

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, December 5, 2022
6:00 P.M.

1. CALL TO ORDER

**2. ROLL CALL
INVOCATION**

PLEDGE OF ALLEGIANCE Scout Pack 271

PRESENTATION: Firefighter Badge Ceremony

PRESENTATION: Bayside Volleyball Team

PRESENTATION: Kaden Hamm – Eagle Scout Project

PRESENTATION: Quinn Hamm – Eagle Scout Project

3. APPROVE MINUTES: November 7, 2022 regular meeting and November 14, 2022 special called meeting

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Conaway

MOTION to reclassify the GIS Analyst from Grade 19 to Grade 22 in the adopted pay scale.

MOTION to replace one of the budgeted Animal Control Officers with a Full Time Kennel Technician in the approved FY 2023 payroll budget once a vacancy occurs.

B. BUILDINGS & PROPERTY COMMITTEE – Phillips
Review the October 2022 New Construction and Building Reports.

Certificates of Occupancy: 28

Permits Issues: 192

New Residential Home Permits: 23

Total Fees: \$47,086.96

C. PUBLIC SAFETY COMMITTEE – Hughes

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Olen

E. PUBLIC WORKS COMMITTEE – Goodlin
Review the minutes from the October 3rd meeting.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway
Authority Member Appointments

C. INDUSTRIAL DEVELOPMENT BOARD – Scott
Board Member Appointments

D. LIBRARY BOARD –Phillips

E. PLANNING COMMISSION – Olen
Review the minutes from the October 27th meeting and the report from the November 17th meeting.

City Council Agenda – December 5, 2022

F. RECREATION BOARD – Hughes

G. UTILITY BOARD – Coleman

6. PUBLIC PARTICIPATION

7. MAYOR’S REPORT

8. CITY ATTORNEY REPORT

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK’S REPORT

MOTION to approve the 011-Lounge Retail Liquor-Class II (Package) to Sai Sharnam LLC dba Top Shelf Liquor located at 2200 US Highway 98 Suite 7, Daphne, AL.

MOTION to approve the 020-Restaurant Retail Liquor to Baldwin Market by the Bay LLC dba Market by the Bay located at 29145 US Highway 98, Daphne, AL.

MOTION to approve the publication and set a public hearing on February 6, 2023 for the Proposed Amendments to the Land Use and Development Ordinance to amend Articles 31 and 35.

MOTION to appoint members to the Daphne Public School Committee.

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2022 – 56 – Declare Certain Personal Property Surplus and Authorize the Mayor to Dispose – 2008 Ford F150 Truck

2022 – 57 – Bid Award: 2022-CC-City Hall Roof Project

2022 – 58 - Declare Certain Personal Property Surplus and Authorize the Mayor to Dispose – Brake Lathe, Tire Changer and Waycool Fans

2022 – 59 – Bid Award: 2022-DD-Fire Department Candidate Physical Ability Training (CPAT) Building – Site Work

B. 2nd READ ORDINANCES:

2022 – 65 – Ordinance Authorizing the Operation of Medical Cannabis Dispensing Sites within the City of Daphne

2022 – 66 – Appropriation: Drainage Repair at May Day Park - \$739,481

C. 1ST READ ORDINANCES:

2022 – 68 – Additional Appropriation: Public Works Storage Building - \$86,520

2022 – 69 – City Hall Roof Replacement - \$215,000

2022 – 70 – Amendment to Ordinance 2004-11 (Business License Ordinance) to Modernize Certain Requirements Relating to License Term and Minimum Amount and to Include Short-Term Rentals

12. COUNCIL COMMENTS

13. ADJOURN

**November 7, 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 6:03pm.

2. ROLL CALL:

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

Also Present: Candace Antinarella, City Clerk; Jay Ross, City Attorney; Mayor LeJeune; Captain Jud Beedy, Police; Troy Strunk, City Development; Chief LeAnn Tacon, Fire; Ange Baggett, Marketing; Vickie Hinman, Human Resources; Kelli Reid, Finance; Charlie McDavid, Recreation; Adrienne Jones, Planning; Abby English, Junior City Councilmember; Maren Fagan, Junior City Councilmember; Daniel Hill, Junior City Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Dr. Barry Carpenter, Resurrection Church.

3. APPROVAL OF MINUTES:

The minutes from the October 17, 2022 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Conaway said the minutes from the October 17th meeting were in the packet. She shared the Treasurer's Report for September 2022: Unrestricted Fund Balance - \$23,722,472; Total Cash Balance - \$42,845,193; Sales Tax for August 2022 - \$2,163,260 and Lodging Tax for August 2022 - \$132,520.

B. BUILDINGS & PROPERTY COMMITTEE

Councilwoman Phillips said the next Buildings and Property meeting is November 14th at 5:15pm

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the next meeting is November 14th at 4:30pm and the minutes from the October 10th meeting are in the packet.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Olen said the next meeting is Monday, December 5th at 4:30pm.

E. PUBLIC WORKS COMMITTEE

Councilman Goodlin said the next meeting is December 5th at 5:15pm and the minutes from the September 6th meeting are in the packet.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Adrienne Jones said there is no meeting in November or December.

B. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting is November 17th at 5:30pm.

C. Industrial Development Board

Councilman Scott said the next meeting is November 15th at 4:30pm.

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D. Library Board

Councilwoman Phillips said the next meeting is November 10th at 4:30pm.

E. Planning Commission

Councilman Olen said the next meeting is November 17th at 5:00pm.

F. Recreation Board

Councilman Hughes said the next meeting is November 9th at 6:00pm in the Jubilee Conference Room.

G. Utility Board

Councilman Coleman said the minutes from the September 28th meeting are in the packet and the next meeting is November 30th at 5:00pm.

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:08pm.

Lawrence Rozolsky, 102 Vega Circle, said the intersection at the Fire Station 2 needs emergency lights to alert oncoming traffic that a fire truck needs to leave for an emergency.

Public Participation closed at 6:10pm.

7. MAYOR'S REPORT:

Mayor LeJeune thanked everyone for the birthday wishes. He reminded everyone of the upcoming Veteran's Day Program at Daphne High School at 9:00am on Thursday, November 10th. He shared there were multiple trunk or treats throughout the City on Halloween and mentioned the Al Guarisco Boardwalk dedication.

8. CITY ATTORNEY REPORT:

City Attorney said there was no report, but would share comments when the Council reached Ordinance 2022-67.

9. DEPARTMENT HEAD COMMENTS:

Captain Beedy, Police, updated the Council on recent drug arrests as well as over the weekend vehicle break-ins.

Chief Tacon, Fire, said the Alabama Fire College Partnership has been good for the department. She said Captain interviews are that week and drivers' testing will be soon.

Ange Baggett, Marketing, said the Welcome Center Retreat was a huge success and thanked all those who helped. She shared about upcoming Christmas events.

Charlie McDavid, Recreation, said the City is wrapping up all Fall athletic programs.

Kelli Reid, Finance, said the City's annual audit starts next week.

10. CITY CLERK'S REPORT:

**MOTION by Councilman Hughes to approve the Shadow Barons Mardi Gras Parade on February 18, 2023 from 6:45 – 8:30pm with a rain date of February 19, 2023. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

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MOTION by Councilman Hughes to approve the publication and set a public hearing on December 19, 2022 for the Proposed Amendments to the Land Use and Development Ordinance, adding Article 41, Medical Overlay District. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to approve the publication and set a public hearing on December 19, 2022 for the Infirmary Health Systems, Inc. Pre-Zoning Amendment located Southwest of the intersection of U.S. Highway 90 and Alabama Highway 181. Seconded by Councilman Olen.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to approve the publication and set a public hearing on December 19, 2022 for the Infirmary Health Systems, Inc. Annexation Petition. Seconded by Councilman Olen.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Phillips to approve the publication and set a public hearing on December 19, 2022 for the Proposed Amendments to the Land Use and Development Ordinance: Amending Article 6, Procedures for the Transaction of Business, Article 11, Minimum Standards and Requirements Improvements for the Subdivisions and Commercial Site Developments, Article 13, District Requirements, Article 15, Procedures for Site Plan Review, Article 19, Landscape Standards and Tree Protection, Article 34, Schedule of Fees, and Article 37, Eastern Shore Park Overlay District General Provisions. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

City Clerk reminded everyone that Police Chief interviews will be conducted at the November Council Work Session and there will be a Special Called Meeting following allowing the Council to vote. She said City Hall will be closed Friday for Veteran's Day and the Quilts of Valor Ceremony will be Thursday evening.

