**CITY OF DAPHNE**
**1705 MAIN STREET, DAPHNE, AL**
**CITY COUNCIL BUSINESS MEETING AGENDA**
**Monday, August 1, 2022**
**6:00 P.M.**

**1. CALL TO ORDER**

**2. ROLL CALL**
**INVOCATION** Pastor Jimmy Bowers, Church of the HIghlands
**PLEDGE OF ALLEGIANCE**

**3. APPROVE MINUTES:** July 18, 2022 regular meeting

**4. REPORTS OF STANDING COMMITTEES**

**A. FINANCE COMMITTEE** – Conaway
Review the minutes from the July 18th meeting.
Treasurer's Report – June 2022
- Unrestricted Fund Balance - $24,596,310
- Total Cash Balance - $42,521,795

Sales Tax – May 2022 - $2,252,623
Lodging Tax – May 2022 - $164,024

**B. BUILDINGS & PROPERTY COMMITTEE** – Phillips
Review the minutes from the July 11th meeting.
Review the June 2022 New Construction and Building Reports.
Certificates of Occupancy: 34
Permits Issues: 355
New Residential Home Permits: 60
Total Fees: $147,395.66

**C. PUBLIC SAFETY COMMITTEE –** Hughes
Review the minutes from the July 11th meeting.

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

**E. PUBLIC WORKS COMMITTEE** – Goodlin
Review the minutes from the June 6th meeting.

**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**

**MOTION** to authorize the Mayor to submit a letter of support for Alabama Department of Transportation grant application to assist in funding the I-10 Mobile River Bridge and Bayway Project.

**8. CITY ATTORNEY REPORT**

**9. DEPARTMENT HEAD REPORTS**

**10. CITY CLERK'S REPORT**

**11. RESOLUTIONS & ORDINANCES**

**A. RESOLUTIONS:**

**2022 – 43 –** X – Lott Park Pickleball Expansion

**B. 2nd READ ORDINANCES:**

**2022 – 45 –** Ordinance Consenting to the Sale by the Utilities Board of the City of Daphne of Certain Surplus Personal Property

**2022 – 46 –** Ordinance to Amend and Make Additions to the City's Employee Handbook

**2022 – 47 –** Ordinance to Pre-Zone Property Located Southeast of the Intersection of County Road 64 and Friendship Road – KJC Investments, L.L.C.

**2022 – 48 –** Ordinance to Re-Zone Property Located Southeast of the Intersection of County Road 64 and Friendship Road – KJC Investments, L.L.C.

**2022 – 49 –** Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne Located Southeast of the Intersection of County Road 64 and Friendship Road – KJC Investments, L.L.C.

**2022 – 50 –** Ordinance to Re-Zone Property Located Southwest of Van and Main Street

**2022 – 51 –** Revisions to the City of Daphne Land Use and Development Ordinance – Zoning District Map

**1ST READ ORDINANCES:**

**2022 – 52 –** Appropriation: Communications Tower Equipment Repair - $19,580

**2022 – 53 –** Appropriation: Lott Park Pickleball Court Expansion - $693,708

**2022 – 54 –** Additional Appropriation: Fuel Expenses - $255,000

**2022 – 55 –** Ordinance to Repeal and Replace the City of Daphne's Lodging Tax Ordinance 2014-06

**12. COUNCIL COMMENTS**

**13. ADJOURN**

**July 18, 2022**
**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 6:02pm.

**2. ROLL CALL:**

**COUNCIL MEMBERS PRESENT:** Doug Goodlin, Steve Olen, Ron Scott, Benjamin Hughes, Joel Coleman and Angie Phillips

**COUNCIL MEMBERS ABSENT:** Tommie Conaway

**Also Present:** Candance Antinarella, City Clerk; Jay Ross, City Attorney; Mayor LeJeune; Chief Carpenter, Police; Troy Strunk, City Development; Chief LeAnn Tacon, Fire; Vickie Hinman, HR; Charlie McDavid, Recreation; Ronnie Huskey, Public Works; Josh Newman, City Engineer; Ange Baggett, Marketing; Tonja Young, Library; Adrienne Jones, Planning; Kelli Reid, Finance; and Jessica Linne, Assistant City Clerk.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Invocation was given by Linda Bayers, The Joy of Life Fellowship.

**PRESENTATION:** Charlie McDavid introduced the 7U youth baseball team who recently won the Alabama State Tournament and finished 3rd in the Cal Ripken Southwest Regional Tournament.

**PUBLIC HEARING:** Adrienne Jones presented on the KJC Investments, L.L.C., Pre-Zoning Amendment, Zoning Amendment and Annexation Petition located Southeast of the intersection of County Road 64 and Friendship Road. Council President Coleman recused himself from this public hearing.

Public hearing opened at 6:13pm.

Paul Marincko, Jade Consulting, updated the Council on the intentions and plans of the development.

Mrs. Jones read a letter submitted by the Eaglesons residing at 25604 Friendship Road inquiring if their personal property would be harmed. Mrs. Jones said she confirmed their property would not be disturbed.

Public hearing closed at 6:17pm.

**PUBLIC HEARING:** Adrienne Jones presented on the Olde Towne Properties, L.L.C. Zoning Amendment located Southwest of Van and Main Street. Ryan Robinson presented, as the authorized agent for Mr. Daniel Nance, to share the plans for the property. Councilman Coleman asked Mr. Robinson to share about his non-profit charity.

Public hearing opened at 6:20pm.

Mrs. Jones stated that Cathy Barnett said she was in favor of this proposed zoning amendment.

Public hearing closed at 6:21pm.

**PUBLIC HEARING:** Adrienne Jones presented on the official City of Daphne Zoning Map update.

Public hearing opened at 6:22pm. No one came forward to speak.

Public hearing closed at 6:21pm.

**3. APPROVAL OF MINUTES:**

The minutes from the June 20, 2022 regular meeting were approved.

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE**
Councilwoman Conaway was absent.

**MOTION by Councilman Coleman to add a Kennel Technician position to the Classification and Compensation Plan to move the FY 2022 remaining budgeted payroll funds from the Park Time Animal Control Officer position to the Kennel Technician position. No second was needed. Mayor LeJeune said this is part of the City moving forward with the Animal Shelter plan.**
**MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Coleman to amend the FY 2022 payroll budget to upgrade three (3) firefighter positions to three (3) fire medic positions once the proper certification has been received. No second was needed.**
**MOTION CARRIED UNANIMOUSLY.**

**B. BUILDINGS & PROPERTY COMMITTEE**
Councilwoman Phillips said the next meeting is August 8th at 5:15pm.

**C. PUBLIC SAFETY COMMITTEE**
Councilman Hughes said the next meeting is August 8th at 4:30pm.

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE**
Councilman Olen said the next meeting is August 1st at 4:30pm.

**E. PUBLIC WORKS COMMITTEE**
Councilman Goodlin said the next meeting is August 1st at 5:15pm.

**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

**A. Board of Zoning Adjustments**
Adrienne Jones said there was no report.

**B. Downtown Redevelopment Authority**
Councilwoman Conaway was absent.

**C. Industrial Development Board**
Councilman Scott said the July meeting is cancelled.

**D. Library Board**
Councilwoman Phillips said the next meeting is August 11th at 4:30pm.

**E. Planning Commission**
Councilman Olen said the next meeting is July 28th at 5:00pm.

**F. Recreation Board**
Councilman Hughes said the next meeting is August 10th at 6:00pm.

**G. Utility Board**
Councilman Coleman said next meeting is July 27th at 5:00pm.

**6. PUBLIC PARTICIPATION:**

Public Participation opened at 6:27pm.

Victoria Phelps, Lake Forest, spoke on the Lake Shore Drive Improvements, thanked Riviera Utilities for fixing the recently downed power lines and thanked the City for continuing the road and sidewalk projects.

Public Participation closed at 6:30pm.

**7. MAYOR'S REPORT:**

Mayor LeJeune commended City Solid Waste Supervisor, Randy Jones, for his recent work helping a citizen and shared the kind words from the citizen.

He reminded everyone school starts back August 10th.

**8. CITY ATTORNEY REPORT:**

City Attorney said there was no report.

**9. DEPARTMENT HEAD COMMENTS:**

Chief Carpenter, Police, said there have been a few vehicle break-ins recently. He reminded everyone there is a Back to School Bash at Joe Louis Patrick Park on August 12th from 5:00 – 8:00pm.

Chief Tacon, Fire, shared they have received their new fire gear and they are hiring another part-time medic.

Ange Baggett, Marketing and Tourism, said the Senior Center is busy including hopes to add a pool table.

Tonja Young, Library, said the Library had over 11,700 citizens visit in June.

Ronnie Huskey, Public Works, said the weather is keeping them busy. He discussed the recycling program and said the 3rd Thursdays in July, August and September will be Recycle Days at Lott Park.

Charlie McDavid, Recreation, said the USDA Tournament was recently hosted at Lott Park and youth football is open for registration.

Troy Strunk, City Development, welcomed the City's new Planner, Natasha Miles. He said Centennial Park is opening soon and gave an update on the Orion group.

Josh Newman, Engineering, said the City will rebid the North Main drainage improvements.

**10. CITY CLERK'S REPORT:**

**MOTION by Councilwoman Phillips to approve the Apollo's Mystic Ladies Mardi Gras Parade on February 10, 2023 from 6:45 – 8:30pm with a rain makeup date of February 16, 2023. Seconded by Councilman Hughes.**
**MOTION CARRIED UNANIMOUSLY.**

City Clerk said the Council are beginning Junior City Council interviews.

**11. <u>RESOLUTIONS & ORDINANCES</u>:**

**A. RESOLUTIONS:**

**2022 – 42 –** Request for Proposals Regarding Self-Funded Health Insurance Plan

**MOTION by Councilman Olen to waive the reading of Resolution 2022-42. Seconded by Councilman Goodlin.**
**MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Olen to adopt Resolutions 2022-42. Seconded by Councilman Hughes. Councilman Scott said the Mayor and City Staff have made recommendations. Councilman Olen said he has had discussions with Council regarding insurance plans. Mayor LeJeune said he isn't sure if there's a trust issue when it comes to the staff. He said the staff is willing to provide five (5) proposals. Councilman Olen and Councilman Hughes withdrew their motion to adopt.**

**<u>ORDINANCES</u>:**

**B. 2nd READ ORDINANCES:**

**2022 – 40 –** Appropriation: 2022 – S – Drainage Improvements at Lakeshore Drive – Negotiated-$969,376

**2022 – 41 –** Appropriation: 2022 – T – D'Olive Bay Boat Launch - $556,565

**2022 – 42 –** Appropriation: Retiree One-Time Lump Sum Payments - $46,992

**2022 – 43 –** Appropriation: Outdoor Fitness Court at Trione Park - $100,000

**2022 – 44 –** Ordinance Consenting to and Accepting the Conveyance of Certain Real Property by the Utilities Board of the City of Daphne to the City of Daphne

**MOTION by Councilman Scott to waive the reading of Ordinances 2022-40, 2022-41, 2022-42, 2022-43 and 2022-44. Seconded by Councilman Hughes.**
**MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2022-40. Seconded by Councilman Goodlin.**
**MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt of Ordinance 2022-41. Seconded by Councilman Hughes.**
**MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2022-42. Seconded by Councilwoman Phillips.**
**MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Hughes to adopt Ordinance 2022-43. Seconded by Councilman Goodlin.**
**MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Phillips to adopt Ordinance 2022-44. Seconded by Councilman Hughes. MOTION CARRIED UNANIMOUSLY.**

**C. 1ST READ ORDINANCES:**

**2022 – 45 –** Ordinance Consenting to the Sale by the Utilities Board of the City of Daphne of Certain Surplus Personal Property

**2022 – 46 –** Ordinance to Amend and Make Additions to the City's Employee Handbook

**2022 – 47 –** Ordinance to Pre-Zone Property Located Southeast of the Intersection of County Road 64 and Friendship Road – KJC Investments, L.L.C.

**2022 – 48 –** Ordinance to Re-Zone Property Located Southeast of the Intersection of County Road 64 and Friendship Road – KJC Investments, L.L.C.

**2022 – 49 –** Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne Located Southeast of the Intersection of County Road 64 and Friendship Road – KJC Investments, L.L.C.

**2022 – 50 –** Ordinance to Re-Zone Property Located Southwest of Van and Main Street

**2022 – 51 –** Revisions to the City of Daphne Land Use and Development Ordinance – Zoning District Map

**12. COUNCIL COMMENTS:**

Councilman Goodlin reminded everyone school is starting back soon.

Councilwoman Phillips said she appreciates the Mayor's spirit of compromise.

Mayor LeJeune thanked the Council for approving various appropriations because it is providing improvements within the City.

Councilman Coleman commended City Staff for their work and said they have great candidates for Junior City Council.

**13. ADJOURN:**

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 7:09 PM.

