CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, January 3, 2022
6:00 P.M.

1. **CALL TO ORDER**

2. **ROLL CALL**
   INVOCATION
   PLEDGE OF ALLEGIANCE

3. **APPROVE MINUTES:** December 20, 2021 regular meeting

4. **REPORTS OF STANDING COMMITTEES**

   A. **FINANCE COMMITTEE** – Conaway
   Review the minutes from the December 20, 2021 meeting.
   Treasurer's Report November 2021:
   - Unrestricted Fund Balance **-** $19,758,519
   - Total Cash Balance **-** $35,171,057
   - Sales Tax for October 2021 - $2,078,809
   - Lodging Tax for October 2021 **-** $129,428

   Motion to remove the Facilities Administrative Assistant position (Grade 13) from the budget and replace with the Solid Waste Coordinator position (Grade 13) and transfer the funds from the General Fund to the Solid Waste Fund.

   Motion to approve proposed changes to the Investment Policy including changing to Mitchell McLeod Pugh & Williams, Inc to manage the investments.

   B. **BUILDINGS & PROPERTY COMMITTEE** – Phillips

   C. **PUBLIC SAFETY COMMITTEE –** Hughes

   D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** – Olen

   E. **PUBLIC WORKS COMMITTEE** – Goodlin

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 –** Coleman

6. PUBLIC PARTICIPATION

7. MAYOR'S REPORT

8. CITY ATTORNEY REPORT

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK'S REPORT

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2022-01 – FY2022 RFQ Drainage Master Planning for Mayday Park

2022-02 – Transfer Excess Cash Funds to Investment Account - $5,000,000

B. 2nd READ ORDINANCES:

2022 – 01 – Ordinance Consenting to the Sale by the Utilities Board of the City of Daphne of Certain Surplus Personal Property

2022 – 02 – Pre-Zone Property Located at the Southeast of Equity Drive and County Road 64 – Iris Patricia DeFilippi

2022 – 03 – Annex Property Contiguous to the Corporate Limits of the City of Daphne – Southeast of Equity Drive and County Road 64 – Iris Patricia DeFilippi

1ST READ ORDINANCES:

2022 – 04 – Appropriation for Litigation Fees - $60,000

12. COUNCIL COMMENTS

13. ADJOURN

December 20, 2021
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

1. CALL TO ORDER:

There being a quorum present Council President Joel Coleman called the meeting to order at 6:00pm.

2. ROLL CALL:

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

COUNCIL MEMBERS ABSENT: Doug Goodlin

Also Present: Candace Antinarella, City Clerk; Mayor Robin LeJeune; Patrick Dungan, City Attorney, Chief David Carpenter, Police; Troy Strunk, City Development; Chief LeAnn Tacon, Fire; Ange Baggett, Marketing; Ronnie Huskey, Public Works; Adrienne Jones, Planning; Josh Newman, City Engineer; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Lamar Green, Daphne Fire Department.

PUBLIC HEARING: Adrienne Jones presented on the Iris Patricia DeFilippi Pre-Zoning Amendment located Southeast of Equity Drive and County Road 64.

Public hearing opened at 6:07pm.

Sharon Wright with White Spunner gave details of the proposed prezone and annexation.

Public hearing closed at 6:08pm.

PUBLIC HEARING: Adrienne Jones presented on the Iris Patricia DeFilippi Annexation Petition located Southeast of Equity Drive and County Road 64.

Public hearing opened at 6:08pm. No one came forward to speak.

Public hearing closed at 6:09pm

3. APPROVAL OF MINUTES:

The minutes from the December 6, 2021 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE
Councilwoman Conaway said Committee met earlier that afternoon and the report will be given at the January 3rd Council Meeting.

B. BUILDINGS & PROPERTY COMMITTEE
Councilwoman Phillips gave the November 2021 New Construction and Building Reports: permits issued – 351; new residential home permits – 11; total fees $96,672.49.

C. PUBLIC SAFETY COMMITTEE
Councilman Hughes said the minutes from the November meeting are in the packet and the next meeting is January 10th at 4:30pm.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE
Councilman Olen said the Committee met earlier and the next meeting is January 3rd at 4:00pm.

E. PUBLIC WORKS COMMITTEE

MOTION by Councilman Hughes to authorize the Mayor to execute the local contract with Unifirst under the cooperate contract with Sourcewell. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments
Adrienne Jones said there was no meeting in January and no report.

B. Downtown Redevelopment Authority
Councilwoman Conaway said the next meeting is January 20th at 5:30pm.

C. Industrial Development Board
Councilman Scott said the next meeting is January 4th at 11:30am.

D. Library Board
Councilwoman Phillips said the meeting is January 13th at 4:30pm.

E. Planning Commission
Councilman Olen said the next meeting is January 29th at 5:00pm.

F. Recreation Board
Councilman Hughes said the next meeting is February 9th at 6pm in the Jubilee Conference Room.

G. Utility Board
Councilman Coleman said the minutes from the October meeting are in the packet and the next meeting is January 26th at 5:00pm.

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:11pm.

Lawrence Rozolsky, Vega Circle, thanked the City for paving their road. He said he was disappointed no one was there to let them know when the streets would be paved because the road needs to be cleaned.

Curt Fonger, 1443 Randall Avenue, said no one wants to relive 2020 and hopes 2022 is better. He said he's noticed the relationship amongst the Council, Mayor and City Staff are improving and he hopes it continues to get even better.

Public Participation closed at 6:15pm.

7. MAYOR'S REPORT:

Mayor LeJeune shared that someone will go look at Vega Circle. He said the Employee Christmas Party was a successful last Friday.