Junior Councilmember Maren Fagan gave an update on the Junior City Council.

11. RESOLUTIONS & ORDINANCES:

A. RESOLUTIONS:

2022 – 55 – Bid Award: FF-Drainage Repair at May Day Park - \$651,166

MOTION by Councilman Scott to waive the reading of Resolution 2022-55. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Hughes to adopt Resolution 2022-55. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.

ORDINANCES:

B. 2nd READ ORDINANCES:

2022 – 62 – Amending the Land Use and Development Ordinance, Article XI, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments and Article XVIII, Drainage, Storm Water Management Facilities and Erosion/Sediment Control

2022 – 63 – Amending the Mardi Gras Parade Ordinance 2003-17, Section Six, Throws

2022 – 64 – Ordinance Repealing and Replacing Ordinance 2017-34 – Regarding the Rules and Regulations for Daphne City Parks

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MOTION by Councilman Scott to waive the reading of Ordinance 2022-62. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2022-62. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to waive the reading of Ordinance 2022-63. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2022-63. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to waive the reading of Ordinance 2022-64. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Ordinance 2022-64. Seconded by Councilman Hughes.

MOTION by Councilman Olen to amend Ordinance 2022-64 to remove the phrase “as such relates to motorized vehicles, pets and commercial watercraft”. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Goodlin to adopt Ordinance 2022-64 as amended. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY.

C. 1ST READ ORDINANCES:

2022 – 65 – Ordinance Authorizing the Operation of Medical Cannabis Dispensing Sites within the City of Daphne

2022 – 66 – Appropriation: Drainage Repair at May Day Park - \$739,481

2022 – 67 – Ordinance Authorizing the Mayor to Execute a Real Estate Sales Agreement with Gulf Health Hospitals, Inc. to Purchase Certain Real Property Fronting U.S. Hwy 98 and Overlooking Mobile Bay

MOTION by Councilman Scott to suspend the rules in order to consider the adoption of Ordinance 2022-67. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to waive the reading of Ordinance 2022-67. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2022-67. Seconded by Councilwoman Phillips.

**MOTION by Councilman Olen to amend Ordinance 2022-67 removing the words “substantially” and “of substantially”. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman to adopt Ordinance 2022-67 as amended. Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.**

12. ELECTION OF OFFICERS:

**MOTION by Councilman Scott to nominate Councilwoman Phillips as the next Council President.
Seconded by Councilman Olen.**

MOTION CARRIED. Councilwoman Phillips abstained.

**MOTION by Councilwoman Conaway to nominate Councilman Olen as the next Council Pro Tem.
Seconded by Councilman Hughes.**

**MOTION by Councilman Coleman to nominate Councilman Scott as the next Council Pro Tem.
Seconded by Councilwoman Phillips.**

City Clerk called roll for a vote.

Councilwoman Conaway	Olen
Councilman Olen	Olen
Councilman Coleman	Scott
Councilman Goodlin	Olen
Councilman Scott	Scott
Councilman Hughes	Olen
Councilwoman Phillips	Scott

13. COUNCIL COMMENTS:

Councilwoman Conaway thanked Councilman Coleman for his leadership and thanked the Police Department for all their work.

Councilman Olen thanked Councilman Coleman and Councilwoman Phillips for their leadership the last year. He thanked the Police Department and Fire Departments for their work at Trunk or Treat.

Councilman Coleman thanked the Council for letting him be President over the last year and congratulated Councilman Olen and Councilwoman Phillips.

Councilman Goodlin thanked Councilman Coleman and congratulated Councilwoman Phillips and Councilman Olen. He thanked the Police Department, Fire Department and Public Works for their work.

Councilman Scott thanked Councilman Coleman and congratulated Councilwoman Phillips and Councilman Olen. He thanked the Junior City Council for their work and said he is so glad the Council works well together.

Councilman Hughes thanked Councilman Coleman and congratulated Councilwoman Phillips and Councilman Hughes. He thanked the Veterans for their service.

Mayor LeJeune congratulated Councilwoman Phillips and Councilman Olen and thanked Councilman Coleman. He thanked Nathan Cox with 68Ventures for providing lunch for City Employees recently.

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Council President Phillips thanked Ange Baggett for her work with the Welcome Center Retreat. She congratulated Councilman Olen, thanked Councilman Coleman and commended the Junior City Council for their work.

14. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED INTO EXECUTIVE SESSION AT 6:51 PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, CMC, City Clerk

Joel Coleman, Council President

**November 14, 2022
SPECIAL CALLED CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
7:15 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Angie Phillips called the meeting to order at 7:17pm.

2. ROLL CALL:

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

COUNCIL MEMBERS ABSENT: Benjamin Hughes

Also Present: Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; and Mayor LeJeune

PLEDGE OF ALLEGIANCE

3. ROLL CALL VOTE:

City Clerk called roll to vote on Police Chief.

**Councilwoman Conaway voted for Brian Gulsby.
Councilman Olen voted for Brian Gulsby.
Councilman Coleman voted for Brian Gulsby.
Councilman Goodlin voted for Brian Gulsby.
Councilman Scott voted for Brian Gulsby.
Council President Phillips voted for Brian Gulsby.**

Councilman Coleman commended Captain Beedy on his interview and encouraged Captain Gulsby to connect with Captain Beedy to implement his ideas to keep the community involved.

4. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 7:20PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, CMC, City Clerk

Angie Phillips, Council President

City of Daphne Building Department

2019 / 2020 / 2021 / 2022 / 2023 Comparison Report

	Fees Collected					Permits Issued					CO's Issued				
	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023
Oct	\$41,508.58	\$93,181.87	\$94,131.53	\$84,303.63	\$47,086.96	141	215	357	308	192	23	11	31	40	28
Nov	\$30,939.41	\$62,198.00	\$109,387.14	\$91,672.49		106	223	378	351		18	26	30	30	
Dec	\$28,050.20	\$233,529.32	\$101,471.36	\$128,605.99		108	252	383	296		23	33	43	53	
Jan	\$54,262.58	\$118,498.03	\$132,049.79	\$259,810.62		180	270	372	350		21	14	24	36	
Feb	\$65,020.99	\$140,560.44	\$97,396.64	\$129,315.56		225	308	350	292		17	33	32	32	
Mar	\$66,919.78	\$77,067.98	\$95,472.42	\$116,358.20		204	362	391	431		20	45	52	84	
Apr	\$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	\$87,733.72		239	323	408	305		10	45	29	23	
Aug	\$119,198.28	\$105,147.77	\$59,376.50	\$61,504.63		272	307	309	299		44	34	30	19	
Sept	\$76,320.28	\$71,226.36	\$93,879.09	\$140,065.18		303	352	442	328		21	35	48	40	
Total	\$748,636.96	\$1,348,223.39	\$1,144,157.79	\$1,373,036.28	\$47,086.96	2476	3577	4537	3945	192	262	396	451	481	28
Percent	NA	80.09%	-15.14%	20.00%		NA	44.47%	26.84%	-13.05%		NA	51.15%	13.89%	6.65%	