Respectfully submitted by,

_____
Candace G. Antinarella, CMC, City Clerk

Certification of Presiding Officer,

_____
Joel Coleman, Council President

# CITY OF DAPHNE
# FINANCE COMMITTEE MINUTES
# JULY 18, 2022
# 4:30 P.M.

## I. CALL TO ORDER/ROLL CALL

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

Councilman Mr. Steve Olen
Councilman Mr. Joel Coleman
Councilman Mr. Doug Goodlin
Councilman Mr. Ron Scott
Councilman Mr. Ben Hughes
Councilwoman Mrs. Angie Phillips

**Also Present:** Mayor Robin LeJeune, Finance Director Mrs. Kelli Reid, Accountant III Mrs. Suzânne Henson, Revenue Officer Julie Koptis, 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 Mr. Josh Newman, and City Attorney Mr. Jay Ross.

## II. PUBLIC PARTICIPATION

Mrs. Victoria Phelps spoke on behalf of the Lake Forest Property Owner's Association concerning city wide repaving projects and other city related business. Mrs. Phelps thanked the City for their work on the road projects.

## 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/Reposted Positions – 3
- Reviewing/Testing/Interviewing/Background check - 7
- Promotion/Internal Transfer - 2
- New Hires – 7

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

- Meetings with Directors re: job descriptions for FY23
- Telestaff implementation meetings
- Preparing for 2022 Employee Benefits Fair – August 2nd, 3rd, & 4th

Discussion was made that the new Planner position was filled and Mrs. Jones had started her training.

## V. BUSINESS LICENSE REPORT

### A. Report: New Business Licenses – June, 2022

Mrs. Koptis reviewed the following reports and information:

- Code enforcement issued 3 warnings resulting in businesses becoming compliant and $405 in revenue.
- New Businesses with a physical location in Daphne - 11
- Simplified Sellers Use Tax collections - $137,368.23 and YTD collections - $1,207,815.77

Discussion was made on the collection trends for simplified sellers use tax over the last couple of years and the status of a repeat delinquent business license customer.

| BUSINESS LICENSE COUNT through 6/30/2022 | | |
|---|---|---|
| New Licenses | | **50** |
| Renewal Licenses (2022) | | **27** |
| **Total Issued THIS MONTH** | | **77** |
| Total Issued THIS MONTH - PREVIOUS YEAR | | 82 |
| **Net Gain/-Loss Current VS Previous Yr MONTH** | | **-5** |
| **Total Issued YTD 2022** | | **4,331** |
| **Total Issued YTD - PREVIOUS YEAR** | | 4,228 |
| **Net Gain/-Loss Current VS Previous Yr YTD** | + | **103** |

| Business License Fee Historical Comparison 2021 / 2022 | | | | |
|---|---|---|---|---|
| | **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) |
| **December** | $38,677.07 | $13,273.04 | ($25,404.03) | ($2,520,502.44) |
| **January** | $1,084,222.56 | $1,186,552.24 | $102,329.68 | ($1,333,950.20) |
| **February** | $1,174,301.94 | $1,131,305.82 | ($42,996.12) | ($202,644.38) |
| **March** | $203,323.46 | $443,911.19 | $240,587.73 | $241,266.81 |
| **April** | $94,667.02 | $59,414.89 | ($35,252.13) | $300,681.70 |
| **May** | $26,245.05 | $27,258.20 | $1,013.15 | $327,939.90 |
| **June** | $26,364.10 | $21,183.05 | ($5,181.05) | $349,122.95 |
| **Year to Date** | $2,707,892.57 | $2,894,122.95 | **$186,230.38** | **$349,122.95** |
| **All amounts include penalty and interest.** | | | | |

## VI. SALES & LODGING TAX REPORT

### A. Sales and Use Taxes: May, 2022

Mrs. Henson reviewed the Sales & Use Tax Reports: $2,252,623.38 was collected for May, 2022 which was up $161,574.05 from May 2021's collections:

- YTD Variance over Budget - $3,471,063.29

Discussion was made on the increases in Sales Tax collections and that some of the increase are from higher cost of goods and population growth. Mr. Scott noted we need to keep a watch to see how future economic changes will affect these collections.

### B. Lodging Tax Collections, May, 2022

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for May, 2022 were $164,024.36 which is down ($2,926.35) from May 2021's collections.

- YTD Variance over Budget - $160,115.31

### C. Lodging Tax Fund : Statement of Revenues over Expenses, June, 2022

Mrs. Henson reviewed the Lodging Tax Statement of Revenues over Expenditure report for June, 2022.

- Recreation for related purchases - $882,367.95
- Unreserved balance for Bayfront related purchases - $2,871,083.32

## VII. FINANCIAL SCHEDULES & REPORTS

### A. Financial Reports

#### 1. Treasurer's Report: June, 2022

Mrs. Reid reviewed the Treasurer's Report:

| TREASURER'S REPORT<br>As of June 30, 2022 | | | | | |
|---|---|---|---|---|---|
| Account Type/Title | 6/30/2022 | 5/31/2022 | Increase (Decrease) from last Month | 6/30/2021 | Increase (Decrease) from Last Year |
| **GENERAL FUND & ENTERPRISE FUNDS** | $ 13,930,660 | $ 15,839,789 | $ (1,909,129) | $ 13,685,732 | $ 244,928 |
| **INVESTMENT FUND** | 10,510,743 | 10,555,250 | (44,507) | 5,874,396 | $ 4,636,347 |
| **CREDIT CARD ACCOUNT** | 154,907 | 61,598 | 93,309 | 105,685 | $ 49,222 |
| **Total Unrestricted Cash Balance** | **24,596,310** | **26,456,637** | **(1,860,327)** | **19,665,813** | **4,930,497** |
| **SPECIAL REVENUE FUNDS** | | | | | |
| 4 CENT GAS TAX | 191,436 | 186,164 | 5,271 | 229,641 | (38,205) |
| 7 CENT GAS TAX | 142,809 | 129,711 | 13,098 | 219,857 | (77,048) |
| 10 CENT GAS TAX | 200,320 | 182,801 | 17,519 | 213,110 | (12,790) |
| TREE & FLOWER | 22,660 | 22,660 | - | 29,011 | (6,351) |
| COVID RELIEF FUND | 3,432,839 | 1,481,631 | 1,951,208 | 1,952,272 | 1,480,567 |
| ANIMAL SHELTER FUND | 1,062,900 | 1,079,187 | (16,287) | - | 1,062,900 |
| FEDERAL DRUG FORFEITURES | 259,231 | 285,935 | (26,703) | 177,400 | 81,831 |
| LOCAL DRUG FORFEITURES | 75,915 | 75,915 | - | 60,580 | 15,335 |
| LIBRARY | 41,560 | 48,383 | (6,823) | 51,493 | (9,933) |
| COURT TRAINING & EQUIPMENT | 43,024 | 42,823 | 201 | 42,506 | 518 |
| COURT CORRECTION | 531,606 | 541,676 | (10,070) | 426,253 | 105,353 |
| LODGING TAX | 3,638,482 | 3,663,642 | (25,161) | 2,278,312 | 1,360,170 |
| RENAISSANCE | - | - | - | - | - |
| **AGENCY FUNDS** | | | | | |
| MUNICIPAL COURT | - | - | - | 238 | (238) |
| SELF INSURANCE | 231,908 | 228,153 | 3,755 | 223,454 | 8,454 |
| FLEX SPENDING | 18,715 | 20,061 | (1,346) | 9,150 | 9,565 |
| OPEB TRUST INVESTMENT FUND | 923,414 | 960,705 | (37,291) | 817,557 | 105,857 |
| | 10,816,819 | 8,949,448 | 1,867,371 | 6,730,834 | 4,085,985 |
| **CAPITAL PROJECT FUNDS** | | | | | |
| CAPITAL RESERVE | 6,911,134 | 5,404,894 | 1,506,240 | 3,425,575 | 3,485,559 |
| | 6,911,134 | 5,404,894 | 1,506,240 | 3,425,575 | 3,485,559 |
| **DEBT SERVICE FUNDS** | | | | | |
| DEBT SERVICE | 197,532 | 330,638 | (133,106) | 329,710 | (132,178) |
| | | | | | |
| **Total Restricted Cash Balance** | **17,925,485** | **14,684,980** | **3,240,505** | **10,486,119** | **7,439,366** |
| **Total City Cash Balance** | **$ 42,521,795** | **$ 41,141,617** | **$ 1,380,178** | **$ 30,151,932** | **$ 12,369,863** |
| | **Encumbrance Total as of** | | **6/30/2022** | **$ 374,325.91** | |

Mrs. Reid discussed the increase in the Covid Relief fund and noted that the second payout - $1.952 million has been received. Mr. Scott asked about the separate credit card account. Mrs. Reid explained this is a pass through account used for security purposes to make sure the City's MMA account stays secure and the credit card transactions are not comingled. Discussion continued on the report.

***The Treasurer's Report as of* June*, 2022 Total Unrestricted Cash Balance - $24,596,310 and Total City Cash Balance - $42,521,795 was presented to be filed for audit.***

#### 2. Encumbrance Report

- Encumbrance balance - $374,325.91 as of June, 2022.

Mrs. Reid reviewed the Encumbrance Report and said we continue to dwindle these down and noted we are still waiting on two police Tahoe vehicles.

**3. Outstanding Appropriations**

Mrs. Reid reviewed the report. Discussion continued on the Bayfront Streetscape project construction process and the need to make the public aware how long the area will be closed.

**4. Financial Overview: Debt Summaries & Monthly Financial Statements, May, 2022**

Mrs. Reid reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), June**,** 2022

**Monthly Financial Statements – May 2022 Financial Highlights**

**General Fund:**

| | FY 2022 | FY 2021 | Change |
|---|---|---|---|
| • YTD Budgetary Net Income: | $5,168,438 | $6,162,225 | ($993,787) |

- Total sales tax collected year to date is approximately $3.5 million over budgeted income and $1.9 million over prior year to date income
- Total investment income including interest and unrealized gain is a loss of approximately $389,000 due to the overall market conditions in the market
- Unassigned Fund Balance: $27,434,675
- Outstanding Encumbrances: $398,675

**Debt Service Fund/Outstanding Debt:**

- Outstanding Warrant Balance as of May 31, 2022: $27,490,794
- Outstanding Capital Lease Balance as of May 31, 2022:
    - General Fund: $821,197
    - Enterprise Fund: $1,083,904

**Capital Project Funds (Capital Reserve):**

- Road Repaving Expenditures YTD: $908,377

**Special Revenue Funds (13 separate funds):**

- Lodging Tax Fund –
    - Bayfront Unreserved Fund Balance: $2,888,673
    - Recreation Unreserved Fund Balance: $886,615
    - Total lodging tax collected was $160,000 over budgeted income and $121,000 over 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 | $185,461 | $ 77,686 | $ 107,775 |
| Civic Center Fund | $170,226 | $ 92,238 | $ 77,988 |

**5. Summary of Budgetary Amendments**

Mrs. Reid reviewed the General Fund budgetary amendments made to the FY2022 Budget.

- Total Appropriations Year to Date – $5,852,500
- Adjusted Expenses over Revenue – ($5,849,356)

Discussion was made on the progress on the new restrooms at Daphne Sports Complex near the Splash Pad area.

**6. Unfunded Future Projects Expenditure Summary**

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary and noted the only change is that the boat launch project has been removed.

B. **Bills Paid Reports – June, 2022**

The Bills Paid Report was previously presented electronically.

## VIII. BIDS *(Resolution)*

**A. 2022-X-Lott Park Pickleball Expansion**

Discussion was made on the Lott Park Pickleball Expansion project and that the lighting installation project would be separate from the construction of the courts. Mrs. Reid noted the lighting equipment would be purchased from the Sourcewell cooperative contract. The City engineer's recommendation is to award the 2022-X-Lott Park Pickleball Expansion bid to American Tennis Courts, Inc. in the amount of $444,874 for the base bid and Alternate A as bid. Mrs. Reid noted an appropriation in the amount of $693,708 will be needed to complete the project (lighting and construction of courts).

***MOTION BY Mr. Coleman to recommend to Council to award the 2022-X-Lott Park Pickleball Expansion bid to American Tennis Courts, Inc. in the amount of $444,874 for the base bid and Alternate A as bid. Seconded by Mrs. Phillips.***
***MOTION CARRIED UNANIMOUSLY***

***MOTION BY Mr. Coleman to recommend to Council to adopt the Ordinance amending the budget to appropriate $693,708 out of the General Fund and transferred to the Capital Reserve Fund for the Lott Park Pickleball Expansion. Seconded by Mrs. Phillips.***
***MOTION CARRIED UNANIMOUSLY***

## IX. APPROPRIATION REQUESTS: *(Ordinance)*

**A. Additional Appropriation: Fuel Expenses - $255,000**

Mrs. Reid discussed the increases in fuel prices due to the current economic conditions and noted that an appropriation in the amount of $255,000 is needed to fund the remaining estimated fuel cost for the remainder of FY2022.

***MOTION BY Mr. Scott to recommend to Council to adopt the Ordinance amending the budget to appropriate $255,000 out of the General Fund for increased fuel cost. Seconded by Mr. Hughes.***
***MOTION CARRIED UNANIMOUSLY***

## X. NEW BUSINESS

**A. Lodging Tax Rate/Occupancy Fee Discussion**

Mrs. Reid noted that increasing the lodging tax rate had been discussed in previous meetings. Mrs. Reid reviewed the report showing scenarios of lodging tax rate increases (6% to 10%) and/or a $2/night occupancy fee. Discussion continued on how the City of Daphne's rate compares to the surrounding municipalities' rates and what the new funds would be designated for in the City's budget. Mrs. Reid stated the monies could be collected and the project(s) be designated as needed. Mr. Ross agreed the ordinance does not have to designate specific projects. Discussion continued on setting a start date after the City communicates with the hotels on the best date to implement the new occupancy fee.