8. CITY ATTORNEY REPORT:
City Attorney said there was no report.

9. DEPARTMENT HEAD COMMENTS:

Chief Carpenter, Police, thanked the Mayor for hosting the Employee Christmas Party. He reminded everyone to be cautious of their surroundings this time of year.

Chief Tacon, Fire, shared that the fire gear has been ordered and the Fire Department recently did some training on ladder operations. She shared Daphne Fire Department's "Twas the Night Before Christmas".

Ronnie Huskey, Public Works, said they have been taking care of Christmas decorations and recently completed the sidewalk repair in front of the Nicholson Center.

Adrienne Jones, Planning, said the Envision Daphne Meeting in January has been cancelled and they hope to reschedule for March. She said she appreciates the Council.

Troy Strunk, City Development, thanked the Council and Mayor for all they do.

10. CITY CLERK'S REPORT:

MOTION by Councilman Hughes to approve the 33rd Annual Jubilee Festival of Arts on October 14-16, 2022 at Lott Park. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.

City Clerk said she enjoyed the Christmas Lunch.

11. RESOLUTIONS & ORDINANCES:

A. RESOLUTIONS:

2021- 45 – Authorizing a Ground Lease with the Daphne Downtown Redevelopment Authority

2021 – 48 – Declaring Certain Personal Property Surplus and Authorizing the Mayor to Dispose of Such Property – 2013 John Deere Mower and 2014 John Deere Mower

MOTION by Councilwoman Conaway to waive the reading of Resolution 2021-45 and 2021-48. Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Resolution 2021-45. Seconded by Councilman Olen. Councilman Scott asked Mrs. Jones about the parking situation. He is concerned there is inadequate parking in Olde Towne Daphne.
Aye – Conaway, Olen, Coleman, Phillips, Hughes. Nay - Scott
MOTION CARRIED.

MOTION by Councilwoman Conaway to adopt Resolution 2021-48. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.

ORDINANCES:

B. 2nd READ ORDINANCES:

2021 – 63 – Appropriation – New Restrooms at the playground/splash pad area at Daphne Sports Complex - $646,488

2021 - 64 – Appropriation – D'Olive Bay Channel Marker Installation - $24,045

2021 – 65 – Appropriation – North Main Street Fencing – ALDOT quote - $42,702

2021 – 66 – Ordinance Authorizing the Mayor to Execute a Land Exchange Agreement with Target Corporation to Convery Certain Municipal Property in Exchange for Certain Real Property Needed for Right-Of-Way Acquisition Related to the Lavender Lane Project

MOTION by Councilwoman Phillips to waive the reading of Ordinance 2021-63, 2021-64, 2021-65 and 2021-66. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Hughes to adopt Ordinance 2021-63. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Phillips to adopt Ordinance 2021-64. Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2021-65. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2021-66. Seconded by Councilwoman Conaway.
Councilman Scott said this should help alleviate Chick Fil A traffic.
MOTION CARRIED UNANIMOUSLY.

C. 1ST READ ORDINANCES:

2022 – 01 – Ordinance Consenting to the Sale by the Utilities Board of the City of Daphne of Certain Surplus Personal Property

2022 – 02 – Pre-Zone Property Located at the Southeast of Equity Drive and County Road 64 – Iris Patricia DeFilippi

2022 – 03 – Annex Property Contiguous to the Corporate Limits of the City of Daphne – Southeast of Equity Drive and County Road 64 – Iris Patricia DeFilippi

12. COUNCIL COMMENTS:

Councilwoman Conaway thanked the Mayor and City Staff for their work. She thanked Chief Tacon for the poem shared and wished everyone Happy Holidays.

Councilman Olen thanked Council, Mayor and Staff for their work and wished everyone a Merry Christmas and Happy New Year.

Councilman Scott wished everyone a Merry Christmas, Happy Hanukah, and Happy New Year.

Councilman Hughes wished everyone a Merry Christmas and said he is honored to work with everyone.

Councilwoman Phillips thanked Chief Tacon for the poem and said she enjoys serving with everyone.

Mayor LeJeune wished everyone a Merry Christmas and Happy New Year. He mentioned the City's Grant Writer, Cara Stallman, donated gift cards for the Employee Lunch. He wished Councilman Coleman a happy birthday.

Councilman Coleman wished everyone safe travels over the holidays.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 6:39 PM.

Respectfully submitted by,

____
Candace G. Antinarella, CMC, City Clerk

Certification of Presiding Officer,

____
Joel Coleman, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
DECEMBER 20, 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. Joel Coleman
Councilman Mr. Ron Scott
Councilman Mr. Ben Hughes
Councilwoman Mrs. Angie Phillips

Also Present: Mayor Robin LeJeune, Finance Director Mrs. Kelli Reid, Senior Accountant Mrs. Suzânne Henson, Human Resource Director Mrs. Vickie Hinman, City Clerk Mrs. Candace Antinarella, Executive Director of City Development Troy Strunk, Fire Chief Mrs. LeAnn Tacon, Director of Events and Marketing Mrs. Ange Baggett, Public Works Director Mr. Ronnie Huskey, City Engineer Josh Newman, and City Attorney Patrick Dungan.

II. PUBLIC PARTICIPATION

A. Mitchell McLeod Pugh & Williams, Inc. – Mr. Doug McLeod, Mr. Alex Arendall, and Mr. Bragg Van Antwerp – Investment Services

Mr. Arendall reviewed their handout which gave an overview of Mitchell McLeod Pugh & Williams, third quarter reporting package, portfolio summary and appraisal, and Morningstar analysis of purchased mutual funds. Mr. McLeod discussed the City's current investments and the process they would use to manage the investment. Mr. Olen asked for some additional information on the large difference between the cost basis and market value of individual holdings. Mr. McLeod stated he would provide that information.