October 2023 Notes

Building Inspections-

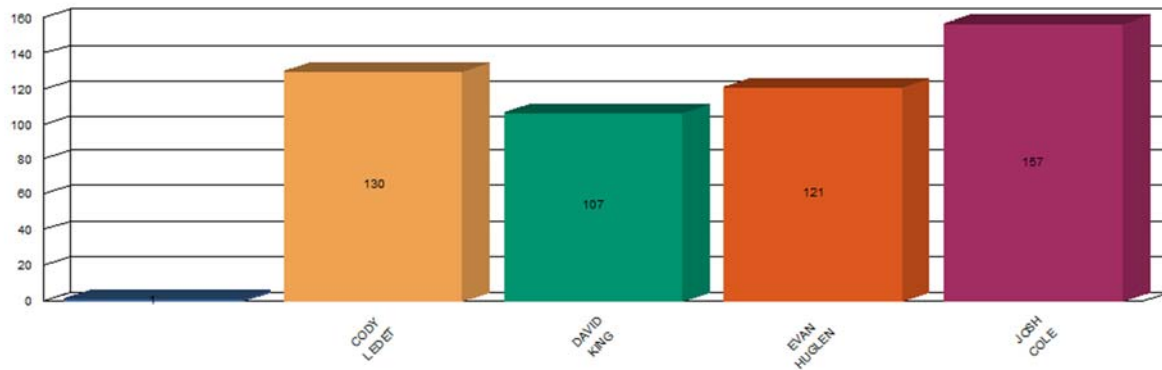
192 Permits issued, 28 Certificate Of Occupancies issued, 2 New home permits issued

Jimmy Johns(Hwy 98), Wacked Out Weiner(Fountain Sq Ste C), Pizza Hut(Fountain Sq Ste L) All finaled the month of October

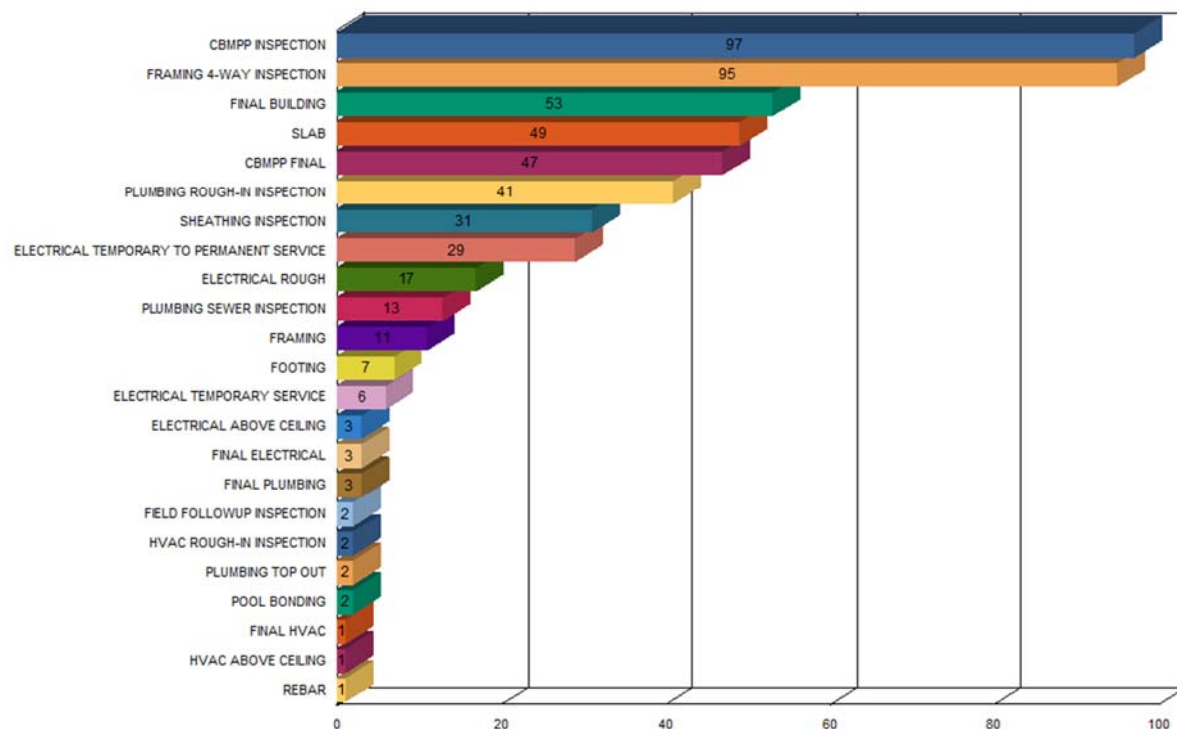
386 Building Inspections – 130 Environmental Inspections – **516 Total Inspections**



**ALL INSPECTIONS BY ACTUAL START DATE BY INSPECTOR (10/01/2022 TO 10/31/2022)
FOR CITY OF DAPHNE**



**ALL INSPECTIONS BY ACTUAL START DATE BY INSPECTION TYPE (10/01/2022 TO 10/31/2022)
FOR CITY OF DAPHNE**



PERMITS ISSUED BY (10/01/2022 TO 10/31/2022) FOR CITY OF DAPHNE

Building Permit (Commercial)

Work Class New Construction (Commercial)

BLDC-013293-2022	Type: Building Permit (Commercial)	District:	Main Address:	10058 Belgrove Ave
Status: Issued	Workclass: New Construction (Commercial)	Project: ACE HARDWARE	Parcel:	Daphne, AL 36526
Application Date: 09/26/2022	Issue Date: 10/11/2022	Expiration: 04/10/2023	Last Inspection:	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$844,176.80	Fee Total: \$6,581.15	Assigned To:
Additional Info:				
Master Permit: 19-	Contract Value: 844176.80			
Contractor: Waverly Construction				

BLDC-013465-2022	Type: Building Permit (Commercial)	District:	Main Address:	26138 Co Rd 13
Status: Issued	Workclass: New Construction (Commercial)	Project:	Parcel:	Daphne, AL 36526
Application Date: 10/21/2022	Issue Date: 10/21/2022	Expiration: 04/19/2023	Last Inspection:	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$250,000.00	Fee Total: \$2,250.00	Assigned To:
Additional Info:				
Master Permit: 19-	Contract Value: 250000.00			
Description: OFFICE				
Contractor: STUART CONSTRUCTION LLC PO BOX 579 BAY MINETTE, AL 36507 251-937-9594 JMITCHELL@STUARTCONSTRUCTIONLLC.COM				

BLDC-013466-2022	Type: Building Permit (Commercial)	District:	Main Address:	26110 Co Rd 13
Status: Issued	Workclass: New Construction (Commercial)	Project:	Parcel:	Daphne, AL 36526
Application Date: 10/21/2022	Issue Date: 10/24/2022	Expiration: 04/24/2023	Last Inspection:	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$1,265,260.44	Fee Total: \$9,739.19	Assigned To:
Additional Info:				
Zoned: B-2	Master Permit: 19-	IBC Commercial Building Code Year: 2018	Contract Value: 1265260.44	
Description: DENTIST OFFICE				
Contractor: JOHN IKNER HOMES 13940 BURTON DR MAGNOLIA SPRINGS, AL 36555 JOHNIKNERHOMES@GMAIL.COM				

PERMITS ISSUED BY (10/01/2022 TO 10/31/2022)

BLDC-013471-2022	Type: Building Permit (Commercial)	District:	Main Address:	26435 Public Works Rd, RECYCLE FACILITY
Status: Issued	Workclass: New Construction (Commercial)	Project:	Parcel:	Daphne, AL 36526
Application Date: 10/21/2022	Issue Date: 10/31/2022	Expiration: 05/01/2023	Last Inspection:	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$728,501.00	Fee Total: \$5,714.26	Assigned To:
Additional Info:				
Master Permit: 19-	IBC Commercial Building Code Year: 2018	Contract Value: 728501.00		