***MOTION BY Mrs. Phillips to recommend to Council to adopt an ordinance to amend ordinance 2014-06 to include a $2/night occupancy fee to be used for City projects as deemed necessary by the Council. Seconded by Mr. Hughes.***
***MOTION CARRIED UNANIMOUSLY***

**B. Discuss Athletic Director – Supplemental Pay / Parks and Recreation Director**

Mrs. Reid stated that she and Mr. Charlie McDavid had met with the Daphne High School Athletic Director about his request to increase the pay to help offset the taxes personally paid. Currently the $22,000 stipend includes the cost of payroll and retirement match. Discussion continued on the types of payment for services (W2 vs 1099). Mrs. Reid stated she could just add the $4,000 to the FY2023 Budget to increase his pay to $2,000 net.

## XI. OLD BUSINESS

**A. Credit Card Services Companies**

Mrs. Phillips asked about a previous discussion on finding a credit card company that would provide this service to City departments. Mrs. Reid stated that she is reviewing a company that recently submitted some information.

**XII. ADJOURN** The meeting adjourned at 5:56 p.m.

**BUILDINGS & PROPERTY COMMITTEE MEETING**
**July 11, 2022, 5:15 p.m.**
**City Hall, Council Chambers**
**1705 Main Street, Daphne, AL 36526**

**MEETING MINUTES**

**MEMBERS PRESENT:** Councilman Scott, Councilman Hughes, Councilman Goodlin, Councilwoman Phillips, Councilman Olen and Councilman Coleman

**MEMBERS ABSENT:** Councilwoman Conaway

**ALSO PRESENT:** Patrick Dungan, City Attorney; Troy Strunk, City Development; Ange Baggett, Marketing; Charlie McDavid, Recreation; Eric Butler, Building; Selena Vaughn; Kathryn McDonald, Facilities; Josh Newman, Engineering; Kathryn McDonald, Facilities; Ronnie Huskey, Public Works; Chief Tacon, Fire Department; and Candace Antinarelle, City Clerk.

**1) CALL MEETING TO ORDER / ROLL CALL**

There being a quorum present Councilwoman Phillips called the meeting to order at 5:30p.m.

**2) MINUTES**

Minutes from the May Buildings and Property Meeting were approved.

**3) PUBLIC PARTICIPATION**

Shawn Mitchell, Downtown Redevelopment Authority, spoke about the potential for the DRA to open a Farmer's Market in Lott Park that would run ten (10) weeks beginning in September.

**3) SURPLUS PROPERTY**

**MOTION by Councilman Hughes to recommend to Council to authorize the Mayor to dispose of the property. Seconded by Councilman Scott.**
**MOTION CARRIED UNANIMOUSLY.**

**4) BUILDING INSPECTION REPORT**

Eric Butler reviewed the building report.

**5) CIVIC CENTER & BAYFRONT PAVILION REPORT**

Ange Baggett gave the Civic Center report.

**6) RECREATION REPORT**

Charlie McDavid gave the Recreation Report.

**7) LIBRARY REPORT**

There was no report.

**8) VILLAGE POINT BAYFRONT PROPERTIES REPORT**

There was no report.

**9) FACILITIES REPORT**

Mr. Huskey said there was nothing to report.

**10) OLD BUSINESS**

Councilman Hughes asked Mr. Strunk for an update on Centennial Park. Mr. Strunk updated the Council.

**11) NEW BUSINESS**

Ange Baggett presented on the Discover Daphne ad campaign.

**MOTION by Councilman Scott to recommend to Council to accept staff's recommendation to award the bid to Ammons and Blackmon and appropriate the funds of approximately $1.8 million dollars and $500,000 from lodging tax. Seconded by Councilman Hughes.**
**MOTION CARRIED UNANIMOUSLY.**

**12) ANY OTHER BUILDINGS AND PROPERTY BUSINESS**

**13) NEXT MEETING**

The next meeting is scheduled for Monday, August 8, 2022 at 5:15 p.m.

**14) ADJOURN**

There being no further business to discuss, the Council adjourned at 5:58pm.

# City of Daphne Building Department

## 2019 / 2020 / 2021 / 2022 Comparison Report

| | Fees Collected | | | | Permits Issued | | | | CO's Issued | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2019 | 2020 | 2021 | 2022 | 2019 | 2020 | 2021 | 2022 | 2019 | 2020 | 2021 | 2022 |
| **October** | $41,508.58 | $93,181.87 | $94,131.53 | $84,303.63 | 141 | 215 | 357 | 308 | 23 | 11 | 31 | 40 |
| November | $30,939.41 | $62,198.00 | $109,387.14 | $91,672.49 | 106 | 223 | 378 | 351 | 18 | 26 | 30 | 30 |
| December | $28,050.20 | $233,529.32 | $101,471.36 | $128,605.99 | 108 | 252 | 383 | 296 | 23 | 33 | 43 | 53 |
| January | $54,262.58 | $118,498.03 | $132,049.79 | $259,810.62 | 180 | 270 | 372 | 350 | 21 | 14 | 24 | 36 |
| February | $65,020.99 | $140,560.44 | $97,396.64 | $129,315.56 | 225 | 308 | 350 | 292 | 17 | 33 | 32 | 32 |
| March | $66,919.78 | $77,067.98 | $95,472.42 | $116,358.20 | 204 | 362 | 391 | 431 | 20 | 45 | 52 | 84 |
| April | $62,429.27 | $94,394.17 | $80,088.89 | $60,816.35 | 228 | 272 | 373 | 324 | 23 | 32 | 40 | 42 |
| May | $76,949.69 | $95,010.56 | $101,848.37 | $65,454.25 | 247 | 294 | 380 | 306 | 18 | 39 | 42 | 48 |
| June | $57,871.17 | $179,966.08 | $100,508.32 | **$147,395.66** | 223 | 399 | 394 | **355** | 24 | 49 | 50 | **34** |
| July | $69,166.73 | $77,442.81 | $78,547.74 | | 239 | 323 | 408 | | 10 | 45 | 29 | |
| August | $119,198.28 | $105,147.77 | $59,376.50 | | 272 | 307 | 309 | | 44 | 34 | 30 | |
| September | $76,320.28 | $71,226.36 | $93,879.09 | | 303 | 352 | 442 | | 21 | 35 | 48 | |
| Total | $748,636.96 | $1,348,223.39 | $1,144,157.79 | **$1,083,732.75** | 2476 | 3577 | 4537 | **3013** | 262 | 396 | 451 | **399** |
| Percent +- | NA | 80.09% | -15.14% | | NA | 44.47% | 26.84% | | NA | 51.15% | 13.89% | |

**May Notes**

Inspections- 366 Building / 204 Environmental = 570 total inspections

355 Permits issued, 34 Certificate Of Occupancies issued, 60 New home permits issued

Evan Huglen (Building Inspector I) started June 30

**July 11, 2022**
**PUBLIC SAFETY MEETING MINUTES**
**1705 MAIN STREET**
**DAPHNE, AL**
**4:30 P.M.**

**1. CALL TO ORDER:**

There being a quorum present, Councilman Ben Hughes called the meeting to order at 4:32pm.

**2. ROLL CALL:**

**COUNCIL MEMBERS PRESENT:** Mayor LeJeune, Ron Scott, Steve Olen**,** Angie Phillips, Benjamin Hughes

**ABSENT:** Councilmen Joel Coleman, Doug Goodlin, and Councilwoman Tommie Conaway.

**Also Present:** Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; Troy Strunk, City Development; Chief Tacon, Fire Department; Captain Gulsby, Police Department; Christina Brazell, Recording Secretary.

**3. PUBLIC PARTICIPATION:**

.

**4. APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Minutes from May 9, 2022 Public Safety meeting were approved as presented. (Meeting canceled for June)

**5. POLICE DEPARTMENT**

**Old Business:**
None

**New Business:**
Captain Gulsby, discussed looking at changing the part time animal control officer position name only, to Kennel Technician**.**
**Motion: Councilman Hughes made motion and seconded by Councilman Scott -Title change of Animal Control Officer –Part Time, to Kennel Technician.**

Also, looking at appropriating funds for radio failures that have recently taken place, the microwave will need replacing. The police department is currently band aiding the situation. (Appropriation to fix the microwave, $19,580.00)
**Motion: Councilman Scott made motion and seconded by Councilwoman Phillips the first read be moved to council for the Microwave replacement for the Police Department.**

Captain Gulsby briefed the council on what the Police Department does in order to prepare for active shooter type situations. Captain Gulsby provided a list of trainings that the officers are sent to, as well as several types of equipment that is purchased. Supplemental training, along with after action reports are conducted throughout

the year. School Resource Officers attend national as well as local active shooter response trainings. Medical gear is provided to each officer, kept in their patrol car as well. Stop the bleed training was provided to all personnel at the department. They are working on getting breech equipment in each patrol car at this time. Officer Huffman attended this meeting, covered questions covering the ALICE, which has recently replaced the run, fight, hide training.
The discussion came up about the schools in Daphne and their plans in the event a situation occurs involving an active shooter. Captain Gulsby clarified that each school has their own plan of action.

## 6. FIRE DEPARTMENT:

**Old Business:**
None

**New Business:**
Chief Tacon discussed needing to change position titles of Fire Fighter (3) to Paramedics.
**Motion: Councilman Scott made motion and seconded by Councilman Olen to change 3 of the current position titles in the Fire Department from Fire Fighter to Paramedic/Fire Fighter.**

July 18, 2022 at 10am there will be a press conference at Fire Station 5 as a thank you to the council for appropriating the funds for the new turnout gear for the Firefighters.

Councilman Steve Olen requested that Chad from Medstar provide stats requested from last meeting.

## 7. OTHER BUSINESS

Tony's Towing and Mo's Towing attended this meeting regarding the current fees and a raise increase needed. (See attachment).
Council requested the towing companies provide additional information, more specific increases that they are recommending, as well as the Daphne City Clerk will be checking with other local cities to inquire about the current fee agreements they have with their towing companies responding to their cities.

Potters Mill Property Association:
Sherry Court, representing the board. Provided handouts, (see attached) regarding an accident that occurred in front of their neighborhood that was involved in the traffic congestion surrounding Whit's frozen custard on Main St. Residents are happy about Whit's being in our city. The problem occurs when the parking lot overflows. Cars will line up on Main St., parking on the sidewalks, vehicles running and all. Southbound traffic will stop waiting for a space to come available in the parking lot or line. The congestion causes traffic that needs to continue on southbound or northbound, road rage or drivers to attempt to drive around parked cars with blocked views. In turn this congestion causes accidents. Visuals were provided in the meeting.

The representatives provided a solution of no left turn, southbound from Main St. The Potters Mill Property Association just wanted to bring attention to the matter and hopes that the city council could help. A therapist that has a business across from Whit's, wanted to add that several times her parking lot is blocked and those in her business parking lot are unable to leave. She wanted to state that she believes that the congestions and illegal parking is a safety issue.
This will be added to next month's agenda.

5:35 p.m. **ADJOURNMENT**

**CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES**
**June 6th, 2022 - 5:15 P.M.**
**DAPHNE CITY HALL**

## I. CALL TO ORDER

## II. COMMITTEE MEMBERS PRESENT:

Doug Goodlin (Chairman); Councilwoman Tommie Conaway; Councilman Benjamin Hughes; Councilman Joel Coleman; Councilman Ron Scott; Mayor Robin LeJeune; Councilwoman Angie Phillips,

**Others Present**: Ronnie Huskey, Public Works Director; Patrick Dugan, City Attorney; Troy Strunk, Executive Director, City Development; Candace Antinarella, City Clerk; Josh Newman, City Engineer; Lindsey Johnson, Public Works Administrative Assistant; Tim White, Environmental Programs Manager; John Peterson, Mott-MacDonald; Suzanne Henson, Accountant III; LeAnn Tacon, Fire Chief

## III. PUBLIC PARTICIPATION & CORRESPONDENCE

Correspondence and Public Participation—

There was no Public Participation

## IV. OLD BUSINESS

Approval of Minutes – May 2nd, 2022—Minutes were reviewed and approved by the committee.

## V. NEW BUSINESS

There was no New Business

## VI. City Engineer's Report (Separate Handout)

Josh Newman addressed the committee with his separate handouts. Mr. Newman stated that he has highlighted five projects to look at.

Mr. Newman spoke about 21-08 Public Works Storage Building which the contractor has been selected and they will be starting construction soon. Councilman Scott asked who the contractor will be, which Mr. Newman replied Reed Hayes Construction. Councilman Scott inquired if that is the same contractor who did the splash pads and bathrooms, which Mr. Newman replied yes.