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 Resources Report:

- Posted positions – 4
- Reviewing/Testing/Interviewing/Background check - 8
- Promotion/Internal Transfer - 5
- New Hires – 13

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

- Monthly Retiree BCBS Balance Notifications
- Oral Board Interviews for Communications Officer – December 13, 2021
- Employee Christmas Luncheon – December 17, 2021
- EEO-4 Report due January 4, 2022
- Implementation conference calls for Telestaff, staffing/scheduling platform for public safety personnel
- Implementation conference calls for Perform, performance management/employee evaluation platform

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – November, 2021

Mrs. Reid reviewed the following reports and information:

- Code enforcement issued 2 warnings resulting in businesses becoming compliant and $132.50 in revenue.
- New Businesses with a physical location in Daphne - 7
- Simplified Sellers Use Tax collections - $114,596.71 and YTD collections - $213,946.52

BUSINESS LICENSE COUNT through 10/31/2021	
NEW Licenses	**33**
RENEWAL Licenses (2021)	**11**
Total Issued THIS MONTH	**44**
Total Issued THIS MONTH - PREVIOUS YEAR	53
Net Gain/-Loss Current VS Previous Yr MONTH	**-9**
Total Issued YTD 2021	**4,518**
Total Issued YTD - PREVIOUS YEAR	3,979
Net Gain/-Loss Current VS Previous Yr YTD	**539**

Business License Fee
Historical Comparison
2020 / 2021

	FY 21	FY 22	+/- Previous Year	Budget 2022 $2,545,000
October	$13,897.75	$7,131.66	($6,766.09)	($2,537,868.34)
November	$8,573.66	$4,092.86	($4,480.80)	($2,533,775.48)
Year to Date	$2,707,892.57	$11,224.52	**($2,696,668.05)**	**($2,533,775.48)**

All amounts include penalty and interest.

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: October, 2021

Mrs. Reid reviewed the Sales & Use Tax Reports: $2,078,809.26 was collected for October, 2021 which was up $295,576.68 from October 2020's collections:

- YTD Variance over Budget - $470,654.93

B. Lodging Tax Collections, October, 2021

Mrs. Reid reviewed the Lodging Tax Collections Report and noted the collections for October, 2021 were $129,427.86 which is down ($14,732.99) from October 2020's collections.

- YTD Variance over Budget - $24,319.72

C. **Lodging Tax Fund : Statement of Revenues over Expenses, November, 2021**

Mrs. Reid reviewed the Lodging Tax Statement of Revenues over Expenditure report for November, 2021.

- Unreserved balance for Bayfront related purchases - $2,829,518.68
- Recreation for related purchases - $922,927.50

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: November, 2021

Mrs. Reid reviewed the Treasurer's Report:

Account Type/Title	11/30/2021	10/31/2021	Increase (Decrease) from last Month	11/30/2020	Increase (Decrease) from Last Year
TREASURER'S REPORT As of November 30, 2021					
GENERAL FUND & ENTERPRISE FUNDS	$ 13,728,656	$ 13,025,007	$ 703,650	$ 12,810,047	$ 918,609
INVESTMENT FUND	5,957,232	5,933,426	23,806	5,915,455	$ 41,777
CREDIT CARD ACCOUNT	72,630	79,884	(7,254)	91,698	$ (19,068)
Total Unrestricted Cash Balance	**19,758,519**	**19,038,317**	**720,202**	**18,817,200**	**941,319**
SPECIAL REVENUE FUNDS					
4 CENT GAS TAX	255,505	250,629	4,876	196,411	59,094
7 CENT GAS TAX	221,532	217,762	3,770	183,040	38,492
10 CENT GAS TAX	283,274	269,937	13,337	122,591	160,683
TREE & FLOWER	22,660	22,660	-	23,926	(1,266)
COVID RELIEF FUND	1,482,002	1,482,002	-	-	1,482,002
ANIMAL SHELTER FUND	1,094,701	1,094,701	-	-	1,094,701
FEDERAL DRUG FORFEITURES	169,271	173,121	(3,850)	207,198	(37,927)
LOCAL DRUG FORFEITURES	75,288	75,288	-	55,864	19,424
LIBRARY	32,254	23,124	9,130	42,142	(9,888)
COURT TRAINING & EQUIPMENT	44,769	44,367	402	40,562	4,207
COURT CORRECTION	498,970	469,227	29,743	368,873	130,097
LODGING TAX	3,631,973	3,585,720	46,254	2,094,737	1,537,236
RENAISSANCE	25,915	-	25,915	26,668	(753)
AGENCY FUNDS					
MUNICIPAL COURT	-	(112)	112	21	(21)
SELF INSURANCE	224,485	222,228	2,257	221,248	3,237
FLEX SPENDING	21,501	18,347	3,154	27,190	(5,689)
OPEB TRUST INVESTMENT FUND	1,064,903	1,074,183	(9,279)	541,912	522,991
	9,149,002	9,023,184	125,819	4,152,383	4,996,620
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	5,395,593	4,585,955	809,638	4,145,735	1,249,858
	5,395,593	4,585,955	809,638	4,145,735	1,249,858
DEBT SERVICE FUNDS					
DEBT SERVICE	867,942	623,041	244,901	2,116,804	(1,248,862)
Total Restricted Cash Balance	**15,412,538**	**14,232,180**	**1,180,358**	**10,414,922**	**4,997,616**
Total City Cash Balance	**$ 35,171,057**	**$ 33,270,497**	**$ 1,900,560**	**$ 29,232,122**	**$ 5,938,935**
	Encumbrance Total as of		**11/30/2021**	**$ 1,253,868.69**	

Mrs. Reid reviewed the Treasurer's Report and the recent transfers made to OPEB account and transfers from General Fund to Capital Reserve Fund. Mr. Scott asked about the bank selection process. Mrs. Reid noted she was working on an RFQ for banking services and should have it ready after the first of the year. Discussion continued on the protection of the City's monies in banks and the SAFE Program (Security for Alabama Funds Enhancement).

