate two easements on Lots 120 & 121, on Timberline Court in Lake Forest Subdivision, Unit 28. The subject property is zoned R-3, High Density Single Family Residential.

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

Sincerely,

A handwritten signature in black ink, reading 'Adrienne D. Jones', is written over the typed name.

Adrienne D. Jones, AICP
Community Development Director & Zoning Administrator

cc: Candace Antinarella, City Clerk
File

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2021-07**

APPROPRIATION FOR HURRICANE ZETA DAMAGE: BOARDWALKS AND BAY ACCESS

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, the City of Daphne received damages from Hurricane Zeta which made landfall on October 28, 2020; and

WHEREAS, as a result of this storm, the Village Point boardwalk, May Day Park pier and boardwalk, Belrose Bay access, and McMillian Bluff Park sustained significant damage; and

WHEREAS, this project is deemed as key to the recovery efforts associated with this event and the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public; and

WHEREAS, total repairs (labor and material) for these projects are estimated to cost \$108,500; and

WHEREAS, FEMA did not declare a disaster declaration for Baldwin County for Hurricane Zeta and grant monies are not available for this project.

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

1. The Fiscal Year 2021 Budget is hereby amended to include an additional appropriation in the amount of **\$108,500** from the **General Fund** for repairs caused by Hurricane Zeta to boardwalks and other bay access areas.
2. The Mayor is hereby authorized to execute all documents associated with the described project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE ALABAMA this ____ day of _____, 2021.

Attest:

Robin LeJeune, Mayor

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE
ORDINANCE 2021-08**

**AN ORDINANCE AMENDING THE CITY OF DAPHNE, ALABAMA
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE
CITY COUNCIL ON JULY 18, 2011**

**ARTICLE XVI, PARKING REQUIREMENTS FOR ALL DISTRICTS
and ARTICLE VIII, DEFINITION OF TERMS**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, at the City of Daphne Planning Commission regular meeting on December 17, 2020 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on February 15, 2021; and,

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

SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE TO AMEND ARTICLE VIII, DEFINITION OF TERMS AND ADDS SAID SECTION AS FOLLOWS:

ARTICLE VIII

DEFINITION OF TERMS

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.

ORDINANCE TO REPEAL AND REPLACE ARTICLE XVI, PARKING REQUIREMENTS (E) MAJOR RETAIL ESTABLISHMENTS, AND REPLACE IT AS FOLLOWS:

ARTICLE XVI

PARKING REQUIREMENTS

(e) Major Retail Establishments

(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) space per each three hundred square feet (300sq.ft.) of gross floor area.

SECTION II: CONFLICT WITH OTHER ORDINANCES

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

SECTION III: SEVERABILITY

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

AN ALABAMA MUNICIPAL CORPORATION

Attest:

Robin LeJeune, Mayor

Candace G. Antinarella, CMC, City Clerk

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.

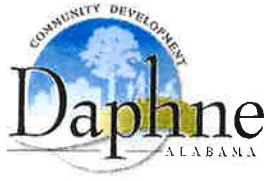
Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

attachment(s)

cc: file

FILE
51
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

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2021-09**

**Ordinance to Re-Zone Property Located
Northeast of the intersection of Ryan Avenue and Main Street**

WHEREAS, Burris-Warner, L.L.C., as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as R-1, Low Density Single Family Residential, be re-zoned as R-2, Medium Density Single Family Residential; and

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

Legal Description of Property to be Re-Zoned to R-2, Medium Density Single Family Residential:

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.

WHEREAS, at the regular Planning Commission meeting on December 17, 2020, the Commission considered said request and set forth a favorable recommendation; and,

WHEREAS, due notice of said proposed re-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, and a public hearing was held before the City Council on February 15, 2020; and,

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

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

SECTION I: ZONING

The above described real property is hereby re-zoned from R-1, Low Density Single Family Residential, and is hereby re-zoned as R-2, Medium Density Single Family Residential, and the zoning ordinance and zoning map shall be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE DATE AND REVERSION.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law. This zoning classification is subject to a two (2) year reversionary clause. Two years from the date this Ordinance is enacted, if the site development has not started for the purpose listed herein, the zoning shall be null and void and the property shall revert to the prior zoning district. Refer to Section 22-2, Reversionary Clause, of the Daphne Land Use and Development Ordinance.