Mr. Newman spoke about 21-09 HWY 90 Widening – Phase I which the kickoff meeting was on May 4th and Mott MacDonald is about to start on the design of the project. Councilman Goodlin asked where this will be located, which Mr. Newman replied it starts at Lowe's and ends past the

Baptist Church. John Peterson from Mott MacDonald briefly discussed the location. Councilman Goodlin asked how many lanes there will be, which Mr. Peterson replied five. Mr. Newman continued by saying that there will be drainage improvements and ALDOT will be in charge of that project. Councilman Goodlin asked if there will be any land acquisition in the future, which Mr. Newman replied no; to which point he continued to discuss the drainage.

Councilman Coleman asked about 21-06 US-98 Sidewalks Improvements TAP which he inquired about the additional comments that were received by ALDOT. Mr. Newman stated that ALDOT wants a traffic control plan, specifically advanced warning signs.

Councilwoman Phillips asked about 21-07 Daphne Sports Complex New Bathrooms which she inquired if the brick will be delivered today, 6/6/22, and which Troy Strunk replied the contractor was supposed to be on site by 6/2/22, however the contractor has not showed up yet. Mr. Strunk continued by saying that the trusses are ordered and will be delivered in about three weeks.

Councilman Scott inquired about an update regarding the construction at Aldi's. Mr. Newman discussed that ALDOT required the turn lane in front of Aldi's on HWY 98. The Council discussed the turn lanes that connect to Whispering Pines Road and to HWY 98.

Mr. Newman spoke about 21-22 May Day Park Pier Repair which the pier construction is still preliminary. Mr. Newman hopes to be constructing the kayak launch around the same time as the pier repair. Mr. Newman discussed the repairs to the pier that will take place. Mr. Newman inquired with Ronnie Huskey about what Public Works is doing at May Day Park, with which Mr. Huskey replied that the Grounds Team is finishing up the amphitheater and the Streets Team will be redoing the sidewalks. Mr. Huskey also stated that Public Works will be removing two of the four handicap spaces down at the bottom of May Day Park.

Councilman Hughes asked Mr. Newman to define some acronyms on 21-11 Resurfacing on CR-64, specifically PE number and PIH. Mr. Newman stated PE stands for preliminary engineering number, and PIH stands for plan in hand. Councilman Hughes also asked about the CZM Risk Assessment on 21-20 Belrose Avenue LID Improvements, which Mr. Newman answered that it has to do with the grant requirements for this project.

Mr. Newman spoke about 21-24 Well Road Drainage Improvements which Geosyntec will be the engineer for. Mr. Newman stated that there is no set plan of action yet, however the City does want to maximize the ROW area for transportation or sidewalk improvements.

Mr. Newman spoke about 22-03 New Animal Shelter which will be contracted under Jade. Mr. Newman stated the survey has been completed and the preliminary site plan has been submitted. Councilman Coleman requested to have the preliminary site plans sent to him.

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

A. Work Request Report – April 2020 & 2021
The Public Works Department completed 563 work orders in April 2022.

B. Vehicle/Equipment Maintenance Reports – FY2021-2022 YTD
C. Public Works Related Overtime Report — 66.67% of the year used; $86,804.72 Used YTD as of May 27th, 2022.
D. Street Sweeper Report — April 21st– May 24th, 2022

Ronnie Huskey stated that the Solid Waste Department had briefly waived the debris limit to pick up excess debris from the inclement weather. Mr. Huskey continued by stating the Mechanical Department is running normal, however, there has been an increase of overtime used by the Mechanical Department due to mechanics transferring to the Police Department. Mr. Huskey spoke about the Street Sweeper report and how the street sweeper truck switched departments from Streets to Mowing. Since that occurrence, the Mowing Department has had a team member specifically dedicated to driving the street sweeper and has logged a significant amount of hours in the past few weeks. The Council expressed their enthusiasm with the new Street Sweeper report. Mr. Huskey continued by stating that the Solid Waste Department had 53 new residential customers for the month of April and it is forecasting to be over 1000 total customers Citywide after all customers are finalized. Mr. Huskey also briefly talked about the Tallent Lane and Mosquito reports. Councilwoman Phillips inquired if the Solid Waste Department is still picking up two cans, which Mr. Huskey replied yes. The Council discussed how the garbage trucks now have cameras to see if cans are missed during the route. Councilman Goodlin asked if the black trash cans have arrived, which Mr. Huskey replied that they have arrived and the Solid Waste Department has started to distribute these cans Citywide. Councilman Hughes inquired about when construction debris is picked up, which Mr. Huskey replied that it is typically the first week of every month and to advise residents to call Public Works with any questions.

Ronnie Huskey reviewed his separate handout as following;

- The Grounds Team is working to complete the May Day Park Amphitheater upgrades this week while maintaining passive parks and the upkeep of seasonal beds throughout the City.
- The Street Department is slowly making ADA repairs to the sidewalks in Olde Towne Daphne and along Highway 13 with a new pedestrian crosswalk in front of

the Diamante Subdivision. – Councilman Goodlin asked that when the Street Department puts in the new signs, if they can put flags on top to notify resident of the new sign change, which Mr. Huskey replied yes.

- The Street Department has also begin painting all street & roadway signage in Olde Towne Daphne starting on Maxwell & Deer Avenue heading north as time allows.
- The Facilities Team worked to repair roof leaks at the Nicholson Center, HVAC repairs and replacement at the Daphne Police Department.
- Solid Waste Department is finally back on schedule after being down to only (2) garbage trucks for roughly a week due to mechanical issues.
- The Mechanic Shop is still outfitting the new Police Tahoe's while trying to keep Solid Waste garbage trucks operational when needed.
- The Mowing Team is running behind due to the past few weeks of showers, but is working to be ahead by first of next week. – Mr. Huskey specified that during rain, the Mowing Department helps the Street Team to clean out storm drains.
- The FY22 Road Resurfacing Project is at roughly 40% complete and the contractor is presently working in the Lake Forest area.

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

A. Monthly Recycle Tonnage Report (Tonnage Comparison) —No Report
B. Solid Waste New Customer Report – April 2022— 53 new residential; 0 new commercial
C. Tallent Lane Facility Report – April 2022—751.71 total tonnage

**IX. MOSQUITO CONTROL SERVICES**

**A.** Mosquito Report— April 2022

**X. MUSEUM COMMITTEE**

A. Minutes – April 11th, 2022
B. Minutes – May 9th, 2022

**XI. BEAUTIFICATION COMMITTEE**

A. Minutes – April 13th, 2022
B. Minutes – May 4th, 2022

**XII. ENVIRONMENTAL ADVISORY COMMITTEE**

A. Minutes – April 25th, 2022 – Tim White spoke about ADEM grant for D'Olive Watershed Management Plan.

## X1II. FUTURE BUSINESS

A. Next Meeting – **Tuesday July 5th, 2022**

## XIV. ADJOURNMENT

***Motion by Doug Goodlin, seconded by Tommy Conaway to adjourn.*** Meeting adjourned at 5:44 p.m.

**CITY OF DAPHNE, ALABAMA**
**RESOLUTION 2022-43**

**2022-X- LOTT PARK PICKLEBALL EXPANSION**

**WHEREAS,** the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of $50,000; and

**WHEREAS**, The City of Daphne acknowledges that the cost for the 2022-X-Lott Park Pickleball Expansion will exceed this amount; and

**WHEREAS**, Bids were received for the Lott Park Pickleball Expansion; and

**WHEREAS**, Staff has reviewed the bids for the 2022-X-Lott Park Pickleball Expansion and determined that the low bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the 2022-X-Lott Park Pickleball Expansion be awarded to American Tennis Courts, Inc. to include the Base bid and Alternate A.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** that the City accept the bid of American Tennis Courts, Inc. for the Base bid and Alternate A in the amount of **$444,874** for BID SPECIFICATION NO: 2022-X-LOTT PARK PICKLEBALL EXPANSION.

**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 2022-45**

**AN ORDINANCE CONSENTING TO THE SALE BY THE UTILITES 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.**

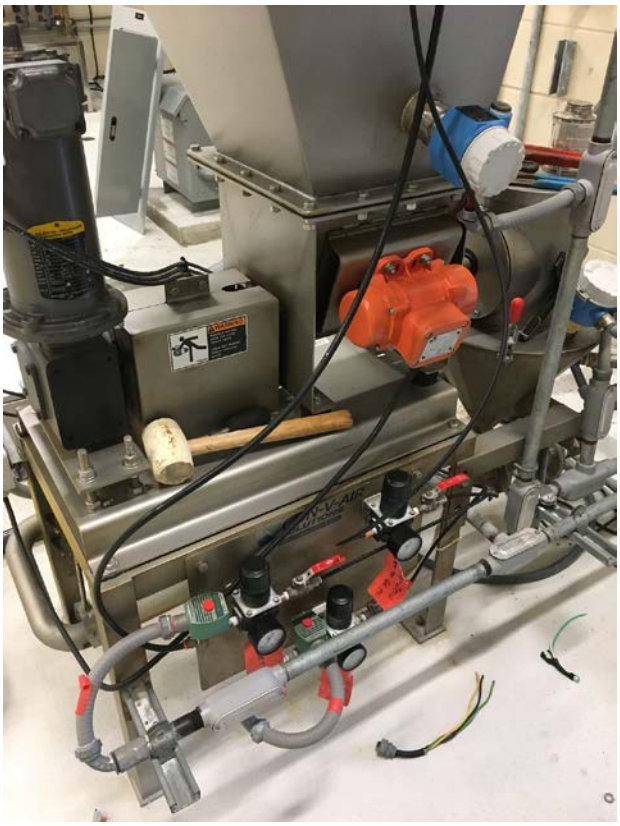
_____
**Robin LeJeune, Mayor**

**ATTEST:**

_____
**Candace G. Antinarella, CMC, City Clerk**

EXHIBIT "A"

# Surplus lime feeder



| Fixed Asset Number | Make / MFG | Model | Serial No. | Description | Approx. Value | Year Acquired / Age | Dept. |
|---|---|---|---|---|---|---|---|
| 0-1262 | John Deere | | M00955DOO5023 | Tractor | $2,000.00 | | Maint. |

**CITY OF DAPHNE**
**ORDINANCE 2022-46**

**AN ORDINANCE TO AMEND AND MAKE ADDITIONS TO THE CITY'S EMPLOYEE HANDBOOK**

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

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

**SECTION I:**

That the current Employee Handbook Sections be amended to include two new policies to be numbered as Sections 10.16 and 10.17:

Section 10.16 Bilingual Proficiency Pay
Section 10.17 American Sign Language Proficiency Pay

The specific text of the new sections is set forth in *Exhibit A* to this Ordinance.

That the following Sections of the Employee Handbook be combined, renamed and amended from Section 10.8 Merit Based Pay Increases and Section 10.9 Cost of Living Adjustments to Section 10.8 Pay Increases.

The specific revisions and section is set forth in *Exhibit B* to this Ordinance.

**SECTION II: REPEALER**

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

**SECTION III: SEVERABILITY**

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

**SECTION IV: EFFECTIVE DATE**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2022.**

_____
**Robin LeJeune, Mayor**

**ATTEST:**

_____
**Candace G. Antinarella, CMC, City Clerk**

# EXHIBIT B

## AMENDMENTS
## OF
## EXISTING POLICIES

**COMBINATION, RENAMING, AND AMENDMENT OF SECTIONS 10.8 AND 10.9**

Combine, rename, and amend the existing policies as follows:

## 10.8. PAY INCREASES

Merit-based pay increases may be awarded to individual employees based on performance. The City's appraisal system allows for a pay increase to be awarded each year at the time of the employee's anniversary date of hire or anniversary date of promotion. Department Heads are responsible for the annual performance evaluation be completed and received by Human Resources when scheduled. Merit increases are effective during the first pay period following receipt of the performance evaluation in Human Resources. If the performance evaluation is not completed on time, the merit increase will be effective the first pay period after receipt and cannot be retroactive.

The performance appraisal rating scale and the associated salary increases are as follows:

| PERFORMANCE APPRAISAL SCORE | | SALARY |
|---|---|---|
| FROM | TO | INCREASE |
| 3.00 | 3.39 | 1.50% |
| 3.40 | 3.79 | 2.00% |
| 3.80 | 4.19 | 2.50% |
| 4.20 | 4.59 | 3.00% |
| 4.60 | 5.00 | 3.50% |

If an employee's performance appraisal score falls exceed 4.59, the Mayor has discretion to provide an additional percentage pay increase above 3.5% in 0.5% increments, not to exceed a total of a 5% pay increase.

The Human Resource Director will place documentation concerning approved merit increases and the reasons for approval in the employee's personnel file.

Human Resources will provide Finance a quarterly report for preparation of a budget adjustment to allocate costs of pay increases to the City departments. This will transfer the funds out of the general ledger account for pay increases to the actual personnel salary account.

At the beginning of each fiscal year, the Pay Scale will receive a minimum Cost of Living Adjustment ("COLA") salary increase of 1% applicable to all pay grades within the Pay Scale. The Mayor and City Council may utilize COLA to amend the Pay Scale to provide any additional percentage salary increases to all employees. The established budget adoption process is the primary method to implement an additional COLA. But COLA also may be approved at any other time as the Mayor and City Council may determine appropriate and necessary. Any approved and adopted COLA will be applied uniformly to all job grades, or may be implemented as a percentage-based increase or an increase in a fixed amount that is applied to all pay grades within the Pay Scale. Regardless of how the COLA is implemented, the Pay Scale will be adjusted accordingly.