Description: Recycle Facility

Contractor: REED HAYS CONSTRUCTION LLC 26064 CAPITAL DR SUITE A DAPHNE, AL 36526 tross@REEDHAYSCONSTRUCTION.COM

Value total for Work Class New Construction (Commercial):	Fee total for Work Class New Construction (Commercial):
\$3,087,938.00	\$31,334.26

Value total for Permit Type Building Permit (Commercial): \$3,087,938.00	PERMITS ISSUED for Permit Type: 4
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Building Permit (Residential)

Work Class New Construction (Residential)

BLDR-010671-2022	Type: Building Permit (Residential)	District:	Main Address:	9511 Volterra Av
Status: Complete	Workclass: New Construction (Residential)	Project: Blackstone Lakes	Parcel:	Daphne, AL 36526
Application Date: 02/03/2022	Issue Date: 10/26/2022	Expiration: 04/24/2023	Last Inspection: 10/26/2022	Finalized Date: 10/26/2022
Zone:	Sq Ft: 0	Valuation: \$248,908.01	Fee Total: \$1,445.00	Assigned To:
Additional Info:				
Heated and Cooled Valuation: 217964	Number of Stories: 0	Heated and Cooled Square Feet: 2094	Non-Heated and Cooled Square Feet: 635	Non-Heated and Cooled Valuation: 30943.5
IRC Residential Building Code Year: 2018	Subdivision: BLACKSTONE LAKES	Subdivision Unit or Phase:	Lot Number: 104	

Description: LOT 104 BLACKSTONE LAKES

Contractor: TRULAND HOMES LLC 29891 WOODROW LN SPANISH FORT, AL 36527 251-621-0850 TOM@TRULANDHOMES.COM

BLDR-013438-2022	Type: Building Permit (Residential)	District:	Main Address:	500 Pecan Dr
Status: Issued	Workclass: New Construction (Residential)	Project:	Parcel:	Daphne, AL 36526
Application Date: 10/19/2022	Issue Date: 10/21/2022	Expiration: 04/19/2023	Last Inspection:	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$220,067.00	Fee Total: \$1,205.00	Assigned To:
Additional Info:				
Heated and Cooled Valuation: 213783	Number of Stories: 0	Heated and Cooled Square Feet: 1417	Non-Heated and Cooled Square Feet: 104	Non-Heated and Cooled Valuation: 6284.72

PERMITS ISSUED BY (10/01/2022 TO 10/31/2022)

IRC Residential Building Code Year: 2018
Subdivision: DAPHMONT

Contractor: HERITAGE HOMES 5191 HWY 90 E MOBILE, AL 251-281-1765 HKELLY@heritagehomesfamily.com

Value total for Work Class New Construction (Residential):

Fee total for Work Class New Construction (Residential):

Value total for Permit Type Building Permit (Residential): \$468,975.01

PERMITS ISSUED for Permit Type:

2

GRAND TOTAL VALUE: \$3,556,913.25

GRAND TOTAL FEES: \$26,934.60

GRAND TOTAL OF PERMITS:

6

** Indicates active hold(s) on this permit*

PERMIT ISSUANCE SUMMARY (10/01/2022 TO 10/31/2022) FOR CITY OF DAPHNE

Permit Type	Permit Work Class*	Permits Issued	Square Feet	Valuation	Fees Paid
Building Permit (Commercial)	Interior Build Out	2	0	\$215,423.23	\$1,728.03
	New Construction (Commercial)	4	0	\$3,087,938.24	\$24,284.60
	Repair	1	0	\$45,301.47	\$325.52
	Re-Roof	1	0	\$9,975.00	\$164.40
BUILDING PERMIT (COMMERCIAL) TOTAL:		8	0	\$3,358,637.94	\$26,502.55
Building Permit (Residential)	Addition	1	0	\$28,770.00	\$204.68
	Alteration or Remodel	5	0	\$208,014.00	\$434.76
	Misc.	4	0	\$68,885.00	\$462.38
	New Construction (Residential)	2	0	\$468,975.01	\$2,650.00
	Pool	2	0	\$173,052.00	\$1,212.46
	Re-Roof	18	0	\$281,548.54	\$1,939.97
	Termite Repair	1	0	\$0.00	\$435.86
BUILDING PERMIT (RESIDENTIAL) TOTAL:		33	0	\$1,229,244.55	\$7,340.11
Certificate of Occupancy	Certificate of Occupancy	28	0	\$521,390.08	\$0.00
CERTIFICATE OF OCCUPANCY TOTAL:		28	0	\$521,390.08	\$0.00
Electrical Permit (Commercial)	Misc.	1	0	\$20,000.00	\$328.80
	New Construction (Commercial)	2	0	\$20,729.00	\$389.31
ELECTRICAL PERMIT (COMMERCIAL) TOTAL:		3	0	\$40,729.00	\$718.11
Electrical Permit (Residential)	Misc.	4	0	\$16,000.00	\$190.08
	New Construction (Residential)	27	0	\$0.00	\$3,051.54
	Pool Bonding	4	0	\$2,300.00	\$128.42
	Service Change	1	0	\$6,000.00	\$55.00
ELECTRICAL PERMIT (RESIDENTIAL) TOTAL:		36	0	\$24,300.00	\$3,425.04
HVAC Permit (Commercial)	New Construction (Commercial)	1	0	\$2,800.00	\$116.11
HVAC PERMIT (COMMERCIAL) TOTAL:		1	0	\$2,800.00	\$116.11
HVAC Permit (Residential)	HVAC Changeout	13	0	\$124,105.00	\$1,066.14
	Misc.	4	0	\$63,740.00	\$441.82
	New Construction (Residential)	39	0	\$0.00	\$4,395.70
HVAC PERMIT (RESIDENTIAL) TOTAL:		56	0	\$187,845.00	\$5,903.66
Plumbing Permit (Commercial)	Misc.	1	0	\$8,900.00	\$142.50
	New Construction (Commercial)	5	0	\$12,800.00	\$698.90
PLUMBING PERMIT (COMMERCIAL) TOTAL:		6	0	\$21,700.00	\$841.40
Plumbing Permit (Residential)	Misc.	3	0	\$25,673.00	\$214.68
	New Construction (Residential)	18	0	\$0.00	\$2,025.30
PLUMBING PERMIT (RESIDENTIAL) TOTAL:		21	0	\$25,673.00	\$2,239.98
Site Disturbance	Site Disturbance (Commercial with CI)	4	0	\$0.00	\$3,614.00
SITE DISTURBANCE TOTAL:		4	0	\$0.00	\$3,614.00

* Double-click the Permit Work Class Name while in the browser to see Permit details for that Work Class.

PERMIT ISSUANCE SUMMARY (10/01/2022 TO 10/31/2022)

Permit Type	Permit Work Class *	Permits Issued	Square Feet	Valuation	Fees Paid
GRAND TOTAL:		196	0	\$5,412,319.57	\$50,700.96

** Double-click the Permit Work Class Name while in the browser to see Permit details for that Work Class.*



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
October 3rd, 2022 - 5:15 P.M.
DAPHNE CITY HALL

I. CALL TO ORDER

II. COMMITTEE MEMBERS PRESENT:

Councilwoman Tommie Conaway; Councilman Benjamin Hughes; Councilman Ron Scott; Councilman Doug Goodlin; Councilman Steve Olen; Councilwoman Angie Phillips; Mayor Robin LeJeune

Others Present: Ronnie Huskey, Public Works Director; Patrick Dungan, 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; Victoria Phelps, LFPOA; LeAnn Tacon; Fire Chief; Kelli Reid, Finance Director

III. PUBLIC PARTICIPATION & CORRESPONDENCE

Correspondence and Public Participation—Victoria Phelps from LFPOA thanked the Public Works Street crews for helping complete Phase 7 of the Lake Forest sign program. Ms. Phelps also wanted to thank William Eringman and Public Works for Lawson Road being resurfaced which was scheduled around a heavy transit time. Ms. Phelps also stated that the AT&T box that she has brought up in previous meetings has been damaged again by another car accident. She asked if she and the City Staff could brainstorm on ways to prevent people from crashing into the AT&T box. Ms. Phelps also stated there will be a Trunk or Treat at the Lake Forest Marina that is open to everyone. Ms. Phelps passed out the latest picture of the smashed AT&T box. Councilman Goodlin asked Mayor LeJeune if AT&T has approached the City about the issue with this particular AT&T box in Lake Forest getting hit all the time. Mayor LeJeune stated that AT&T has not reached out to his office. Councilman Hughes suggested putting up a guardrail in that location.