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

Attest:

Robin LeJeune, Mayor

Candace G. Antinarella, CMC, City Clerk

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.

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones, AICP, *AD*
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.

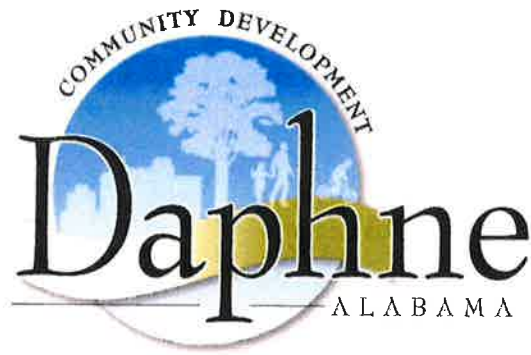
Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

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
58
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.

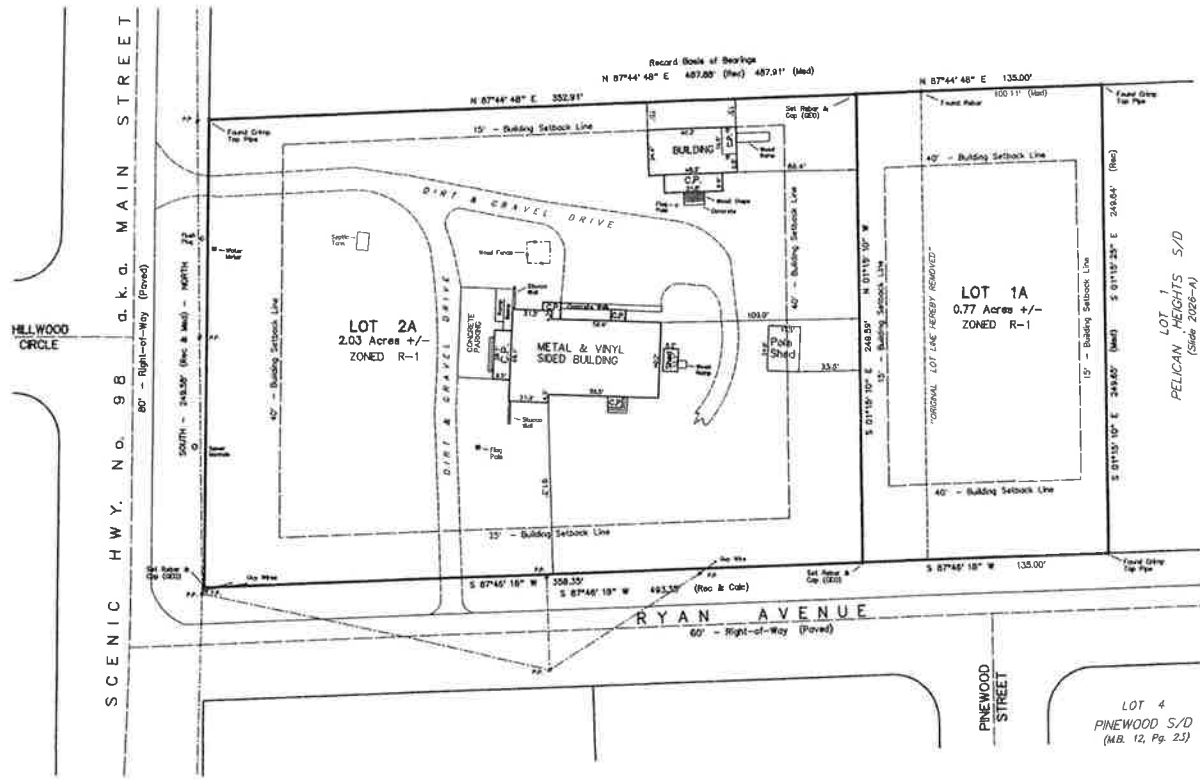
S-2748B

BALDWIN COUNTY, ALABAMA
PART 3 OF 3, PLATS 1180 AND
1181, VOLUME 1180, 1181
1180, 1181
SLIDE 0002748-B

1180/1181

LEGEND

P.P. = POWER POLE
 M.D. = MEASURED
 REC. = RECORD
 P.L. = PROPERTY LINE
 T.P. = FOUND P.O.N. (P.O.N. = POINT OF BEGINNING)
 C.P. = CONVEYED P.O.N.
 CONC. = CONCRETE
 M.T. = MANHOLE
 T.P. = TELEPHONE, PEDESTAL
 C.T.V. = CABLE, TELEVISION
 C.P. = CABLE, TELEVISION
 P.O.B. = POINT OF BEGINNING
 C.C. = CALCULATED
 U.G. = UNDERGROUND



1" = 30'
0 30 60
Graphic Scale (in Feet)

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLAT
BALDWIN COUNTY, ALABAMA

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

ALL ACCORDING TO MY SURVEY MADE THIS 1ST DAY OF OCTOBER, 2020.