Enactment of a COLA does not affect the grade of employees but instead alters the pay rate for all grades as specified in the adopted COLA.

## 10.16 BILINGUAL PROFICIENCY PAY

For purposes of this policy, an employee is "bilingual" if the employee is fluent in one or more languages other than English. Employees who are bilingual are invited to provide notice to the Human Resources Department of the proficiency and the employee's willingness to use the proficiency in other languages within their position or to assist other departments. Employees must successfully complete a language proficiency certification test available through Human Resources. Employees will be expected to recertify bilingual proficiency and willingness to continue use of the bilingual proficiency every four years. The Human Resources Department will maintain a list of employees who meet these criteria. Employees on the bilingual certification list are eligible for a payment of an additional $50 per month, paid on the last pay period of the month. Upon request, employees on the bilingual certification list are expected to assist the City with foreign language translation. A refusal to assist will result in the loss of the additional pay for the month of the refusal. An employee who refuses to assist three separate times when requested will be removed from the bilingual certification list.

## 10.17 AMERICAN SIGN LANGUAGE PROFICIENCY PAY

Employees who are certified in American Sign Language (ASL) are invited to provide notice to the Human Resources Department of the ASL proficiency and the employee's willingness to use the proficiency within their position or to assist other departments. Employees must provide proof of ASL certification. Employees will be expected to recertify ASL proficiency and willingness to continue use of ASL proficiency every four years. The Human Resources Department will maintain a list of employees who meet these criteria. Employees on the ASL certified list are eligible for a payment of an additional $50 per month, paid on the last pay period of the month. Upon request, employees on the ASL certification list are expected to assist the City with sign language translation. A refusal to assist will result in the loss of the additional pay for the month of the refusal. An employee who refuses to assist three separate times when requested will be removed from the ASL certification list.

**CITY OF DAPHNE, ALABAMA**
**ORDINANCE 2022-47**

**Ordinance to Pre-Zone Property Located Southeast of the Intersection of County Road 64 and Friendship Road**
**KJC Investments, L.L.C.**

**WHEREAS,** KJC Investments, L.L.C., 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, B-2, Neighborhood Business and RSF-2, Residential Single Family, 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 the Intersection of County Road 64 and Friendship Road, being more particularly described as follows:

**Legal Description for Property to be Pre-Zoned:**

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-37'-55" WEST A DISTANCE OF 756.54 FEET; THENCE RUN SOUTH 00°-16'-21" WEST A DISTANCE OF 410.42 FEET TO A CAPPED REBAR (GARSED) AT THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL: THENCE RUN SOUTH 00°-16'-47" WEST A DISTANCE OF 917.64 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN NORTH 89°-31'-03" WEST A DISTANCE OF 566.05 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN SOUTH 00°-12'-14" WEST A DISTANCE OF 662.87 FEET TO A CAPPED REBAR (10675) AT THE NORTHEAST CORNER OF LOT 4, TRIONE TRACE, AS RECORDED ON SLIDE 1594-A OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-28'-33" WEST ALONG THE NORTH LINE OF SAID LOT 4 A DISTANCE OF 584.07 FEET TO A CAPPED REBAR (0089LS) AT THE SOUTHEAST CORNER OF LOT 10-A, AMENDED PLAT, ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, REPLAT OF LOT 10, AS RECORDED ON SLIDE 2778-F OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-13'-38" EAST ALONG THE EAST LINE OF SAID LOT 10-A A DISTANCE OF 200.06 FEET TO A CAPPED REBAR (HMR) AT THE NORTHEAST CORNER OF SAID LOT 10-A; THENCE RUN NORTH 89°-27'-54" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 400.03 FEET TO A CAPPED REBAR (HMR); THENCE RUN NORTH 89°-31'-08" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 39.76 FEET TO A CAPPED REBAR (HMR) AT THE SOUTHEAST CORNER OF A PARCEL LABELED "RESERVED FOR FUTURE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, AS RECORDED ON SLIDE 2439-D OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-11'-43" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 404.37 FEET; THENCE RUN SOUTH 89°-47'-01" EAST A DISTANCE OF 304.69 FEET; THENCE RUN NORTH 00°-10'-12" EAST A DISTANCE OF 564.17 FEET; THENCE RUN NORTH 89°-47'-01" WEST A DISTANCE OF 304.23 FEET TO THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00°-13'-07" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 409.55 FEET TO A CAPPED REBAR (HMR) AT THE NORTHEAST CORNER OF LOT 2 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 89°-38'-35" WEST ALONG THE

NORTH LINE OF SAID LOT 2 A DISTANCE OF 90.24 FEET TO A CAPPED REBAR (ILLEGIBLE) AT THE SOUTHEAST CORNER OF LOT 1 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00°-13'-22" EAST ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 183.19 FEET; THENCE RUN SOUTH 89°-37'-02" EAST A DISTANCE OF 15.00 FEET; THENCE RUN NORTH 00°-13'-54" EAST A DISTANCE OF 170.00 FEET; THENCE RUN SOUTH 89°-39'-50" EAST ALONG A LINE 15 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64 (80' R/W) A DISTANCE OF 1,149.65 FEET; THENCE RUN SOUTH 00°-25'-16" WEST A DISTANCE OF 354.94 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 89°-34'-38" EAST A DISTANCE OF 517.65 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 52.48 ACRES, MORE OR LESS.

**WHEREAS,** at the regular Planning Commission meeting on May 26, 2022, the Commission considered said request and voted to 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 July 18, 2022; 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, B-2, Neighborhood Business and RSF-2, Residential Single Family, 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.

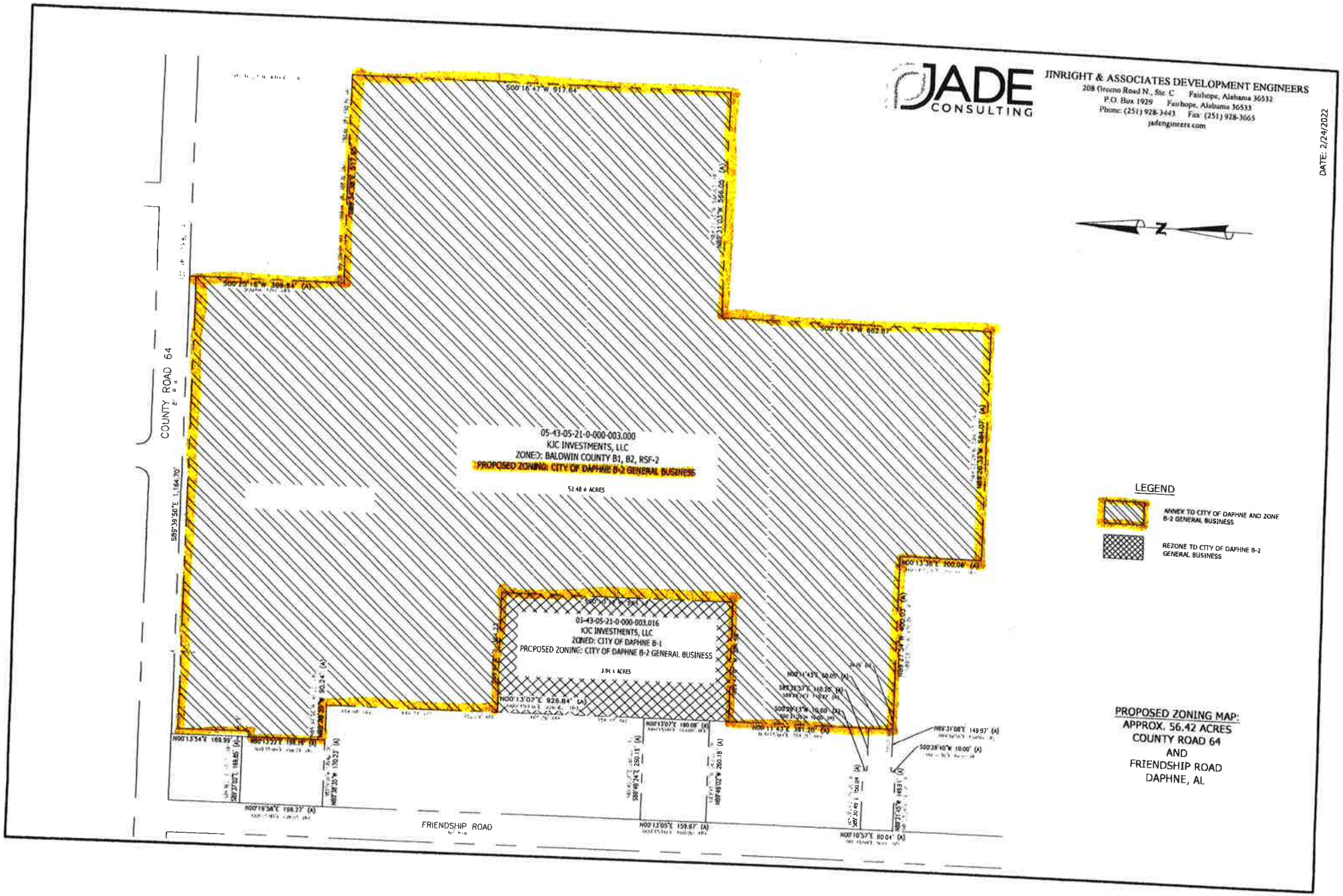
**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS_____day of _____, 2022.**

_____
**Robin LeJeune, Mayor**

**ATTEST:**

_____
**Candace G. Antinarella, CMC, City Clerk**

Exhibit A


JADE CONSULTING
JINRIGHT & ASSOCIATES DEVELOPMENT ENGINEERS
208 Fiocno Road N., Ste C Fairhope, Alabama 36532
P.O. Box 1929 Fairhope, Alabama 36533
Phone: (251) 928-3443 Fax: (251) 928-3665
jadengineers.com
DATE: 2/24/2022
N
COUNTY ROAD 64
FRIENDSHIP ROAD
05-43-05-21-0-000-003.000
KJC INVESTMENTS, LLC
ZONED: BALDWIN COUNTY B1, B2, RSF-2
PROPOSED ZONING: CITY OF DAPHNE B-2 GENERAL BUSINESS
52.48 ± ACRES
05-43-05-21-0-000-003.016
KJC INVESTMENTS, LLC
ZONED: CITY OF DAPHNE B-1
PROPOSED ZONING: CITY OF DAPHNE B-2 GENERAL BUSINESS
3.94 ± ACRES
LEGEND
ANNEX TO CITY OF DAPHNE AND ZONE B-2 GENERAL BUSINESS
REZONE TO CITY OF DAPHNE B-2 GENERAL BUSINESS
PROPOSED ZONING MAP:
APPROX. 56.42 ACRES
COUNTY ROAD 64
AND
FRIENDSHIP ROAD
DAPHNE, AL

**CITY OF DAPHNE, ALABAMA**
**ORDINANCE 2022-48**

**Ordinance to Re-Zone Property Located**
**Southeast of the Intersection of County Road 64 and Friendship Road**

**WHEREAS,** KJC Investments, 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 B-1 Local Business, be re-zoned as B-2, General Business; and

**WHEREAS,** said real property is located Southeast of the intersection of County Road 64 and Friendship Road and more particularly described as follows:

**Legal Description of Property to be Re-Zoned to B-2, General Business:**

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-37'-55" WEST A DISTANCE OF 756.54 FEET; THENCE RUN SOUTH 00°-16'-21" WEST A DISTANCE OF 410.42 FEET TO A CAPPED REBAR (GARSED): THENCE RUN SOUTH 00°-16'-47" WEST A DISTANCE OF 917.64 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN NORTH 89°-31'-03" WEST A DISTANCE OF 566.05 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN SOUTH 00°-12'-14" WEST A DISTANCE OF 662.87 FEET TO A CAPPED REBAR (10675) AT THE NORTHEAST CORNER OF LOT 4, TRIONE TRACE, AS RECORDED ON SLIDE 1594-A OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-28'-33" WEST ALONG THE NORTH LINE OF SAID LOT 4 A DISTANCE OF 584.07 FEET TO A CAPPED REBAR (0089LS) AT THE SOUTHEAST CORNER OF LOT 10-A, AMENDED PLAT, ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, REPLAT OF LOT 10, AS RECORDED ON SLIDE 2778-F OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-13'-38" EAST ALONG THE EAST LINE OF SAID LOT 10-A A DISTANCE OF 200.06 FEET TO A CAPPED REBAR (HMR) AT THE NORTHEAST CORNER OF SAID LOT 10-A; THENCE RUN NORTH 89°-27'-54" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 400.03 FEET TO A CAPPED REBAR (HMR); THENCE RUN NORTH 89°-31'-08" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 39.76 FEET TO A CAPPED REBAR (HMR) AT THE SOUTHEAST CORNER OF A PARCEL LABELED "RESERVED FOR FUTURE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, AS RECORDED ON SLIDE 2439-D OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-11'-43" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 404.37 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE NORTH 00°-11'-43" EAST ALONG THE

EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 46.88 FEET TO A CAPPED REBAR (HMR) AT THE SOUTHEAST CORNER OF LOT 7 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00°-13'-07" EAST A DISTANCE OF 517.29 FEET; THENCE RUN SOUTH 89°-47'-01" EAST A DISTANCE OF 304.23 FEET; THENCE RUN SOUTH 00°-10'-12" WEST A DISTANCE OF 564.17 FEET; THENCE RUN NORTH 89° -47'-01" WEST A DISTANCE OF 304.69 FEET TO THE
POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 3.94 ACRES, MORE OR LESS.