The Treasurer's Report as of* NOVEMBER*, 2021 Total Unrestricted Cash Balance - $19,758,519 and Total City Cash Balance - $35,171,057 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance is - $1,253,868.69 as of November, 2021.

Mrs. Reid reviewed the Encumbrance Report.

3. Outstanding Appropriations

Mrs. Reid reviewed the line items listed on the Outstanding Appropriations report. Mr. Olen asked about the line item for employee compensation study. Mrs. Hinman responded that the group is completing the final job descriptions and will be invoiced after this is complete.

4. Financial Overview: Debt Summaries & Monthly Financial Statements, October, 2021

Mrs. Reid reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), November**,** 2021

Monthly Financial Statements – October 2021 Financial Highlights

General Fund:

	FY 2022	FY 2021	Change
• YTD Budgetary Net Income:	$<1,173,150>	$ 398,900	$<1,572,050>

- Total sales tax collected year to date is approximately $471,000 over budgeted income and $296,000 over prior year to date income
- Unassigned Fund Balance: $21,086,713
- Outstanding Encumbrances: $1,299,406

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of October 31, 2021: $29,210,000
- Outstanding Capital Lease Balance as of October 31, 2021:
    - General Fund: $1,055,838
    - Enterprise Fund: $1,280,563

Capital Project Funds (Capital Reserve):

- No significant activity

Special Revenue Funds (13 separate funds):

- Lodging Tax Fund –
    - Bayfront Unreserved Fund Balance: $2,800,602
    - Recreation Unreserved Fund Balance: $900,164
    - Total lodging tax collected was $24,000 over budgeted income and $15,000 below 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:

	FY 2022	FY 2021	Change
Solid Waste Fund	$ -0-	$ -0-	$ -0-
Civic Center Fund	$ -0-	$ -0-	$ -0-

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

5. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary.

6. Summary of Budgetary Amendments

Mrs. Reid reviewed the General Fund budgetary amendments made to the FY2021 Budget.

- Total Appropriations Year to Date – ($2,417,168)
- Adjusted Expenses over Revenue – ($2,414,024)

B. Other Reports

1. OPEB Actuarial Valuation

   Mrs. Reid reviewed the OPEB report and tables from Fontenot Benefits & Actuarial Consulting outlining the retiree medical and life insurance benefits provided to the employees of the City of Daphne.

2. Pensions (RSA) Actuarial Valuation

   Mrs. Reid reviewed report prepared by Cavanaugh Macdonald consulting LLC to assist in meeting the financial requirements of the Governmental Account Standard Board (GASB) Statement No. 68. Mrs. Reid reviewed the effects of this information on the City's financial statements.

C. **Bills Paid Reports – November, 2021**

The Bills Paid Report was previously presented electronically.

VIII. BIDS *(Resolution)*

A. FY2022-RFQ-Drainage Master planning for Mayday Park

Mr. Josh Newman discussed the RFQ for engineering services that was put out for the drainage improvements needed for Mayday Park. Mr. Scott asked if this project was eligible for ARPA Funds. Mayor LeJeune answered yes that the City can apply for ARPA funds. Mr. Strunk stated that grant funding from ADCNR will cover half of the engineering cost. Discussion continued on the different grant funding available for the Mayday Park Drainage project.

MOTION BY Mr. Hughes to recommend to Council to award the FY2022-RFQ-Drainage Master planning for Mayday Park bid to Dewberry Engineers, Inc. for engineering services. Seconded by Mrs. Phillips.

MOTION CARRIED UNANIMOUSLY

IX. APPROPRIATION REQUESTS: *(Ordinance)*

A. Litigation Fees - $60,000

Mrs. Reid discussed that a $60,000 appropriation is needed for litigation fees. Discussion continued on the three cases requiring the litigation services. Mr. Olen requested that the City attorney notify the law firm partners that if they go over the amount that the City's insurance covers that they must notify the City that additional litigation fees will be incurred. Mr. Olen discussed the City attorney reviewing the agreement terms for the litigation services.

MOTION BY Mr. Scott to recommend to Council to adopt the Ordinance amending the budget to appropriate $60,000 for litigation fees for multiple claims. Seconded by Mr. Coleman.

MOTION CARRIED UNANIMOUSLY

X. NEW BUSINESS

A. Investment Policy Update and Proposed Changes

Mrs. Reid noted the proposed changes to the City's Investment Policy was in the packet and noted a motion is needed to accept the proposed changes. The changes include changing from Eagle Asset Management to Mitchell McLeod Pugh & Williams, Inc. as manager of the funds.

MOTION BY Mr. Scott to recommend to Council to approve proposed changes to the Investment Policy including changing to Mitchell McLeod Pugh & Williams, Inc to manage the investments. Seconded by Mr. Olen.

MOTION CARRIED UNANIMOUSLY

B. Transfer of Excess Cash Funds to the Investment Account - $5 million

Mrs. Reid noted that the City's reserve policy is to maintain three months of reserves and the current reserve exceeds this amount. Mrs. Reid discussed the City investing an additional $5 million for a better return on the monies. Discussion continued on the investing of additional funds.

MOTION BY Mr. Scott to recommend to Council to adopt a resolution authorizing the transfer of $5 million to the City's investment account from the General Fund account. Seconded by Mr. Olen.