I ALSO STATE THAT THIS DRAWING AND OR CONVEYANCE DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE ON THE GROUND OR PROVIDED BY THE CLIENT AT THE TIME OF SURVEY.

Matthew B. Adwitz
MATTHEW B. ADWITZ
ALL RIGHTS RESERVED

REMARKS: RECEPTION OF LAND PLAT
LOTT & J. COLUMBIA AND AS RECORDED ON SLIDE 0002748-B, IN THE OFFICE OF THE ALBANY COUNTY, ALABAMA. (Drawings marked as such)



VICINITY MAP

CERTIFICATION OF SURVEYOR AND REGISTRATION
I, Matthew B. Adwitz, A REGISTERED LAND SURVEYOR, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DESCRIPTION OF LAND PLAT
STATE OF ALABAMA
COUNTY OF BALDWIN
I, Matthew B. Adwitz, A REGISTERED LAND SURVEYOR, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATE: 10/21/2020
SIGNATURE: Matthew B. Adwitz
REGISTERED LAND SURVEYOR
ALL RIGHTS RESERVED

DESCRIPTION OF COMMUNITY DEVELOPMENT

STATE OF ALABAMA
COUNTY OF BALDWIN
I, Matthew B. Adwitz, A REGISTERED LAND SURVEYOR, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

SURVEYOR'S NOTES:

- SURVEYOR'S REPORT DOES NOT TAKE INTO CONSIDERATION ANY ADDITIONAL FACTS THAT AN ACCURATE AND CORRECT TITLE SEARCH AND/OR EXAMINATION MIGHT DISCLOSE INCLUDING, BUT NOT LIMITED TO, DESCRIPTIONS CONTAINED IN DEEDS FOR ADJACENT PROPERTIES. IN ADDITION THEREOF, THE ATTACHED DRAWING DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE ON THE GROUND, PROVIDED BY OUR CLIENT. ON RECORDS WE HAPPEN TO HAVE ON FILE FURNISHED BY OTHERS.
- THE BEARINGS AND DISTANCES SHOWN HEREON WERE COMPUTED FROM RANDOM TRAVERSES WITHIN A CLOSED TRAVERSE.
- MEASUREMENTS SHOWN HEREON WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
- PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS AND CONDITIONS, IF ANY, WHICH WERE NOT MADE AVAILABLE TO OUR FIRM, AND/OR THOSE ON PREVIOUS SUBDIVISION PLAT (SEE PREVIOUS PLAT RECORDED ON SLIDE 0002748-B).
- PARCELS NUMBERED IN COMMON LINE MOVEMENT: 43-00-29-2-000-042-001 (P.N. 12488) PARCEL 43-00-29-2-000-042-001 (P.N. 12488).
- NO NEW PARCELS WERE CREATED.
- BUILDING SETBACKS UNDER SHALL CONFORM TO THOSE SHOWN ON THE PLAT OR THOSE IN EFFECT AT TIME OF PERMITTING, WHICHEVER IS MORE STRINGENT.
- The registration of these lots may cause non-conformity with regard to setbacks on the western parcel. Said parcel is considered a self-imposed boundary.
- No easements have been recorded by action of recording this document. 10/16/20

"RE-PLAT"
OF
LOTS 1 & 2
COLUMBUS WAY
FOR COMMON LINE MOVEMENT
(PROPERTY LOCATED IN SECTION 29, T-5-S, R-2-E)
BALDWIN COUNTY, ALABAMA

PROJECT NO: 2020151R
 DATE: 10/08/2020
 SCALE: 1" = 30'
 DRAWN BY: MK
 FIELD WORK: 10/08
 FIELD BOOK: RGR3
 SHEET 1 OF 1 SHEETS