**WHEREAS,** at the regular Planning Commission meeting on May 26, 2022, the Commission considered said request and set forth a unanimous 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 July 18, 2022; 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 B-1 Local Business to B-2, General Business, 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.

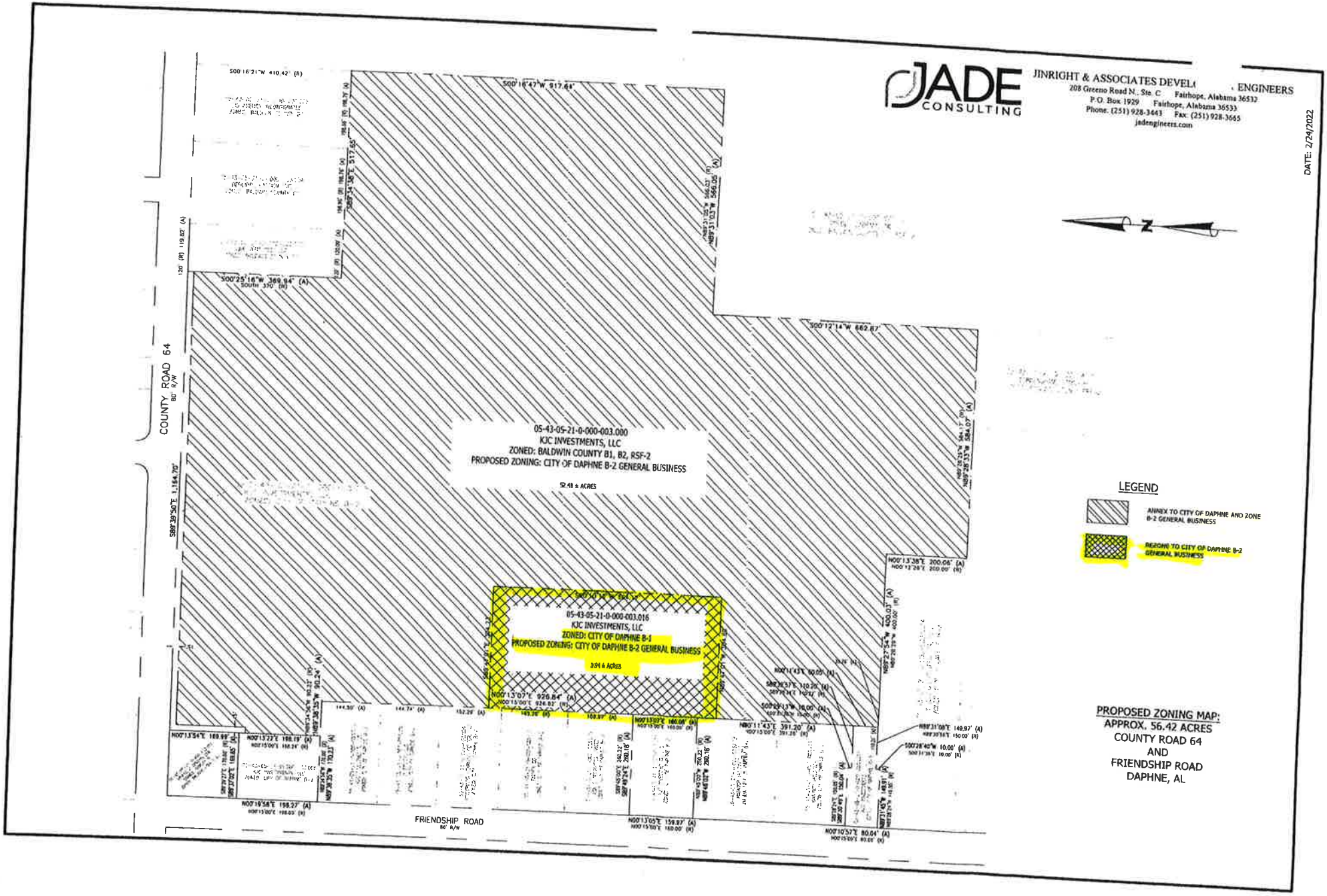
**SECTION IV: EFFECTIVE DATE.**

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

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

**Attest:** **Robin LeJeune, Mayor**

**Candace G. Antinarella, CMC, City Clerk**


JADE CONSULTING
JINRIGHT & ASSOCIATES DEVELOPMENT ENGINEERS
208 Greeno Road N., Ste. C Fairhope, Alabama 36532
P.O. Box 1929 Fairhope, Alabama 36533
Phone: (251) 928-3443 Fax: (251) 928-3665
jadengineers.com
DATE: 2/24/2022
COUNTY ROAD 64
80' R/W
FRIENDSHIP ROAD
80' R/W
05-43-05-21-0-000-003.000
KJC INVESTMENTS, LLC
ZONED: BALDWIN COUNTY B1, B2, RSF-2
PROPOSED ZONING: CITY OF DAPHNE B-2 GENERAL BUSINESS
52.18 ± ACRES
05-43-05-21-0-000-003.016
KJC INVESTMENTS, LLC
ZONED: CITY OF DAPHNE B-1
PROPOSED ZONING: CITY OF DAPHNE B-2 GENERAL BUSINESS
3.94 ± Acres
LEGEND
ANNEX TO CITY OF DAPHNE AND ZONE B-2 GENERAL BUSINESS
REZONE TO CITY OF DAPHNE B-2 GENERAL BUSINESS
PROPOSED ZONING MAP:
APPROX. 56.42 ACRES
COUNTY ROAD 64
AND
FRIENDSHIP ROAD
DAPHNE, AL

**CITY OF DAPHNE, ALABAMA**
**ORDINANCE 2022- 49**

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

**Southeast of the Intersection of County Road 64 and Friendship Road**
**KJC Investments, L.L.C.**

**WHEREAS**, on the 24th day of February, 2022, KJC Investments, L.L.C., 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 May 26, 2022, 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 July 18, 2022, 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 _____2022, regularly scheduled City Council meeting, Ordinance 2022-____ 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:**

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-37'-55" WEST A DISTANCE OF

756.54 FEET; THENCE RUN SOUTH 00°-16'-21" WEST A DISTANCE OF 410.42 FEET TO A CAPPED REBAR (GARSED) AT THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL: THENCE RUN SOUTH 00°-16'-47" WEST A DISTANCE OF 917.64 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN NORTH 89°-31'-03" WEST A DISTANCE OF 566.05 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN SOUTH 00°-12'-14" WEST A DISTANCE OF 662.87 FEET TO A CAPPED REBAR (10675) AT THE NORTHEAST CORNER OF LOT 4, TRIONE TRACE, AS RECORDED ON SLIDE 1594-A OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-28'-33" WEST ALONG THE NORTH LINE OF SAID LOT 4 A DISTANCE OF 584.07 FEET TO A CAPPED REBAR (0089LS) AT THE SOUTHEAST CORNER OF LOT 10-A, AMENDED PLAT, ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, REPLAT OF LOT 10, AS RECORDED ON SLIDE 2778-F OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-13'-38" EAST ALONG THE EAST LINE OF SAID LOT 10-A A DISTANCE OF 200.06 FEET TO A CAPPED REBAR (HMR) AT THE NORTHEAST CORNER OF SAID LOT 10-A; THENCE RUN NORTH 89°-27'-54" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 400.03 FEET TO A CAPPED REBAR (HMR); THENCE RUN NORTH 89°-31'-08" WEST ALONG THE NORTH LINE OF SAID LOT 10-A A DISTANCE OF 39.76 FEET TO A CAPPED REBAR (HMR) AT THE SOUTHEAST CORNER OF A PARCEL LABELED "RESERVED FOR FUTURE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1, AS RECORDED ON SLIDE 2439-D OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-11'-43" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 404.37 FEET; THENCE RUN SOUTH 89°-47'-01" EAST A DISTANCE OF 304.69 FEET; THENCE RUN NORTH 00°-10'-12" EAST A DISTANCE OF 564.17 FEET; THENCE RUN NORTH 89°-47'-01" WEST A DISTANCE OF 304.23 FEET TO THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00°-13'-07" EAST ALONG THE EAST LINE OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1 A DISTANCE OF 409.55 FEET TO A CAPPED REBAR (HMR) AT THE NORTHEAST CORNER OF LOT 2 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 89°-38'-35" WEST ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 90.24 FEET TO A CAPPED REBAR (ILLEGIBLE) AT THE SOUTHEAST CORNER OF LOT 1 OF SAID ITALIAN SETTLEMENT BUSINESS PARK - PHASE 1; THENCE RUN NORTH 00°-13'-22" EAST ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 183.19 FEET; THENCE RUN SOUTH 89°-37'-02" EAST A DISTANCE OF 15.00 FEET; THENCE RUN NORTH 00°-13'-54" EAST A DISTANCE OF 170.00 FEET; THENCE RUN SOUTH 89°-39'-50" EAST ALONG A LINE 15 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE

OF COUNTY ROAD 64 (80' R/W) A DISTANCE OF 1,149.65 FEET; THENCE RUN SOUTH 00°-25'-16" WEST A DISTANCE OF 354.94 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 89°-34'-38" EAST A DISTANCE OF 517.65 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 52.48 ACRES, MORE OR LESS.

**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**

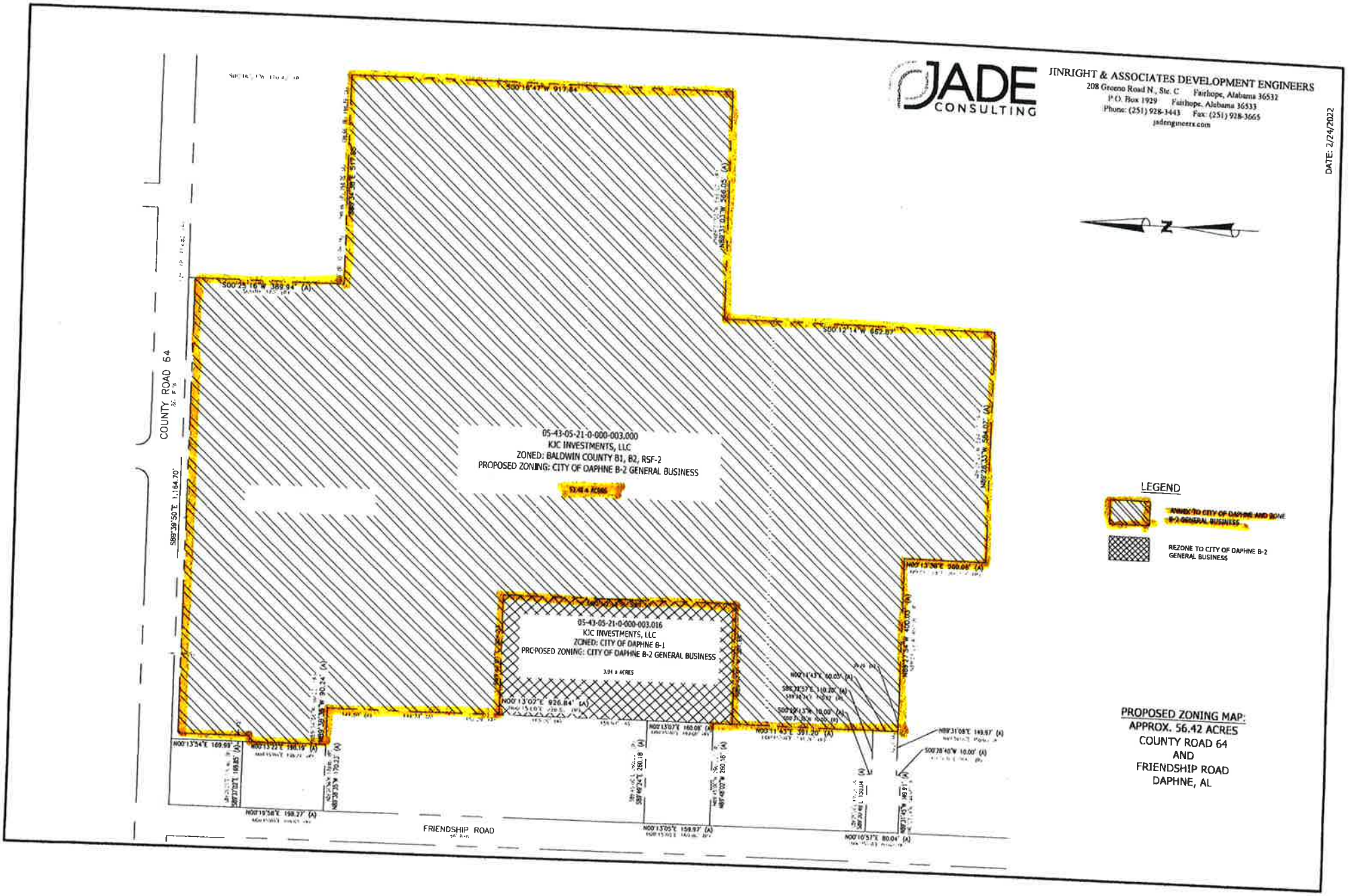
This Ordinance shall become effective upon its date of publication as required by Section 11-42-21 Code of Alabama (1975), as amended, and the property described herein shall be then annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office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