IV. OLD BUSINESS

Approval of Minutes – September 6th, 2022—Minutes were reviewed and approved by the committee.

V. NEW BUSINESS

No new business to report.

VI. City Engineer's Report (Separate Handout)

Josh Newman addressed the committee with his separate handouts. Mr. Newman stated that he has



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
October 3rd, 2022 - 5:15 P.M.
DAPHNE CITY HALL

highlighted a few projects to look at.

Mr. Newman discussed 21-03 D'Olive Bay Boat Launch that RH Deas is currently working on the shoreline and have just started construction.

Councilman Olen brought up 21-02 Main St. Streetscape Master Plan and asked when the City would be receiving a final design from Jade Engineering. Mr. Newman stated that the City is still working on the PSA (Professional Services Agreement) with Jade Engineering. Mayor LeJeune stated the contract with Jade will be signed in the next few months.

Mr. Newman discussed 21-04 Drainage Improvements at North Main Street at Fire Station No. 2 that the project has been recommended and he hopes it will be funded by the end of the week and will be moved straight into construction.

Mr. Newman discussed 21-05 Drainage Improvements at Lakeshore Drive that McElhenney has started demo work on the ditch on the south side of the neighborhood. McElhenney is only about a week into the construction so there will be some time before it is finished.

Mr. Newman discussed 21-06 US-98 Sidewalk Improvements TAP that the Bid Opening meeting has already taken place and he is hoping the bid recommendation will go to S.C. Stagner.

Mr. Newman discussed 21-07 Daphne Sports Complex New Bathrooms that this project is currently behind, but it should be completed in the next few weeks.

Mr. Newman discussed 21-11 Resurfacing on CR-64 to CR-13 and Intersection Improvements on CR-64 at Pollard Road. Mr. Newman stated that he had spoken with ALDOT earlier in the day and they will be holding the 80% design plan PS&E (Plans, Specs and Estimates) review next week.

Councilman Olen brought up 21-08 Public Works Storage Building that it is running 4 months behind and inquired what the update is. Mr. Newman stated almost all the materials have been delivered, but the same contractor that is doing the Sports Complex bathrooms is doing this building and they cannot do two at the same time. Mr. Newman stated the contractor believes they will get this project done on time.

Mr. Newman discussed 21-14 US Hwy 98 Access Management and Lavender Lane that there is a redesign at Halls Lane and a few other minor changes, and it should be another two to three weeks before it is resubmitted back to ALDOT.

Mr. Newman discussed 21-17 Mayday Park Drainage Improvements that the Pre-Bid meeting was a success and the Bid Opening will be the 2nd week of October.



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
October 3rd, 2022 - 5:15 P.M.
DAPHNE CITY HALL

Mr. Newman discussed 21-23 Fire Department CPAT Training Facility that the bid opening is scheduled for the end of October.

Councilman Olen brought up 21-20 Belrose Avenue LID Improvements and inquired what does “Project to be rescoped” mean. Mr. Newman stated that the project needed to be rescoped because they were initially over budget. Mr. Newman feels that the project shouldn’t change much.

Councilman Hughes asked about 22-11 Lake Front Drive & Michocaun Circle where a resident has a leaking spring under their road. Mr. Newman talked about how ground water will deteriorate pavement and the City has a plan to put in a drain system to pipe out the water from the road. Mr. Newman stated that they will be contracting this job out to GET. Councilman Hughes and Mr. Newman discussed the sidewalk plan in Lake Forest.

Councilman Goodlin asked Mr. Newman if he is a part of engineering the Sports Complex Trails. Mr. Newman replied that Troy Strunk will be overseeing the trails. Councilman Goodlin inquired about which parking lot will be used and how will people get to the trails. Mr. Strunk stated he has been out there with some of the Council to show them the trails. Mr. Strunk spoke about where the entrance locations will be and the boardwalks that will be included in the project.

Councilman Hughes stated that there are currently only two in-house engineering projects, and asked if there will be more in-house projects down the road rather than contracting them out. Mayor LeJeune stated not at this time because Mr. Newman has a lot of projects on his plate.

VII. DIRECTOR’S REPORT (Handouts reviewed by committee)

Ronnie Huskey discussed the several reports provided in the Public Works packet. Mr. Huskey talked about the increase of overtime because of an outbreak of COVID in the Inmate Release Program. Mr. Huskey also suggested putting in a guardrail at the AT&T box in Lake Forest that frequently gets hit. Mr. Huskey also discussed the lighting project on HWY-98 and how it is progressing smoothly.

- A. Work Request Report – August 2021 & August 2022
The Public Works Department completed 629 work orders in August 2022.
- B. Vehicle/Equipment Maintenance Reports – FY2021-2022 YTD
- C. Public Works Related Overtime Report — 100% of the year used; \$161,417.05 Used YTD as of September 28th, 2022.
- D. Street Sweeper Report —No Report

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



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
October 3rd, 2022 - 5:15 P.M.
DAPHNE CITY HALL

- A. Monthly Recycle Tonnage Report (Tonnage Comparison) —No Report
- B. Solid Waste New Customer Report – August 2022— 30 new residential; 0 new commercial
- C. Tallent Lane Facility Report – August 2022- 508.57 Total Tonnage

IX. MOSQUITO CONTROL SERVICES

- A. Mosquito Report— Week 35 & 36, August 2022 Report

X. MUSEUM COMMITTEE

- A. Minutes – September 12th, 2022

XI. BEAUTIFICATION COMMITTEE

- A. Minutes – September 7th, 2022

XII. ENVIRONMENTAL ADVISORY COMMITTEE

- A. Minutes – August 29th, 2022 – Tim White talked about the increased dust from the heat. Mayor LeJeune stated that Tim White is leaving the City and he will be dearly missed.

XIII. FUTURE BUSINESS

- A. Next Meeting – **Monday, November 6th 2022**

XIV. ADJOURNMENT

The Council discussed the lighting project on HWY-98 going into Fairhope, and when the construction will end on the south end of HWY-181 with ALDOT.

Motion by Doug Goodlin, seconded by Tommie Conaway to adjourn. Meeting adjourned at 5:49 p.m.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2022
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:00 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs
John Peterson, Secretary
Phillip Hodgson
Andrew Prescott, Chairman
Nathan Jones
Ronnie Huskey
Steve Olen
Adam Manning

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development
Joshua Newman, City Engineer, was excused at 5:30 p.m.

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

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of September 22, 2022. There being none, minutes are approved as submitted.***

Chairman stated the first order of business is a presentation regarding the comprehensive plan. Robert Barber, representative of Orion Planning and Design, provided an overview of the process for the facilitation and preparation of the Comprehensive Plan, Envision Daphne 2042 and advised that the team will be presenting the final draft in the near future.

The next order of business is a master plan and site plan review for 7 Brew. The application was tabled at the September 22, 2022 regular meeting.

An introductory presentation was given by David Dichiaro, Engineering Design Group, requesting master plan and site plan review for a coffee shop and four-tenant strip shopping center with associated parking, drainage, and landscaping located southeast of the intersection of Alabama Highway 181 and Papa George Street. He advised of ALDOT's review comments regarding the elimination of the left turn lane on Alabama Highway 181, request for a right-out only onto Papa George Street, and staff comments regarding the landscaped island.