NOT VALID
WITHOUT
EMBOSSED
SEAL

GEØ-SURVEYING, INC.
 PROFESSIONAL LAND SURVEYING
 129 Club Drive
 Fairhope, Alabama 36532
 Phone: (251) 990-0815 Fax: (251) 990-0866



SEAL

REVISIONS		
DESCRIPTION	DATE	BY
DRW IMPROVEMENTS	10/07/2020	MK
ON LOT 2A		

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

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



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

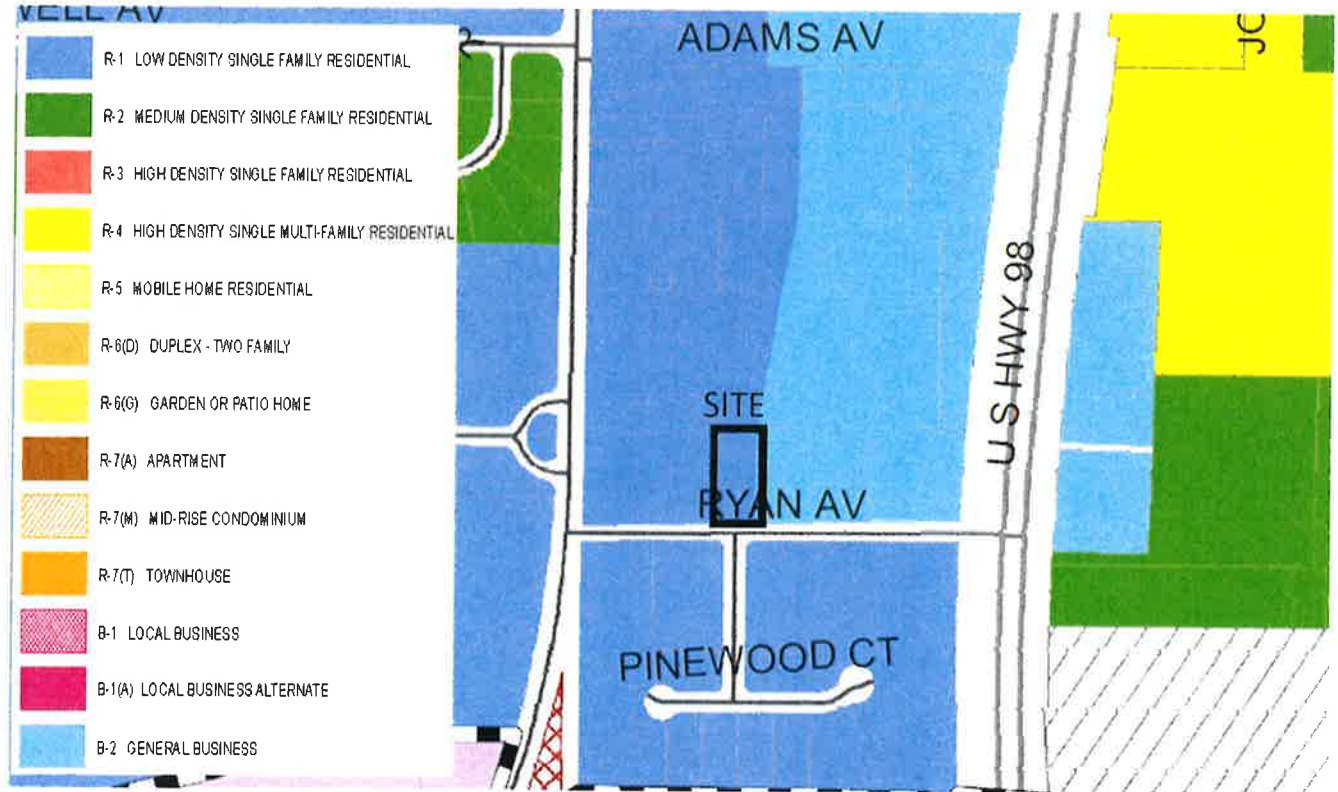
a. Maximum lot coverage percentages do not apply to lots of record smaller than required in the district in which they are located. b. Maximum density = total number of dwelling units per gross acre to be developed. c. Minimum lot area determined by adding 7,500 square feet for one (1) unit plus two 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
ORDINANCE 2021-10**

**AN ORDINANCE ADOPTING THE RULES OF PROCEDURE IN ALL
INSTANCES FOR MEETINGS OF THE CITY COUNCIL**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the Order Procedure in All Instances for Meetings of the City Council shall be as follows:

SECTION I: GOVERNING RULES

The Rules of Procedure herein contained shall govern the deliberations and meetings of all of the Council of the City of Daphne, Alabama.