MOTION CARRIED UNANIMOUSLY

C. Motion to Remove the Facilities Administrative Assistant position (Grade 13) from the budget and replace with the Solid Waste Coordinator position (Grade 13) and to transfer budgeted funds from the General Fund to Solid Waste Fund

Mrs. Reid noted a motion was needed to remove the Facilities Administrative Assistant position (Grade 13) from the budget and replace with the Solid Waste Coordinator position (Grade 13). Mrs. Reid also noted that the monies would be transferred from the General Fund to the Solid Waste Fund (Enterprise Fund). Mrs. Phillips asked the Mayor and Mr. Huskey if they were in agreement and both responded yes they were in agreement.

MOTION BY Mrs. Phillips to recommend to Council to remove the Facilities Administrative Assistant position (Grade 13) from the budget and replace with the Solid Waste Coordinator position (Grade 13) and to transfer budgeted funds from the General Fund to Solid Waste Fund. Seconded by Mr. Hughes.

MOTION CARRIED UNANIMOUSLY

XI. OLD BUSINESS

A. Daphne High School Turf Project - $575,000

Mr. Olen discussed that the City has appropriated $575,000 for Daphne High School to install a turf field and that a bid had been let but had come in over budget so the monies have not been used. Mr. Olen recommended the monies come back to the City to be held until the turf field was ready to be installed. Discussion continued that DHS was working on the project and looking for a way to rework it to get the field within budget.

MOTION BY Mr. Olen to recommend to Council to request the Baldwin County Board of Education return the $575,000 the City appropriated for the DHS turf field and for the monies to be held by the City of Daphne until needed for payment of the turf field project. Seconded by Mr. Scott.

Mrs. Phillips amended the motion to include that any accrued interest not be included in the return of the monies to the City. Seconded by Mr. Scott.

MOTION CARRIED UNANIMOUSLY

XII. ADJOURN The meeting adjourned at 5:40 p.m.

INVESTMENT POLICY

Revised 1/3/2022
Version 2022.2

Daphne
ALABAMA

PURPOSE

It is the purpose of the City of Daphne to invest public funds in a manner which maximizes security and provides maximum return in preserving and protecting funds while meeting the daily cash flow demands and conforming to all applicable federal, state and/or local statues governing the investment of public funds.

STANDARDS OF CARE

A. Prudence – The standard of prudence to be used shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Individuals acting in accordance with all written procedures and policies and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

   The "prudent person" standard states that, "Investment shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

B. Ethics and Conflicts of Interest – Employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees shall disclose to the Human Resources department any material interests in financial institutions with which they conduct business. Employees shall further disclose any personal financial/investment positions that could be related to the performance of the City of Daphne investment portfolio.

C. Delegation of Authority – The authority to manage investments is derived from State statute and this investment policy. Management responsibility for the Investment Reserve Account is hereby designated to the Treasurer. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer.

Management responsibility for the deposit and Operating Accounts is hereby designated to the Treasurer. The Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate staff.

D. Internal Controls – The Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City of Daphne are protected from loss, theft, or misuse. The internal controls structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

   Accordingly, the Treasurer shall coordinate with the audit firm conducting the City's yearly audit, as selected by the Mayor in accordance with Alabama State law, to ensure that the audit firm conduct an independent review of compliance with policies, procedures, and current industry-wide (government/finance) expectations or due diligence. The internal controls shall address the following points:
      1) Protections against collusion
      2) Separation of transaction authority from accounting and record keeping
      3) Custodial safekeeping
      4) Avoidance of physical delivery of securities
      5) Clear delegation of authority to subordinate staff members
      6) Written confirmation of transactions for investments and wire transfers
      7) Development of wire transfers agreement with the lead bank and third-party custodian

INVESTMENT OBJECTIVES

When making investment decisions, the City will invest idle funds based on the following objectives, in order of priority:

A. Safety – The primary objective is the preservation of capital and the safeguarding of public funds by mitigating credit and interest rate risk.
   a. Credit Risk – The city will minimize credit risk, which is the risk of loss due to the failure of the security issuer or backer.
   b. Interest Rate Risk – The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in the market interest rates.

B. Liquidity – The City's investment portfolio shall remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale market (dynamic liquidity). A portion of the portfolio also may be placed in money-market mutual funds or local investment pools, which offer same-day liquidity for short-term funds.

C. Yield – The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout the budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:
    a. A security with declining credit may be sold early to minimize loss of principal
    b. A security swap would improve the quality, yield, or target duration in the portfolio
    c. Liquidity needs of the portfolio require that the security be sold

POOLING OF FUNDS

The City will consolidate (pool) cash and reserve balances from all funds, except for those legally restricted by statutes, to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping, and administration.

INVESTMENT RESERVE ACCOUNT

The City currently maintains an Investment Reserve Account holding funds that have been specifically designated for investment purposes. This fund is currently managed by Mitchell McLeod Pugh & Williams, Inc. (an independent investment management company) and in the custody of Charles Schwab & Co. The City Council, upon recommendation by the Treasurer, may by approved council action, commit more funds or withdraw funds from the Investment Reserve Account. Additional money may not be invested or withdrawn from the Investment Reserve Account without council approval. Additionally, council approval is also required to change or engage a third-party manager and/or custodian.