JADE CONSULTING
JINRIGHT & ASSOCIATES DEVELOPMENT ENGINEERS
208 Greeno Road N., Ste. C Fairhope, Alabama 36532
P.O. Box 1929 Fairhope, Alabama 36533
Phone: (251) 928-1443 Fax: (251) 928-3665
jadengineers.com
DATE: 2/24/2022
COUNTY ROAD 64
FRIENDSHIP ROAD
05-43-05-21-0-000-003.000
KJC INVESTMENTS, LLC
ZONED: BALDWIN COUNTY B1, B2, RSF-2
PROPOSED ZONING: CITY OF DAPHNE B-2 GENERAL BUSINESS
53.48 ± ACRES
05-43-05-21-0-000-003.016
KJC INVESTMENTS, LLC
ZONED: CITY OF DAPHNE B-1
PROPOSED ZONING: CITY OF DAPHNE B-2 GENERAL BUSINESS
3.94 ± ACRES
S89°39'50"E 1,184.70'
LEGEND
ANNEX TO CITY OF DAPHNE AND ZONE B-2 GENERAL BUSINESS
REZONE TO CITY OF DAPHNE B-2 GENERAL BUSINESS
PROPOSED ZONING MAP:
APPROX. 56.42 ACRES
COUNTY ROAD 64
AND
FRIENDSHIP ROAD
DAPHNE, AL

**CITY OF DAPHNE, ALABAMA**
**ORDINANCE 2022-50**

**Ordinance to Re-Zone Property Located**
**Southwest of Van and Main Street**

**WHEREAS,** Olde Town Properties, 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 B-3, Professional Business, be re-zoned as B-1(a), Limited Local Business; and

**WHEREAS,** said real property is located Southwest of Van and Main Street and more particularly described as follows:

**Legal Description of Property to be Re-Zoned to B-2, General Business:**

LOT 2, MORSE SUBDIVISION, PER PLAT RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, SLIDE 2176-D, CONTAINING 0.19 ACRES, MORE OR LESS

**WHEREAS,** at the regular Planning Commission meeting on May 26, 2022, the Commission considered said request and set forth a unanimous 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 July 18, 2022; 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 B-3, Professional Business to B-1(a), Limited Local Business, 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.

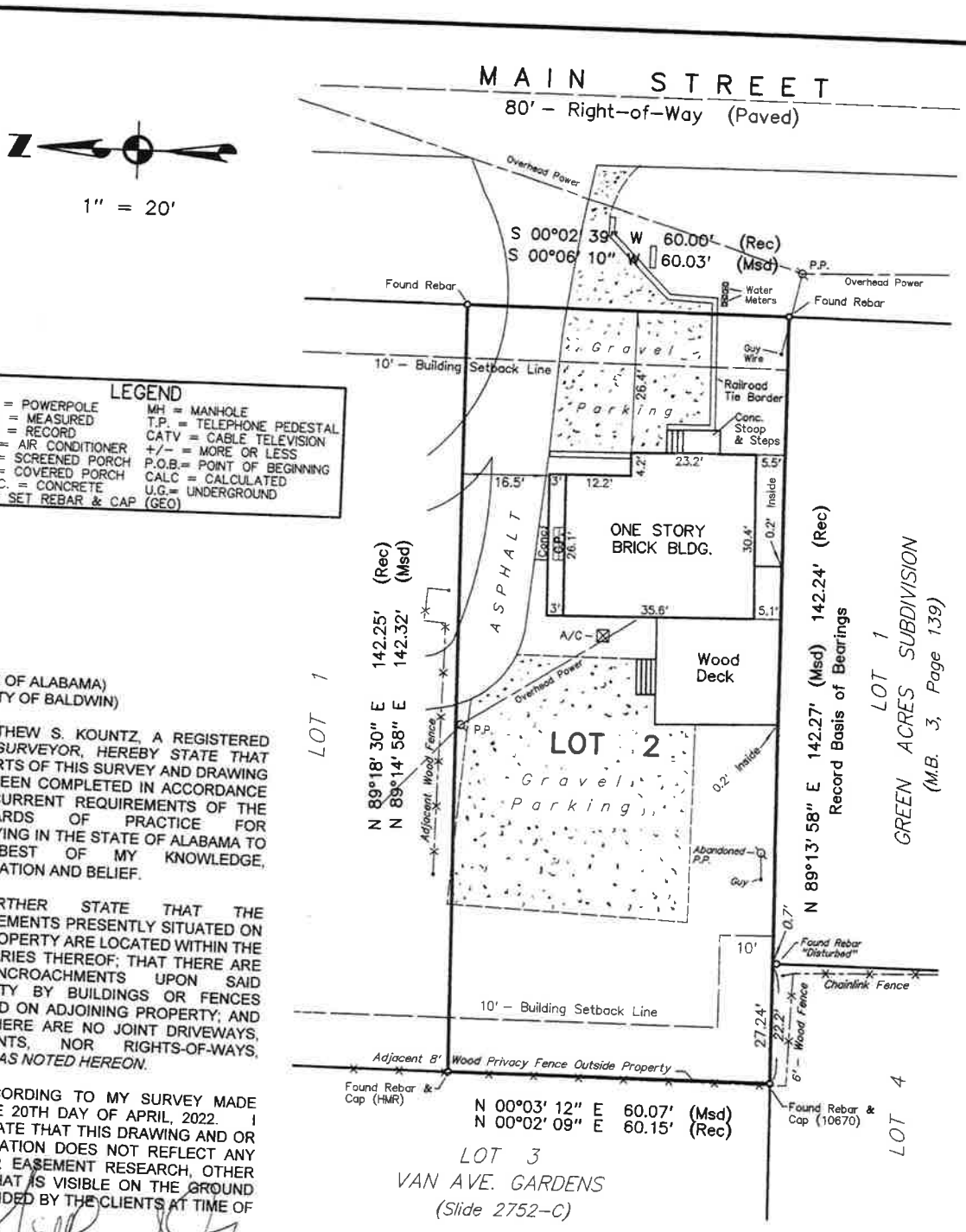
**SECTION IV: EFFECTIVE DATE.**

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

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

**Attest:** **Robin LeJeune, Mayor**

**Candace G. Antinarella, CMC, City Clerk**




## LEGEND

| | |
|---|---|
| P.P = POWERPOLE | MH = MANHOLE |
| MSD = MEASURED | T.P. = TELEPHONE PEDESTAL |
| REC = RECORD | CATV = CABLE TELEVISION |
| A/C= AIR CONDITIONER | +/- = MORE OR LESS |
| S.P.= SCREENED PORCH | P.O.B.= POINT OF BEGINNING |
| C.P.= COVERED PORCH | CALC = CALCULATED |
| CONC. = CONCRETE | U.G.= UNDERGROUND |
| SIP= SET REBAR & CAP (GEO) | |

(STATE OF ALABAMA)
(COUNTY OF BALDWIN)

I, MATTHEW S. KOUNTZ, 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.

I FURTHER STATE THAT THE IMPROVEMENTS PRESENTLY SITUATED ON SAID PROPERTY ARE LOCATED WITHIN THE BOUNDARIES THEREOF; THAT THERE ARE NO ENCROACHMENTS UPON SAID PROPERTY BY BUILDINGS OR FENCES SITUATED ON ADJOINING PROPERTY; AND THAT THERE ARE NO JOINT DRIVEWAYS, EASEMENTS, NOR RIGHTS-OF-WAYS, EXCEPT AS NOTED HEREON.

ALL ACCORDING TO MY SURVEY MADE THIS THE 20TH DAY OF APRIL, 2022. I ALSO STATE THAT THIS DRAWING AND OR CERTIFICATION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH, OTHER THAN WHAT IS VISIBLE ON THE GROUND OR PROVIDED BY THE CLIENTS AT TIME OF SURVEY.

MATTHEW S. KOUNTZ, P.L.S.
ALABAMA REG. NO. 20359

**DESCRIPTION:**
LOT 2, MORSE SUBDIVISION, PER PLAT RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA ON SLIDE 2176-D. (Description supplied by client)

# BOUNDARY SURVEY
For
"OLDE TOWN PROPERTIES LLC"
1305 MAIN ST.
DAPHNE, AL 36526

| | |
|---|---|
| PROJECT NO: | 2022042 |
| DATE: | 04/20/2022 |
| SCALE: | 1" = 20' |
| DRAWN BY: | MK |
| FIELD WORK: | 04/19 |
| FIELD BOOK: | RGR3 |
| SHEET 1 OF 1 SHEETS | |

NOT VALID WITHOUT EMBOSSED SEAL

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

SEAL

REVISIONS

| DESCRIPTION | DATE | BY |
|---|---|---|
| | | |

**CITY OF DAPHNE, ALABAMA**
**ORDINANCE 2022-51**

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

**WHEREAS**, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on December 16, 2021, favorably recommended to the City Council of the City of Daphne certain amendments to the Daphne Land Use and Development Ordinance / Zoning District Map approved and adopted by Ordinance No. 2011-54, referenced in Appendix H "Exhibit A" thereof, and amended by Ordinance No. 2016-69, Ordinance No. 2017-49, Ordinance No. 2018-02, Ordinance 2018-27, Ordinance 2019-19, Ordinance 2020-12, Ordinance 2020-28 and Ordinance 2022-20; and

**WHEREAS**, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance No. 2022-20; and

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

**WHEREAS**, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on July 18, 2022; and

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

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

**SECTION I: ZONING DISTRICT MAP**

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

**SECTION II: REPEALER**

Ordinance No. 2011-54, Appendix H "Exhibit A",#Ordinance No. 2016-69, Ordinance No. 2017-49, Ordinance No. 2018-02, Ordinance 2018-27, Ordinance 2019-19, Ordinance 2020-12, Ordinance 2020-28 and Ordinance 2022-20 are hereby repealed, and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION III: EFFECTIVE DATE**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS _____ DAY OF _____, 2022**.

_____
**Robin LeJeune, Mayor**

**ATTEST:**

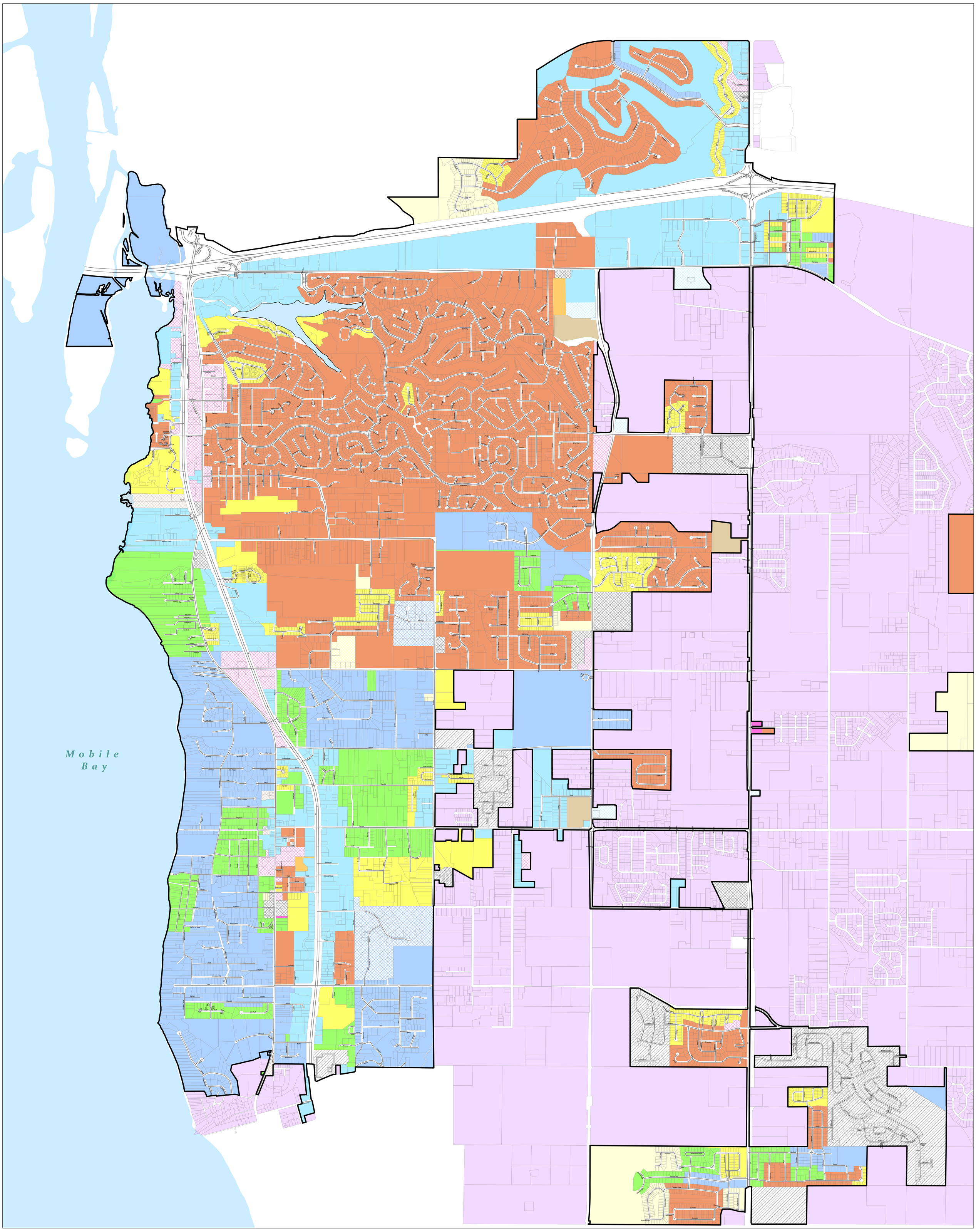
_____
**Candace G. Antinarella, CMC, City Clerk**