A. Amending the Council Rules of Procedure. The rules of the Council may be amended in the same manner as any other ordinance of general or permanent nature.

B. Suspension of the Rules of Procedure. The Rules of the Council may be temporarily suspended by unanimous roll call vote of all members present.

SECTION II: COUNCIL MEETING TIME

The regular meetings of the City Council shall be held on the first and third Mondays of each month, which meeting shall convene at 6:00 p.m. in the Council Chambers at City Hall. All meetings, regular and special, shall be opened to the public, except when the Council meets in executive session as authorized by State law. The regularly scheduled work session will be held on the second Monday of each month at 6:00 p.m. in the Council Chambers at City Hall. Any meeting that is scheduled to meet on a Monday that is observed by the City as a holiday shall instead meet on the Tuesday after the holiday at the regularly scheduled time.

SECTION III: SPECIAL CALLED MEETINGS

All special meetings may be held as provided by Section 11-43-50, Code of Alabama (1975) (as amended). Special meetings may be held at the call of the presiding officer by serving notice on each member of the Council not less than twenty-four (24) hours before the time set for such special called meeting. The presiding officer shall call special meetings whenever any two (2) Councilmembers or the Mayor request the presiding officer in writing to call a meeting. Upon the failure or refusal of the presiding officer to call a special meeting when requested, the two (2) Councilmembers or the Mayor making the request shall have the right to call the meeting. Notice of all special meetings shall be posted on the Council-approved bulletin board and the City's website, and appropriate customary media shall be notified, and such notice shall be accessible to the public at least twenty-four (24) hours prior to such scheduled meeting.

SECTION IV: QUORUM

A Quorum shall be determined as provided by Section 11-43-40, Code of Alabama (1975) (as amended).

SECTION V: ORDER OF BUSINESS

That the order of business of each council meeting shall be as follows:

1. Call to Order
2. Roll Call/Invocation/Pledge of Allegiance
3. Approval of the Minutes of the Previous Meeting(s)
4. Reports of Standing Committees:
 - Finance Committee
 - Building/Property Committee
 - Code Enforcement/Ordinance Committee
 - Public Safety
 - Public Works/Solid Waste Committee
5. Reports of Special Boards and Commissions
 - Board of Zoning Adjustment
 - Downtown Redevelopment Authority
 - Industrial Development Board
 - Library Board
 - Planning Commission
 - Recreation Board
 - Utility Board
6. Public Participation
7. Report of Mayor
8. Report of City Attorney
9. Report by Department Heads
10. City Clerk's Report
11. Resolution, Ordinances and Other Business
12. Council Comments
13. Adjournment

SECTION VI: SUBMISSION OF COUNCIL MEETING MATERIAL

- A. It is desired that information be supplied to the City Clerk in time to be made part of the Council meeting or work session packet. Any item to be placed on Council meeting and work session agenda must be turned in to the City Clerk with all background materials by 12:00 p.m. on the Monday before the Council meeting or work session (or, if the Council meeting or work session is not scheduled for a Monday, by 12:00 p.m. seven (7) days before the Council meeting or work session). The Council President retains the authority to add or remove items to the agenda. However, any item may be placed upon the agenda if two Councilmembers submit a written request to the City Clerk prior to the above mentioned deadline. The Council meeting packet will be sent to the full City Council by 5:00 p.m. Friday before the City Council meeting or work session, and posted on the City website Friday before a Council meeting or work session.
- B. All motions, resolutions, ordinances or other business required to be in writing shall be prepared and supplied to all Councilmembers by noon one full City work day before the Council meeting in which it is to be presented. (E.g., if City offices are not open the Friday before the Monday Council meeting, then the writings and documentation shall be supplied to each Councilmember by email and by placing a printed copy in each member's mailbox at City Hall by noon Thursday.)
- C. When a work session is called or scheduled between two Council meetings, all motions, resolutions, ordinances or other business required to be in writing shall be presented in substantially the same form as that which is required for presentation at Council meeting.
- D. In the event of an emergency, subsections A. and B., hereinabove, shall not apply. An emergency exists if a failure to act would result in an immediate and irrefutable harm to the City or any of its citizens or otherwise it is physically impossible to comply with notice requirements set forth herein. The presiding officer of the Council at the earliest meeting dealing with said emergency shall have final say over interpretations of this section.