AUTHORIZED INVESTMENTS

Pursuant to Sections 11-81-19 and 11-81-21 of the Code of Alabama, the City shall invest municipal funds as outlined within the referenced code. Permitted investments are as follows:

1) Direct obligations of (including obligations issued or held in book entry form on the books of) the Department of Treasury of the United States of America.
2) Obligations of any of the following federal agencies, which obligations represent the full faith and credit of the United States of America:
    a. Farmers Home Administration
    b. General Services Administration
    c. U.S. Maritime Administration
    d. Small Business Administration
    e. Government National Mortgage Association (GNMA)
    f. U.S. Department of Housing and Urban Development (HUD), and
    g. Federal Housing Administration (FHA)
3) U.S. dollar denominated deposit accounts and certificates of deposit with banks or savings associations which are qualified public depositories under Chapter 14A of Title 41
4) Pre-refunded public obligations as defined and restricted by Section 11-81-21(4), Code of Alabama, 1975, as amended
5) Interests, however evidenced, in any common trust fund or other collective investment fund maintained by any national or state chartered bank, trust company or savings and loan association having trust powers, or securities of or other interests in any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, as from time to time amended, so long as all requirements are met at the time of purchase and during the term of investment as further defined and restricted by Section 11-81-21(5), Code of Alabama, 1975 as amended.

COLLATERALIZATION

Deposit type securities shall be restricted to the SAFE program. The SAFE program (Security for Alabama Funds Enhancement) is encompassed in Title 41, Chapter 14A, Code of Alabama, 1975, as amended, to provide a uniform program for the security of public funds deposited with financial institutions in the State of Alabama that qualify to serve as depositories for public funds. The Program requires any bank or financial institution in the State of Alabama, accepting any deposits of public funds, to ensure those funds are pledging eligible collateral to the state treasurer for the SAFE collateral pool. The law further provides for safeguarding of public deposits by requiring the entire pool and each participating financial institution to stand behind each deposit.

SAFEKEEPING AND CUSTODY

Delivery vs. Payment – When applicable all trades shall be executed by delivery vs. payment (DVP) to ensure that the securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held as required by Alabama state laws and evidenced by safekeeping receipts.

Safekeeping – Securities will be held by an independent third-party custodian selected by the City as evidenced by safekeeping receipts in the City of Daphne's name. The safekeeping institution shall annually provide a copy of its most recent report on internal controls (Service Organization Controls Report or SOC-1 report).

INVESTMENT PARAMETERS

Diversification – The City's investment portfolio shall be diversified by:

1) Limiting investments to avoid a concentration in securities from a specific issuer or business sector
2) Limiting investments to avoid a concentration in a single security type excluding U.S. Treasury securities
3) Investing in securities with varying maturities

Maximum Maturities – To the extent possible, the City of Daphne shall attempt to match its investments with anticipated cash flow requirements.

Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio may be continuously invested in readily available funds such as, but not limited to, money market funds.

SELECTION OF INVESTMENT INSTRUMENTS AND INSTITUTIONS

The Treasurer may conduct an informal quotation process when selecting among investment instruments or financial institutions. Quotes will be secured from approved institutions. If a specific maturity date is required for an investment instrument, quotes will be requested for approved instruments that meet the maturity requirements. When no specific maturity date is required, the most advantageous market yield, in the opinion of the Treasurer, will be selected. Financial institutions will be requested to quote a firm price or yield. Generally, deposits or purchases of investment instruments will be made based upon the highest effective yield consistent with policy restrictions and guidelines; however, transaction costs may be considered. In the event that two financial institutions submit identical quotations, first consideration will be given to the financial institution that is located within the City limits of Daphne, and second consideration will be made for the financial institution currently holding at that time the lower amount of City of Daphne funds.

INVESTMENT MANAGERS

As distinguished from the Treasurer, who is responsible for managing the investment process, investment managers are responsible for making investment decisions (security selection and price decisions).

The specific duties and responsibilities of each investment manager are:

1) Manage the assets under their supervision in accordance with the guidelines and objectives outlined in this Investment Policy and their respective Service Agreements, Prospectus or Trust Agreement.
2) Exercise full investment discretion with regard to buying, managing, and selling assets held in the portfolios.
3) Unless otherwise stated, vote promptly all proxies and related actions in a manner consistent with the best interest and objectives of the City of Daphne as described in the applicable account opening documents, provided proxy materials are available. Each investment manager shall keep detailed records of the voting of proxies and related actions and will comply with all applicable regulatory obligations.
4) Communicate to the Treasurer all material changes pertaining to the investment portfolio it manages or the firm itself. Changes in ownership, organizational structure, financial condition, and professional staff are examples that may require notification.
5) Effect all transactions for the investment portfolio subject "to best price and execution." If a manager utilizes brokerage from the portfolio assets to effect "soft dollar" transactions, detailed records will be kept in accordance with applicable regulations.
6) Use the same care, skill, prudence, and due diligence under the circumstances then prevailing that experienced investment professionals acting in a like capacity and fully familiar with such matters would use in like activities for like investment portfolios with like aims in accordance and compliance with all applicable laws, rules, and regulations.

CUSTODIAN

Custodians are responsible for the safekeeping of the investment portfolio's assets. The specific duties and responsibilities of the custodian are:

1) Maintain separate accounts by legal registration.
2) Value the holdings.
3) Collect all income and dividends owed to the Fund.
4) Settle all transactions (buy-sell orders) initiated by the Investment Manager.
5) Provide monthly reports that detail transactions, cash flows, securities held and their current value, and change in value of each security and the overall portfolio since the previous report.

REPORTING

On a quarterly basis, the Treasurer shall prepare an investment report to be presented at the Finance Committee meeting. Reports on investment activity will describe the investments, including investment institution from which purchased, face amount, maturity date and market value, and the amount of investment earnings thereon for the quarter and the fiscal year-to-date. The investment report will be prepared in a manner which will allow the City Council to ascertain whether investment activities during the reporting period have conformed to the investment policy.

PERFORMANCE STANDARD

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates.