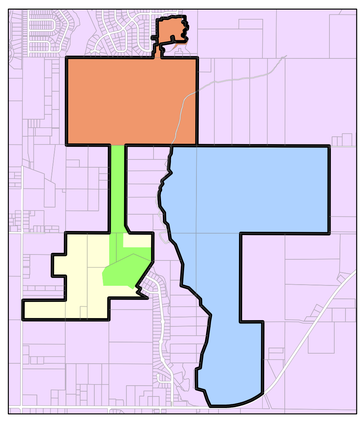
# City of Daphne Zoning Map

Per Ordinance xxxx-xx Adopted by City Council on xxx xx, 2022

N

Mobile Bay





ET JURISDICTION

Zoning as of 5/31/2022

- B-1 Local Business
- B-1(A) Limited Local Business District
- B-2 General Business
- B-2(a) General Business Alternate
- B-3 Professional Business
- C-2 Outdoor Amusement
- C/I Commercial/Industrial
- GC Golf Course
- MU Mixed Use
- PUD Planned Unit Development
- R-1 Low Density Single Family Residential
- R-2 Medium Density Single Family Residential
- R-3 High Density Single Family Residential
- R-4 High Density Single Multi-Family Residential
- R-5 Mobile Home Residential
- R-6(D) Duplex - Two Family
- R-6(G) Garden or Patio Home
- R-7(A) Apartment
- R-7(M) Mid-Rise Condominium
- R-7(T) Townhouse
- Parcels
- Streets
- Daphne City Limits
- Water Bodies

Map Generated: 5/17/22



Maps are for graphical purposes only. They do not represent a legal survey.

The information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness and currency thereof are not guaranteed. The City of Daphne makes no warranties, expressed or implied as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the City Geographic Information System. Additionally, the City of Daphne or any agent, servant, or employee thereof assume no liability associated with the use of the data, and assume no responsibility to maintain it in any manner or form. Any questions regarding zoning or any data should be directed to the City of Daphne Department of Community Development at 251-620-1000.

0 1 2 Miles

**CITY OF DAPHNE, ALABAMA**
**ORDINANCE 2022-52**

## APPROPRIATION: COMMUNICATIONS TOWER EQUIPMENT REPAIR

**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**, the microwave communication link between the tower located behind the Justice Center and the communication tower in Spanish Fort is not working properly and causing radio communication between dispatch and police officers to be periodically interrupted and disconnected; and

**WHEREAS**, staff has received a quote to replace the malfunctioning equipment and obtain a FCC license for the repair work in the amount of $19,580; and

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

1) Funds in the amount of **$19,580** from the **General Fund** are hereby appropriated and made a part of the Fiscal Year 2022 Budget for the repair equipment on the communications tower.
2) The Mayor is hereby authorized to execute all documents required for the project.

**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 2022-53**

**APPROPRIATION: LOTT PARK PICKLEBALL COURT EXPANSION**

**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,** the City would like to expand the number of Pickleball courts at Lott Park to meet current demand from citizens and visitors; and

**WHEREAS,** the Lott Park Pickleball Expansion Project has been bid with total project cost of $693,708 (Construction - $444,874, Lighting and Installation - $209,800, Miscellaneous - $6,000 and Contingency - $33,034); and

**WHEREAS** an appropriation in the amount of $693,708 is needed to complete the Lott Park Pickleball Expansion Project.

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

1. Funds in the amount of **$693,708** from the **General Fund and transferred to the Capital Reserve Fund** are appropriated and made a part of the Fiscal Year 2022 budget for the Lott Park Pickleball Expansion project.
2. The Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

**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 2022-54**

## ADDITIONAL APPROPRIATION: FUEL EXPENSES

**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**, monies have been appropriated in the FY2022 Budget for fuel costs for equipment, vehicle, and travel; and

**WHEREAS**, fuel prices have increased significantly due to current economic conditions; and

**WHEREAS**, an appropriation in the amount of $255,000 is needed to fund the remaining estimated fuel costs in the General Fund and the Solid Waste Fund for the last three months of the fiscal year.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,** that funds in the amount of **$255,000** from the **General Fund** are hereby appropriated and made a part of the Fiscal Year 2022 Budget for increased fuel costs.

**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 2022-55**

---

**AN ORDINANCE TO REPEAL AND REPLACE THE CITY OF DAPHNE'S LODGING TAX ORDINANCE 2014-06, AS ADOPTED BY THE CITY COUNCIL CITY COUNCIL ON FEBRUARY 17, 2014**

---

**WHEREAS**, the City Council of the City of Daphne has adopted an Ordinance to Impose Lodging Taxes, as Ordinance No. 2014-06; and

**WHEREAS**, the City Council has determined that replacing the existing lodging tax Ordinance, which is currently in effect, is necessary to account for the increased number of homes used for short term rentals; and

**WHEREAS**, the City Council deems that an additional fee included with the lodging tax and the allocation to the Lodging Tax Fund, are in the best interest of the citizens of the City of Daphne.

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

**SECTION 1. DEFINITIONS**

Unless the context clearly indicates a different meaning, the words, terms and phrases used in this Ordinance shall have the following respective meanings:

"City" shall mean the City of Daphne, State of Alabama.

"Finance Director" shall mean the finance director duly hired by the Mayor.

"Revenue Officer" shall mean the revenue officer of the City.

"Person" shall mean any person, firm, corporation, partnership, association, administrator, trustee, or other fiduciary.

"Transient" shall mean a person to whom rooms or lodging are Rented for a period of less than 180 continuous days.

"Fiscal year" shall mean the period commencing on October 1 of any calendar year and ending on September 30 of the then next succeeding calendar year.

**SECTION 2. LEVY OF LODGING TAX**

There is hereby levied and imposed, in addition to all other taxes of every kind, now imposed by law, a privilege or license tax upon every person engaging within the City in:

(a) The business of renting or furnishing any room, lodgings or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin, short term rental, or any other place in which rooms or lodgings are regularly furnished to transients for a consideration, said tax to be in an amount equal to six percent (6%) of the charge of such room, rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such rooms plus two dollars ($2.00) per night per room; provided, however that charges for property sold or services furnished which are required to be included in the computation of the tax levied by Alabama Sales Tax Statutes, shall not be included in computing the tax herein levied; or

(b) The business of renting or furnishing space for accommodation of trailers for a consideration, said tax to be in an amount equal to six percent (6%) of the charge for such trailer space; provided, however, that charges made by persons in the business of renting trailer space for use of washing machines, electric power, garbage collection, water supply, and other such charges shall not be included in the measure of said tax, but only the charge for trailer space proper shall be so included.

The tax herein levied shall not apply to rooms, lodgings, or accommodations supplied for a period of 180 continuous days, or longer in any place; or to any additional exemptions stated in ALA. CODE §40-26-1.

**SECTION 3. DUE DATE OF TAXES AND MONTHLY REPORTS**

The taxes levied under the provisions of this Ordinance, except as otherwise provided, shall be due and payable in monthly installments on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month every person on whom the taxes herein levied are imposed, shall render to the Revenue Officer on a form prescribed by the Revenue Officer, a true and correct statement showing the gross proceeds of the business subject to said tax for the then next preceding month, together with such other information as the Revenue Officer may demand and require, and at the time of making such monthly report the taxpayer shall compute the taxes due and shall pay to the Revenue Officer the amount of taxes shown to be due.

**SECTION 4. CREDIT COLLECTIONS**

Any person subject to the taxes herein levied who conducts business on a credit basis may defer reporting credit rental and charges until after their collection, and in the event so defers reporting them, they shall thereafter include in each monthly report all credit collections made during the then proceeding month and shall pay the amount of taxes measured thereby at the time of filing such report.

**SECTION 5. MAINTENANCE OF RECORDS**

It shall be the duty of every person engaging or continuing in any business subject to the taxes herein levied to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he/she is liable under the provisions of this Ordinance. Such records shall be kept and preserved for a period of two (2) years and shall be open for examination at any time by the Revenue Officer or other duly authorized representative of the City.

**SECTION 6. OATHS**

The monthly reports herein required to be made are not required to be made on oath; but the annual

returns provided for in Section 5 hereof shall be sworn to by the taxpayer or his agent before some officer authorized to administer oaths; and any false statement of a material fact made with intent to defraud shall constitute perjury, and upon conviction thereof the person so convicted shall be punishable as provided by law.

**SECTION 7. VIOLATION OF THIS ORDINANCE**

Any person subject to the provisions of this Ordinance who fails for any reason to make the reports as herein required, or who fails to keep the records as herein required, shall be guilty of a misdemeanor and upon conviction shall be fined not less than $25.00 nor more than $100.00 for each offense. Each month of such failure shall constitute a separate offense.

Any person subject to the provision of this Ordinance who willfully refuses to make the reports herein required or who refuses to permit the examination of his or its records by the Revenue Officer, or other duly authorized agent of the City, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $50.00 nor more than $100.00 for each offense, and in addition may be imprisoned in the municipal jail for a period not to exceed six (6) months. Each month of failure to make such report shall constitute a separate offense, and each refusal of a written demand of the Revenue Officer to examine, inspect or audit such records shall constitute a separate offense.

**SECTION 8. PENALTY AND INTEREST**

Any person who fails to properly and timely file any return required hereunder on or before the date prescribed shall be assessed as penalty pursuant to ALA CODE §40-2A-11a (as amended), which at the time of the adoption of this Ordinance, is equal to the greater of ten percent (10%) of the tax due or $50.00. Such penalty shall be assessed and collected as part of the tax.

Any person who fails to fully and timely pay any tax required hereunder on or before the date prescribed shall be assessed a penalty pursuant to ALA CODE §40-2A-11b (as amended), which at the time of the adoption of this ordinance, is equal to ten percent (10%) of the unpaid tax amount. Such penalty shall be assessed and collected as part of the tax.

Any person who fails to fully and timely pay any tax required hereunder on or before the date prescribed shall be assessed interest equal to one percent (1%) per month or any part thereof.

**SECTION 9. USE OF PROCEEDS**

A. The proceeds collected from the six percent (6%) lodging taxes which are collected described in Section 2(a) and 2(b) are hereby divided as follows:

(1) Ten percent (10%) shall be paid at least quarterly and used for the purpose of providing funding to the Industrial Development Board for the action items, implementation of strategies, and tactics included in the then current Strategic Economic Development Plan as approved and adopted by the City Council.

(2) Five percent (5%) shall be paid at least quarterly and used for the action items, implementation of strategies and purpose of providing funding for the Downtown Redevelopment Authority as approved by the City Council.

(3) Thirty-two percent (32%) shall be used for the purpose of continued bay front uses such as acquisitions, development, and maintenance along with the service of debt incurred

through the acquisition of bay front property.

(4) The remainder of the lodging tax proceeds shall be used for the purpose of ground related capital for recreation, which does not include such items as trucks or the maintenance of fields.

B. The proceeds collected from the two-dollar ($2.00) per night per room lodging tax described in Section 2(a) shall be deposited into the general Lodging Tax Fund to be appropriated by the City Council pursuant to applicable law.

**SECTION 10. 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 11. EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after January 1, 2023, and publication as required by law.

**SECTION 12. INFORMATION MAY NOT BE DIVULGED**

It shall be unlawful for any person connected with the administration of this Ordinance to divulge any information obtained by him/her in the course of inspection and examination of the books of account, invoices, bank statements, sales tax records, state and federal income tax records, or other reports and memoranda or the taxpayer made pursuant to the provisions hereof, except to the Mayor, the City Council, the Finance Director, the Revenue Officer, the City Attorney, and those representatives connected with the administration of this Code, or pursuant to court order or judicial process.

**SECTION 13. REPEALER**

Ordinance Nos. 1995-15, 1997-28, 2000-25, 2000-34, 2009-28, 2009-55, 2010-09, 2012-48, 2014-06, and 2016-52 are hereby repealed in their entirety. All other City Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2022.**

ATTEST: Robin LeJeune, Mayor

Candace G. Antinarella, CMC, City Clerk