SECTION VII: COMMENTS BY COUNCILMEMBERS

- A. Comments by Councilmembers and Mayor. Any comments or discussion by Councilmembers or the Mayor shall be with permission of the presiding officer, and for not more than three (3) minutes. The presiding officer may grant additional comments after all other Councilmembers have had the opportunity to speak.
- B. Number of comments by Councilmember on a subject. No member shall speak more than twice on the same subject without permission of the presiding officer. The presiding officer may grant the Councilmember additional comments after all other Councilmembers have had the opportunity to speak.

SECTION VIII: PUBLIC PARTICIPATION / PRESENTATIONS

- A. Public Participation. At the designated time in the order of business, any member of the public may address the City Council concerning any item appearing on the agenda for the Council meeting or work session. Discussion on a subject scheduled for a public hearing shall be limited to that public hearing. No individual who is not a member of the City Council or the Mayor shall be allowed to address the same while in session without permission of the presiding officer and for not more than three (3) minutes, unless approved by the presiding officer.
- B. Presentations to Council. An individual wishing to make a presentation to the council with permission of the Council President or Presiding Officer may be allowed ten (10) minutes. The individual must provide in writing a synopsis of the topic to be discussed to the City Clerk by the Wednesday before the council meeting at 5:00 p.m.

SECTION IX: MOTIONS

- A. Discuss any Motion. The City Council may have the ability to have a discussion on any motion.
- B. Seconding Motions. Any motion coming from a committee does not require a second.
- C. Reconsider a Motion. Any motion to reconsider must be made by a Councilmember who voted with the majority at the same or next succeeding meeting of the Council.
- D. Recording of "Ayes" and Nays" / Division on any Question. Whenever it shall be required by one or more members, the "ayes" and the "nays" shall be recorded and any member may call for a division on any question.
- E. Order of Motions. Motions to lay any matter on the table shall be first in order, and on all questions, the last amendment, the most distant day, and the largest financial sum shall be first put.

SECTION X: QUESTIONS OF ORDER

All questions of order shall be decided by the presiding officer of the Council with the right of appeal to the full Council.

SECTION XI: PROCEDURE FOR CHAIRMAN TO ADDRESS THE COUNCIL

The presiding officer of the Council may call any members to take the chair to allow him or her to address the Council or make a motion or discuss any other matter at issue.

SECTION XII: EXECUTIVE SESSION

The Council may meet in executive session only for purposes authorized by State law and only after the City Attorney certifies the stated purposes for the executive session are authorized by state law. When a Councilmember makes a motion for executive session for an enumerated purpose, the presiding officer shall put the motion to a roll call vote. The estimated length of the executive session shall be stated prior to the roll call vote. The City Attorney shall then certify that the reason stated to enter into executive session is legal according to the Open Meetings Act. If the majority of the Council shall vote in favor of the motion for executive session, the body shall move into executive session for discussion of the matter for which executive session was called. Prior to calling the executive session into order, the presiding officer shall state whether the Council will reconvene after the executive session and, if so, the approximate time the Council expects to reconvene. No action may be taken in an executive session. When the discussion has been completed, the Council shall either resume its deliberations in public or stand adjourned.

SECTION XIII: MOTION FOR ADJOURNMENT

A motion for adjournment shall always be in order.

SECTION XIV: COMMITTEES / BOARDS

- A. The chair of each respective committee, or the Councilmember acting for him or her, shall submit and make report to the Council when so requested by the presiding officer or any member of the Council.
- B. Each Councilmember shall be a member of the following committees: Public Safety Committee, Public Works Committee, Finance Committee, Code Enforcement/Ordinance Committee and Buildings and Property Committee. Each of these committees shall consist of the seven (7) members of the City Council. Should a Councilmember leave the office of City Council, such member shall also forfeit membership in the aforementioned committees. Once any vacancy in the City Council is filled, the individual filling the vacancy shall become a member of each of the aforesaid committees upon taking the office of City Council.
- C. A chairperson shall be elected for each committee or board by the members of each such committee or board.
- D. No Councilmember shall serve as chairperson of more than one (1) committee or board as referenced in subsection "B" of this Section.
- E. The Council President shall not chair a committee or board.
- F. Committee or board meeting agendas shall be set by the respective committee or board chairperson.
- G. The Mayor may add any item to any committee or board agenda with notification to the chairperson of such committee or board.
- H. The Mayor shall not delete any item from a committee or board agenda, other than an agenda item previously added by the Mayor, without approval from the committee or board chairperson.