POLICY CONSIDERATIONS

Exemptions – Any investment currently held that does meet the guidelines of this policy shall by exempted from the requirements of this policy. At maturity or liquidations, such monies shall be reinvested only as provided by this policy.
Amendments – Any modifications and/or amendments made to this investment policy shall be by resolution and approved by a majority vote of the City Council.

DEFINITIONS

Treasurer - The Treasurer is appointed by the City Council every four years and reports directly to the City Council members.

Investment Reserve Account – Account held by third party custodian and designated by the City Council as reserve funds to be separately invested.

Operating Accounts – All other operating accounts of the City that are not designated as reserve account by the City Council. Accounts include but are not limited to the operating account, the money market account, and any restricted cash accounts.

APPROVAL OF INVESTMENT POLICY

The investment policy shall be formally approved and adopted by the Daphne City Council and reviewed annually.

CITY OF DAPHNE
RESOLUTION 2021-01
FY2022-RFQ-DRAINAGE MASTER PLANNING FOR MAYDAY PARK

WHEREAS, the City of Daphne plans to implement a drainage master Plan for the Mayday Park area; and

WHEREAS, the City is seeking a qualified consultant to provide engineering services for the drainage master planning for the Mayday Park area; and

WHEREAS, RFQ's were solicited seeking a qualified Consultant to provide professional engineering services to develop bid specifications and oversee construction, and

WHEREAS, the City of Daphne developed and advertised a request for Qualifications (RFQ) for such engineering work and proposals; and

WHEREAS, City staff have reviewed the submitted proposal based on the qualifications and found the recommended proposal meets the requirements of the RFQ; and

WHEREAS, staff recommends the RFQ be awarded to Dewberry Engineers, Inc.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the City hereby:

1. The Request For Qualifications (RFQ) for Engineering Services for the Drainage Master Planning for Mayday Park Project be awarded to Dewberry Engineers Inc.
2. The Mayor is hereby authorized to enter into a contract with Dewberry Engineers, Inc for project engineering services and sign all grant related documents.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS __ day of ____________ , 2022.

____
Robin LeJeune, Mayor

ATTEST:

____
Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
RESOLUTION NO. 2021-02

TRANSFER EXCESS CASH FUNDS TO INVESTMENT ACCOUNT

WHEREAS, the City maintains an investment fund for the purpose of long-term capital growth that is held by Charles Schwab; and

WHEREAS, the General Fund has accumulated additional funds that are not required for the day-to-day operations of the City and the City has determined that it can better maximize its earnings by investing the excess funds in the investment account held by Charles Schwab ; and

WHEREAS, the City of Daphne Investment Policy and section 11-81-21 of the Code of Alabama authorize and legislate the types of obligations the City may invest in; and

WHEREAS, the City of Daphne did heretofore appoint Mitchell McLeod Pugh & Williams, Inc. to serve as Investment Manager, and thereby invest City of Daphne funds in securities in accordance with the Code of Alabama and the City of Daphne Investment Policy.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the Mayor and the Finance Director are hereby authorized to take the necessary steps to invest an additional $5,000,000 in the Charles Schwab Investment Account.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _______ day of _________, 2022.

____
Robin LeJeune, Mayor

ATTEST:

____
Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2022 - 01

An Ordinance Consenting to the Sale by the Utilities Board of the City of Daphne of Certain Surplus Personal Property

WHEREAS, the Utilities Board of the City of Daphne ("Daphne Utilities") is required to receive the consent of the City of Daphne before it sells property under the provisions of Ala. Code §11-50-314(a)(10); and

WHEREAS, the management of Daphne Utilities has determined that it is in the best interest of Daphne Utilities to sell the personal property described in Exhibit "2022-A"; and

WHEREAS, the Board of Directors of Daphne Utilities has approved the sale of the personal property described in Exhibit "2022-A".

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Daphne does hereby consent to the sale by Daphne Utilities of the personal property described in Exhibit "2022-A".

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this ______ day of ________________, 2022.

____
Robin LeJeune, Mayor

ATTEST:

____
Candace G. Antinarella, CMC, City Clerk

EXHIBIT "A"

Asset No GovDeals	Truck No	year	make	model	description	serial or VIN	Dept
	Daphne Utilities						
	Surplus Property December 2021						
	11-08	2005	Ford	F150	Ford F150	1FTRX12WX5NB39735	60
	14-03	2005	Sterling	2005	vacuum truck	2FZAATDCX5AV23287	41
	13-02	2008	GMC	Yukon	GMC Yukon	1GKFC13058R107267	10
	16-04	2008	Chevrolet	Tahoe	Chevrolet Tahoe	1GNFC13028RB194127	10
	11-68	2006	Ford	F250	Ford F250	1FTRX12WX6NB35847	60
	10-47	2004	Ford	F150	Ford F150	1FTRF12W74NC52818	41
				CSS-16-2D-T	swamp cooler	0806P3M22513	40
					roll up garage door 8' x 7'		40
			Schumaker	SE-2352-CA	battery charger	24026111203M51516	40
					concrete landscaping and building blocks		40
			Ace Roto-Mold	VT00200SWSS	200 gallon white tanks (2 quantity)		40
			Roots	418 RAM-J	rotary lobe blower part #819750LB	6031424422	40
			Undercover		6' F150 bed cover	658523	40
			Netzsch	Baldor-Reliance	NM031BY02L06B 5HP 1750RPM pump	F1011022954	40
			Netzsch	Baldor-Reliance	NM031BY02L06B 5HP 1750RPM pump	F10110369	40
			Honda	6500is	generator		40
			North American Electric	motors	60 Hz 15HP (2 quantity)		40
			Corro Duty	motor	230/460 3phase 40HP		40
			SEW Eurodrive	motor	60Hz 7.5 HP	870109924.11.11.001	40
				motor	(no information)		40
			Marathon	56T17VD5330	3phase .5HP with gearbox(2 quantity)		40
			Marathon	56T17WD5330	3phase 1HP with gearbox		40
				miscellaneous scrap metal-stainless steel, irn, aluminum and galvanized			40
				Lot of computer hardware items including but not limited to cables, monitors, keyboards, mouses, battery packs, desk phones and desk printers.			10
				Lot of decorative items and office furniture damaged or no longer being used including but not limited to tables, wall art, chairs, filing cabinets.			60
					Refrigerator		20
				Lot of small gas department equipment consisting of electrofusion machine, 2 EF unit battery packs and gas detection monitor. Outdated and no longer being used.			30
			Hilcotrol	degreaser	nine 5 gallon buckets. (Product is no longer compatible with our system.)		41

CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-02

Ordinance to Pre-Zone Property Located at the Southeast of Equity Drive and County Road 64 Iris Patricia DeFilippi

WHEREAS, Iris Patricia DeFilippi, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned by the County as B-1, Professional Business, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as B-2, General Business, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located Southeast of Equity Drive and County Road 64, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

Parcel # 43-05-21-0-000-003.004, PPIN #300201
Commencing at the Northeast Corner of Section 21, Township 5 South, Range 2 East, Baldwin County, Alabama; run thence North 89-37-55 West, along the North Line of the Northeast Quarter of said Section 21, 756.54 feet to a point; run thence South 00-16-21 West, 40.00 feet to a capped rebar marker on the South right of way line of Baldwin County Highway No. 64 (80 foot right of way); run thence North 89-37-30 West, along said right of way line, 198.66 feet to a capped rebar marker for the Point of Beginning of the property herein described; run thence South 00-16-21 West, 370.26 feet to a capped rebar marker; run thence North 89-34-39 West, 198.96 feet to a capped rebar marker; run thence North 00-22-30 East, 370.09 feet to a capped rebar marker on the aforesaid South right of way line of Baldwin County Highway No. 64; run thence South 89-37-30 East, along said right of way line, 198.30 feet to the Point of Beginning' containing 1.688 acres, more or less; subject to easement for drainage over and across the Westmost 20 feet thereof.

WHEREAS, at the regular Planning Commission meeting on October 28, 2021, the Commission considered said request and by a unanimous vote set forth a favorable recommendation to the City Council to pre-zone the property B-2 General Business; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at City Hall, and a public hearing was held before the City Council on December 20, 2021; and,

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

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

SECTION I: ZONING

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

Until such time as the property is annexed into the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was B-1, Professional Business, Baldwin County District 15, Exterritorial Planning Jurisdiction.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS_ day of _, 2022.

____
Robin LeJeune, Mayor

ATTEST:

____
Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2022- 03

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

Southeast of Equity Drive and County Road 64
Iris Patricia DeFilippi

WHEREAS, on the 27h day of September, 2021, Iris Patricia DeFilippi, being the owner of certain real property hereinafter described, did file with the City Clerk a petition requesting that said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama (the "City"); and

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

WHEREAS, said petition was presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on October 28, 2021, and the Commission set forth a favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property; and

WHEREAS, after proper publication, a public hearing was held by the City Council on December 20, 2021, concerning the petition for annexation.

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

SECTION ONE: ANNEXATION

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

SECTION TWO: ZONING

At the January 4, 2022, regularly scheduled City Council meeting, Ordinance 2022-02 was adopted pre-zoning the said property as B-2, General Business, with the apportionment of said zoning districts to the subject property described therein.

SECTION THREE: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

Parcel # 43-05-21-0-000-003.004, PPIN #300201
Commencing at the Northeast Corner of Section 21, Township 5 South, Range 2 East, Baldwin County, Alabama; run thence North 89-37-55 West, along the North

Line of the Northeast Quarter of said Section 21, 756.54 feet to a point; run thence South 00-16-21 West, 40.00 feet to a capped rebar marker on the South right of way line of Baldwin County Highway No. 64 (80 foot right of way); run thence North 89-37-30 West, along said right of way line, 198.66 feet to a capped rebar marker for the Point of Beginning of the property herein described; run thence South 00-16-21 West, 370.26 feet to a capped rebar marker; run thence North 89-34-39 West, 198.96 feet to a capped rebar marker; run thence North 00-22-30 East, 370.09 feet to a capped rebar marker on the aforesaid South right of way line of Baldwin County Highway No. 64; run thence South 89-37-30 East, along said right of way line, 198.30 feet to the Point of Beginning' containing 1.688 acres, more or less; subject to easement for drainage over and across the Westmost 20 feet thereof.

SECTION FOUR: MAP OF PROPERTY

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

SECTION FIVE: EFFECTIVE DATE AND PUBLICATION

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _ DAY OF _ 2022.

____

Robin LeJeune, Mayor

ATTEST:

____

Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-04

APPROPRIATION FOR LITIGATION FEES

WHEREAS, Ordinance 2021-49 approved and adopted the Fiscal Year 2022 Budget on September 20, 2021; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2022 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2022 budget; and

WHEREAS, an appropriation is needed for legal services not covered by Alabama Municipal Insurance Corporation relating to litigation involving three separate lawsuits; and

WHEREAS, several bills have already been paid and additional bills are expected for a total estimated litigation expense of $60,000; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that monies from the **General Fund** in the amount of **$60,000** are hereby appropriated for litigation expenses related to three lawsuits that are no longer covered by Alabama Municipal Insurance Corporation.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____________ DAY OF___________, 2022.

ATTEST:

____
Robin LeJeune, Mayor

____
Candace G. Antinarella, City Clerk