Chairman referred to staff comments. Mr. Newman advised his concerns have been addressed and receipt of verbal approval from ALDOT.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2022
Council Chamber, City Hall - 5:00 P.M.

Chairman asked for Commission questions or comments and a motion for the associated applications.

A **Motion** was made by Mr. Olen and **Seconded** by Mr. Hodgson **to approve 7 Brew master plan and site plan contingent upon right-of-way approval by ALDOT. There was no discussion on the motion. Mr. Spriggs abstained. The Motion carried.**

The next order of business is a site plan for Daphne Avenue Mixed Use. The application was tabled at the September 22, 2022 regular meeting.

An introductory presentation was given by Larry Smith, S.E. Civil, requesting site plan review of a mixed-use building consisting of commercial and residential units with associated parking, drainage and landscaping located northeast of the intersection of Main Street and Daphne Avenue. He stated a revised traffic impact study was provided and the developer has agreed to the improvements to Daphne Avenue near U.S. Highway 98, realignment of the driveway, and the dedication of an easement to provide for a future access to Guarisco Street.

Chairman asked for Commission questions or comments. Mr. Olen stated that the developer utilized a loophole in the Land Use Ordinance to design a development that will have a terrible impact on the entrance to our city. Mr. Hodgson commented that a mixed-use development is an asset to the city, and that there are traffic issues at Daphne Avenue and Main Street. Mr. Spriggs commented that we need developments that have density and encourage walkability.

Chairman referred to staff comments. Mr. Newman advised of his concern that the improvements have not been designed and presented for review; however, the developer has agreed to the improvements.

Chairman asked questions and comments and for a motion.

A **Motion** was made by Mr. Hodgson and **Seconded** by Mr. Spriggs **to approve Daphne Avenue Mixed Use site plan contingent upon staff review and approval of the roadway improvement design, site disturbance permit shall not be issued until such time as roadway improvements have been reviewed and approved by staff, prior to the issuance of a certificate of occupancy, and the developer shall provide a copy of the recorded cross easement agreement. There was no discussion on the motion. Mr. Olen dissented. The Motion carried.**

The next order of business is an administrative presentation of a proposed amendment to the Land Use and Development Ordinance. The application was tabled at the September 22, 2022 regular meeting.

Ms. Jones provided an overview of a proposed amendment to the Land Use and Development Ordinance to add a Medical Overlay District with associated uses relative to a B-2(a), General Business Alternate, district.

Ms. Jones stated that the District will entail the properties currently owned by Infirmary Health Systems, Inc. to encompass Infirmary Health Malbis Medical Office and Thomas Hospital Emergency - Malbis located southwest of Alabama Highway 181 and U.S. Highway 90. She provided an overview of the noted modifications discussed at the site preview meeting and said that the document has been submitted for review, discussion and requested action.

Commissioners discussed minor revisions to verbiage of the proposed amendment.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Olen and **Seconded** by Mr. Peterson **to set forth a favorable recommendation to the City Council to add Article 41, Medical Overlay District to the Land Use and Development Ordinance with the revision noted tonight. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a pre-zoning and annexation request for Infirmary Health Systems, Inc. The public hearing was held at the September 22, 2022 regular meeting.

An introductory presentation was given by Ormand Thompson, President of Thomas Hospital, requesting pre-zoning and annexation of a thirty-six point one eight acre parcel owned by Infirmary Health Systems, Inc. and its affiliates consisting of residential and commercial zoning located southwest of the intersection of U.S. Highway 90 and Alabama Highway 181 as B-2(a), General Business Alternate, to serve the residents of Daphne and surrounding area.

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

A Motion was made by Mr. Olen and **Seconded** by Mr. Huskey **to set forth a favorable recommendation to City Council to pre-zone the subject property to B-2(a), General Business Alternate. There was no discussion on the motion. The Motion carried unanimously.**

A Motion was made by Mr. Olen and **Seconded** by Mr. Manning **to set forth a favorable recommendation to City Council to annex the subject property into the Daphne city limits. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a site plan review for Christian Brothers Automotive.

An introductory presentation was given by Noah Chapman, Gaskins & LeGraw, requesting site plan review for a nine-bay automotive repair shop with associated parking, common detention, and landscaping located northeast of Renaissance Boulevard and U.S. Highway 90.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2022
Council Chamber, City Hall - 5:00 P.M.**

Chairman referred to staff comments. Mr. Chapman stated that plan revisions have been provided to staff to reflect the required six-foot sidewalk.

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

A Motion was made by Mr. Peterson and **Seconded** by Mr. Spriggs **to approve Christian Brothers Automotive site plan. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a master plan for South Branch, modification to the wetland buffer, and preliminary plat review for South Branch Subdivision, Phase One.

In the absence of a representative, Ms. Jones provided an overview of the associated applications and stated the representative has requested that the items be tabled, and the Commission can table them after they hold a public hearing. She stated the master plan and preliminary plat were approved in 2017, but the approval has expired because the contractor had not begun construction. She advised that Phase One consists of forty-seven lots, the number of lots proposed in the development did not increase, and the access is on the east side of Pollard Road. She noted there is also a request for a modification to the wetland buffer to connect to existing sanitary sewer.

Chairman asked for Commission questions or comments and opened the floor to public participation.

Bill Lees, 27430 Creekwood Drive, spoke in opposition, and expressed his concerns about traffic and asked that the subdivision plat reflect the thirty-foot buffer zone along the south property line that approved in 2017.

Jason Holston, 8143 Soldier's Court, spoke in opposition, and expressed his concerns about traffic, wildlife, quality of life and wetlands.

Mike Goodland, 8086 Soldier's Court, spoke in opposition, and expressed his concerns about flooding.

Dustyn Adams, 8125 Soldier's Court, spoke in opposition, and requested an undisturbed natural buffer zone along the south property line.

Jessica Brewer, 8161 Soldier's Court, spoke in opposition, and requested an undisturbed buffer zone with mature trees or a privacy fence along the south property line.

Scotty Shappell, 9052 Brookside Lane, spoke in opposition, to express his concerns about traffic and to request an undisturbed natural buffer zone along the south property line.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2022
Council Chamber, City Hall - 5:00 P.M.**

During rebuttal, Mr. Wooten, the civil engineer apologized for being late and advised that he is addressing the outstanding issues regarding an updated traffic study, open space and recreation plan, and landscape plan; and, he anticipates that these items will be provided soon.

Chairman closed public participation and asked for a motion to table the associated applications.

A Motion was made by Mr. Olen and **Seconded** by Mr. Hodgson **to table the master plan, modification to the wetland buffer, and South Branch, Phase One preliminary subdivision plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation of a proposed amendment to the Land Use and Development Ordinance.

Ms. Jones provided an overview of proposed amendments to the Land Use and Development Ordinance. She provided an overview of the noted modifications discussed at the site preview meeting and said that the document has been submitted for review, discussion and requests a favorable recommendation to City Council.

Commissioners discussed minor revisions to verbiage of the proposed amendment.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Olen and **Seconded** by Mr. Manning **to set forth a favorable recommendation to the City Council to amend the Land Use Ordinance Articles 6, 11, 13, 15, 19, 34, and 37. There was no discussion on the motion. Mr. Spriggs dissented. The Motion carried.**

The next order of business is public participation.

Chairman asked for public participation.

None presented.

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

Mr. Dungan had no report.

The next order of business is commissioner's comments.

Mr. Hodgson announced that this is his last Planning Commission meeting because his term ends October 31, 2022.

The next order of business is director's comments.

Director presented the upcoming meeting dates. Site Preview is November 9, and the Regular Meeting is November 17, 2022. Ms. Jones thanked Mr. Hodgson for his service and dedication during his time on the Planning Commission.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2022
Council Chamber, City Hall - 5:00 P.M.