SECTION XV: ORDINANCES THAT REQUIRE EXPENDITURE OF MONEY

All ordinances, resolutions, or propositions submitted to the Council which require the expenditure of public funds shall lie over until the next Council meeting; provided that such ordinance, resolution, or proposition may be considered earlier by unanimous consent of the Councilmembers present at such meeting by roll call vote and, provided further, that this rule shall not apply to the current expenses of, or contracts previously made with, or regular salaries of officers, or wages of employees of the City.

SECTION XVI: ATTENDANCE REQUIREMENT

The City Clerk, Treasurer, City Attorney, Chief of Police, Fire Chief, Finance Director, Public Works Director, Human Resources Director, Building Departments Director, Community Development Director, Parks and Recreation Director, Library Director, Civic Center Director and such other department heads or their designated employee shall attend all meetings of the City Council, and shall remain at the council meeting after Reports of Department Heads when they have items pertaining to their department on the agenda. Department Heads shall attend Council work sessions when items on the agenda pertain to their department and when requested by the Mayor.

SECTION XVII: ROBERTS RULES OF ORDER

That Roberts Rules of Order 11th edition be and is hereby adopted as the rules of procedure for this Council in those situations which cannot be resolved by the rules set forth in this Ordinance.

SECTION XVIII: PUBLIC HEARINGS

The City Council will set all public hearings by a majority vote. At all public hearings, after the initial presentation, all questions and comments shall be limited to three (3) minutes per speaker, unless additional time is allowed by the presiding officer. Whenever a member of the public appears for a public hearing to address the Council as a spokesperson for a group of citizens, the presiding officer may, in his or her discretion, allow such spokesperson additional time to address the Council.

SECTION XIX: REPEALER

That Ordinance 2017-80 be and is hereby repealed in its entirety and that other ordinances, parts of ordinances or resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent that they conflict.

SECTION XX: SEVERABILITY

That the provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect or impair the remainder of this Ordinance, it being the legislative intent of the Council to ordain and act each provision section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION XXI:

This Ordinance shall take effect and be enforced beginning April 1, 2021, following approval by the City Council and upon publication as required by law.

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

**CITY OF DAPHNE,
AN ALABAMA MUNICIPAL CORPORATION**

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2021-11**

APPROPRIATION: PIPE CRAWLER CAMERA

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, the Public Works department is in need of a pipe crawler camera to inspect drainage pipes and reduce the need for public works employees to physically enter drainage pipes; and

WHEREAS, the Public Works department has obtained quotes for this piece of equipment and will begin the procurement process to purchase the pipe crawler camera.

WHEREAS, an additional appropriation is needed to purchase this pipe crawler camera.

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

- 1) Funds in the amount of **\$54,000** from the **General Fund** are hereby appropriated and made a part of the Fiscal Year 2021 Budget for the purchase a pipe crawler camera to be used by the Public Works department.
- 2) The Mayor is hereby authorized to execute any and all documents required for the purchase of the pipe crawler camera.

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

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2021-12**

**APPROPRIATION: DAPHNE HIGH SCHOOL PROJECT- STADIUM TURF
FIELD PROJECT**

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, the City of Daphne recognizes Daphne High School and the importance of its programs to the City and the citizens of Daphne.

WHEREAS, the Daphne High School stadium field has several maintenance issues and Daphne High School wishes to replace the field with a synthetic turf field, and

WHEREAS, the estimated cost for site work and a new stadium turf field is expected to be around \$1.2 million. Approximately 50% of this cost will be provided by sponsors, donations, Daphne Booster Club and Daphne Athletics. The remaining \$575,000 will need to be provided by the City of Daphne.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that an additional appropriation in the amount of \$575,000 from the General Fund is appropriated and made a part of the Fiscal Year 2021 Budget for the installation of a synthetic turf field for the Daphne High School stadium contingent upon receiving an acceptable Memorandum of Understanding.

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