There being no further business, the meeting was adjourned at 6:15 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: November 17, 2022


Andrew Prescott, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF NOVEMBER 17, 2022
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report



1. **CALL TO ORDER:** 5:03 p.m.
2. **CALL OF ROLL:** Marybeth Bergin, Andrew Prescott, Kevin Spriggs, Nathan Jones, John Peterson, Adam Manning, and Ronnie Huskey
3. **APPROVAL OF MINUTES:**

Review of minutes of the regular meeting of October 27, 2022. **(Approved)**
4. **NEW BUSINESS:**

A. SITE PLAN REVIEW

1. **File SP22-21:** **(Approved)**

Site: Daphne Animal Shelter

Zoning: *B-2, General Business*

Location: Northwest of U.S. Highway 98 and Johnson Road

Area: 1.12 Acres $\pm$

Owner: Utilities Board of the City of Daphne and the City of Daphne

Developer: The City of Daphne - Mayor Robin LeJeune

Engineer: Jade Consulting - Trey Jinright

B. PRELIMINARY/FINAL PLAT REVIEW:

1. **File SDPF22-06:** **(Approved)**

Subdivision: Pollard Road

Zoning: *B-2, General Business*

Location: Southeast of the intersection of Pollard and Well Road

Area: 1.71 Acres $\pm$, (2) lots

Owner: Patricia Grant

Surveyor: D. Scott Carrier

2. **File SDPF22-07:** **(Approved)**

Subdivision: The Reserve at Plantation Hills

Zoning: R-3, High Density Single Family Residential

Location: East and southeast of Robbins Boulevard and Ashbury Hill Road

Area: 243.43 Acres $\pm$, (5) lots

Owner: 68V Baldwin Land Holdings, L.L.C. and 68V Reserve at Plantation Hills, 2021, L.L.C. - Nathan Cox

Agent: Dewberry - Cathy Barnette

Surveyor: Dewberry - Victor Germain

C. ADMINISTRATIVE PRESENTATION:

PROPOSED AMENDMENTS TO THE LAND USE AND DEVELOPMENT ORDINANCE:

1. **File AP22-10:** **(Favorable recommendation to the City Council)**

Presentations to be given by Adrienne Jones, Community Development Director, of proposed amendments to the Land Use and Development Ordinance, Articles 31 and 35.

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF NOVEMBER 17, 2022
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report

5. **PUBLIC PARTICIPATION:** None presented
6. **ATTORNEY'S REPORT:** No report
7. **COMMISSIONER'S COMMENTS:** None presented
8. **DIRECTOR'S COMMENTS:** Director presented the upcoming meeting dates. Site Preview is December 7, and the Regular Meeting is December 15, 2022. She stated Happy Thanksgiving!
9. **ADJOURNMENT:** 5:38 p.m.



STATE OF ALABAMA

ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION



Confirmation Number: 20221101161949717

Type License: 011 - LOUNGE RETAIL LIQUOR - CLASS II (PACKAGE) **State:** \$300.00 **County:** \$440.00

Type License:

State: **County:**

Trade Name: TOP SHELF LIQUOR

Filing Fee: \$50.00

Applicant: SAI SHARNAM LLC

Transfer Fee:

Location Address: 2200 US HWY 98 STE 7 DAPHNE, AL 36526

Mailing Address: 7343 SAYBROOK BLVD MOBILE, AL 36619

County: BALDWIN **Tobacco sales:** YES **Tobacco Vending Machines:** 0

Product Type: 02

Type Ownership: CORPORATION

Book, Page, or Document info: 001-036-612 DLL

Do you sell Draft Beer?:

Date Incorporated: 8/25/2022 **State incorporated:** AL **County Incorporated:**

Date of Authority:

Federal Tax ID: 88-3883636

Alabama State Sales Tax ID: R011575860

Name:	Title:	Date and Place of Birth:	Residence Address:
RITESH PATEL 9675519 - AL	MEMBER	2/14/1982 INDIA	7343 SAYBROOK BLVD MOBILE, AL 36619

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

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

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

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

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

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

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

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

Contact Person: RITESH PATEL

Home Phone: 251-513-0484

Business Phone: 251-513-0484

Cell Phone:

Fax:

E-mail: RITESH14FEB@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Previous License Number(s)

Trade Name:

License 1:

Applicant:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20221101161949717

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**

Name of Property owner/lessor and phone number: **DAPHNE SQUARE INVESTORS LLC 251-476-0808**

What is lessors primary business? **SHOPPING CENTER RENTAL**

Is lessor involved in any way with the alcoholic beverage business? **NO**

Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **NO**

Is the business used to habitually and principally provide food to the public? **NO**

Does the establishment have restroom facilities? **NO**

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **NO**

Will the business be operated primarily as a package store? **YES**

Building Dimensions Square Footage: **2200** Display Square Footage: **680**

Building seating capacity: **0** Does Licensed premises include a patio area? **NO**

License Structure: **SHOPPING CENTER** License covers: **PORTION OF**

Number of licenses in the vicinity: Nearest:

Nearest school: Nearest church: Nearest residence: **1 blocks**

Location is within: **CITY LIMITS** Police protection: **CITY**

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

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20221101161949717

Initial each

RP
RP

RP

RP

RP

RP

RP

RP

RP

Signature page

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

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

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

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

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

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

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

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

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

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

Applicant Name (print): RITESH PATEL

Signature of Applicant: Ritesh Patel

Notary Name (print): Rosemarie Moore

Notary Signature: Rosemarie Moore

Commission expires: 11/09/2025

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:

Receipt Confirmation Page

Receipt Confirmation Number: **20221101161949717**

Application Payment Confirmation Number: **87732966**

Payment Summary	
Payment Item	Fee
Application Fee for License 011	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
011 - LOUNGE RETAIL LIQUOR - CLASS II (PACKAGE)	\$440.00	\$300.00	\$740.00
			\$0.00
Total Amount to be Charged	\$440.00	\$300.00	\$740.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 011 - LOUNGE RETAIL LIQUOR - CLASS II (PACKAGE)

License Type 2:

License County: BALDWIN

Business Type: CORPORATION

Trade Name: **TOP SHELF LIQUOR**

Applicant Name: **SAI SHARNAM LLC**

Location Address: 2200 US HWY 98 STE 7
DAPHNE, AL 36526

Mailing Address: 7343 SAYBROOK BLVD
MOBILE, AL 36619

Contact Person: RITESH PATEL

Contact Home Phone: 251-513-0484

Contact Business Phone: 251-513-0484

Contact Fax:

Contact Cell Phone:

Contact Email Address:

Contact Web Address:

CASE NO. 2022-7

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 11/7/22 (initial) CAC
DATE FORWARDED TO POLICE DEPT. 11/7/22 CAC
DATE RECEIVED BY POLICE DEPT. 11-7-22 SM

DATE: 11-7-22 APPROVED ND DISAPPROVED _____

POLICE DEPT SIGNATURE _____

DATE RETURNED TO REVENUE DIV. 11-7-22 SM

DATE FORWARDED TO CITY CLERK 11-7-22 CAC

DATE RECEIVED BY CITY CLERK _____

SCHEDULED DATE ON AGENDA _____

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20221115142614599

Type License: 020 - RESTAURANT RETAIL LIQUOR

State: \$300.00 **County:** \$440.00

Type License:

State: **County:**

Trade Name: MARKET BY THE BAY

Filing Fee: \$50.00

Applicant: BALDWIN MARKET BY THE BAY LLC

Transfer Fee:

Location Address: 29145 US HWY 98 DAPHNE, AL 36526

Mailing Address: 29145 US HWY 98 DAPHNE, AL 36526

County: BALDWIN **Tobacco sales:** NO

Tobacco Vending Machines:

Product Type:

Type Ownership: LLC

Book, Page, or Document info: 001-022-586 DLL

Do you sell Draft Beer?:

Date Incorporated: 5/31/2022 **State incorporated:** AL

County Incorporated:

Date of Authority:

Federal Tax ID: 000000

Alabama State Sales Tax ID: R011516843

Name:	Title:	Date and Place of Birth:	Residence Address:
GARRETT DELUCA 7547130 - AL	MEMBER	1/19/1990 ALABAMA	199 RIDGEWOOD DR DAPHNE, AL 36526
MICHAEL SULLIVAN II 7434172 - AL	MEMBER	12/15/1985 ALABAMA	10407 US HWY 31 APT 916 SPANISH FORT, AL 36527
HARRY JOHNSON 2769374 - AL	MEMBER	12/6/1950 ALABAMA	901 CAPTAIN ONEAL DAPHNE, AL 36526

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

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

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

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

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

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

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

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

Contact Person: GARRETT DELUCA

Business Phone: 251-421-0279

Fax:

Home Phone: 251-421-0279

Cell Phone:

E-mail: GARRETT.DELUCA@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20221115142614599



If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
Name of Property owner/lessor and phone number: **VICTOR AND HOLLIE LEJEUNE 111-111-3333**
What is lessors primary business? **RETIRED**
Is lessor involved in any way with the alcoholic beverage business? **NO**
Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**
Is the business used to habitually and principally provide food to the public? **YES**
Does the establishment have restroom facilities? **YES**
Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
Building Dimensions Square Footage: **2000** Display Square Footage:
Building seating capacity: **40** Does Licensed premises include a patio area? **NO**
License Structure: **SINGLE STRUCTURE** License covers: **ENTIRE STRUCTURE**
Number of licenses in the vicinity: Nearest:
Nearest school: Nearest church: Nearest residence: **1 blocks**
Location is within: **CITY LIMITS** Police protection: **CITY**

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

Name: Violation & Date: Arresting Agency: Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 2022115142614599



Initial each

☐

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

☐

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

☐

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

☐ XXX

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

☐ XXX

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

☐ XXX

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

☐

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

☐

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

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

☐

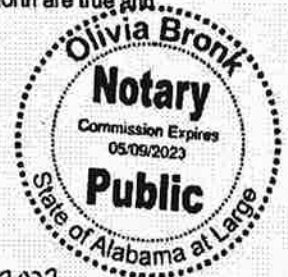
I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): GANNETT DELUCA

Signature of Applicant:

Notary Name (print): OLIVIA BRONK

Notary Signature: Olivia Bronk



Commission expires: 05/09/2023

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:

Receipt Confirmation Page

Receipt Confirmation Number: 20221115142614599
Application Payment Confirmation Number: 88032722

Payment Summary	
Payment Item	Fee
Application Fee for License 020	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
020 - RESTAURANT RETAIL LIQUOR	\$440.00	\$300.00	\$740.00
			\$0.00
Total Amount to be Charged	\$440.00	\$300.00	\$740.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 020 - RESTAURANT RETAIL LIQUOR
License Type 2:
License County: BALDWIN
Business Type: LLC
Trade Name: MARKET BY THE BAY
Applicant Name: BALDWIN MARKET BY THE BAY LLC
Location Address: 29145 US HWY 98
DAPHNE, AL 36526
Mailing Address: 29145 US HWY 98
DAPHNE, AL 36526
Contact Person: GARRETT DELUCA
Contact Home Phone: 251-421-0279
Contact Business Phone: 251-421-0279
Contact Fax:
Contact Cell Phone:
Contact Email Address:
Contact Web Address:

CASE NO. 2022-8

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV.	<u>CAC</u>	(initial) <u>11/15/22</u>
DATE FORWARDED TO POLICE DEPT.	<u>CAC</u>	<u>11/15/22</u>
DATE RECEIVED BY POLICE DEPT.	<u>872</u>	<u>11-16-22</u>
DATE: <u>11-16-22</u>	APPROVED <u>X</u>	DISAPPROVED _____
POLICE DEPT SIGNATURE	<u>CT. R. Andino</u>	<u>11-16-22</u>
DATE RETURNED TO REVENUE DIV.	<u>872</u>	<u>11-16-22</u>
DATE FORWARDED TO CITY CLERK	_____	_____
DATE RECEIVED BY CITY CLERK	_____	_____
SCHEDULED DATE ON AGENDA	_____	_____
Council Action:	_____ APPROVED	_____ DISAPPROVED
	_____ Tabled	_____ Tabled
COMMENTS:	_____	

Rescheduled for Council Agenda Date:	_____	
Council Action:	_____ APPROVED	_____ DISAPPROVED
	_____ Tabled	_____ Tabled
COMMENTS:	_____	

DATE RETURNED TO REVENUE DIV.:	_____	
DATE RETURNED TO TAXPAYER	_____	
OR TO ABC FIELD OFFICE.	_____ (per taxpayer request)	

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: November 18, 2022
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Proposed Amendments to the Land Use and Development Ordinance, to amend Articles 31 and 35

At the November 17, 2022 regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried to set forth a favorable recommendation to the City Council to amend Article 31, Home Occupations, Automobile Service Stations, Cemeteries, Bed and Breakfast Establishments, Extended Stay Hotel Facilities and Mini Warehouses, and Article 35, Table of Permitted Uses, of the Land Use and Development Ordinance.

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

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

Thank you,
ADJ/jv

Attachment

cc: file

SECTION 35-3 PERMITTED USES & CONDITIONS	By Right	Planning Commission Approval	Special Exception BZA Approval
Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met	R-1, R-2, R-3, R-4, R-5 B-1, B-1(a), B-2 B-2(a), B-3, C/I C-2, GC		
Agriculture and related farming operations, including horticulture, plant nurseries market gardening, field crops, orchards, and home gardens	R-1, R-2, R-3, R-4, R-5 B-1, B-2 B-2(a), B-3	C-2, GC, C/I	
Air conditioning sales and service	B-1, B-2 B-2(a), C/I		
<u>All other traveler accommodations, short term rentals, etc. provided such use may also be allowed in Olde Towne and the Village Overlay districts where residential uses are permitted</u>	<u>R-1, R-2, R-3, R-4, R-5, MU</u>		
Ambulance/EMS service	B-1, B-2 B-2(a), C/I	B-1(a), B-3	
*Amusement arcade	B-2		
Kiddie land	B-2	C/I	
Animal clinic/kennels for small animals; need not be enclosed within a structure	B-2, C/I		
Antique store, including repairing, restoration and refinishing	B-2, C/I		

SECTION 35-3**PERMITTED USES & CONDITIONS****By Right****Planning Commission Approval****Special Exception BZA Approval**

Contractor's storage yard for vehicles, equipment, materials and supplies; need not be enclosed within a structure, but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided	B-2, C/I		
Convenience store	B-2	B-1, B-2(a)	
Correctional, detention or penal institution			B-2, C/I
Dairy equipment sales	B-2, C/I		
Dairy products sales	B-1, B-1(a) B-2, B-2(a)	C/I	
Delicatessen	B-1, B-1(a) B-2, B-2(a)	C/I	
Department store	B-2(a) B-2		
Dog pound; need not be enclosed within a structure	C/I	B-2	
Drive-in restaurant	B-2, B-2(a)	B-1	
Drug Store, Pharmacy	B-1, B-1(a) B-2, B-2(a)		
Dry cleaning shop, including self-service	B-1, B-2(a), B-2	B-1(a), C/I	
Dry goods or fabric store	B-1, B-1(a) B-2, B-2(a)		
Dwelling, one-family	R-1, R-2, R-3, R-4		
Dwelling, two-family	R-4		

SECTION 35-3 PERMITTED USES & CONDITIONS	By Right	Planning Commission Approval	Special Exception BZA Approval
Tires, batteries and other automotive accessories sales establishments	B-2, C/I		
Tobacco store	B-1, B-2		
Tourist home			R-4, B-1, B-1(a) B-2, B-2(a)
Toy store	B-1, B-1(a) B-2, B-2(a)		
Trade school or college			B-2(a)
Transit vehicle storage and servicing; need not be enclosed within a structure		B-2 C/I	
Variety store	B-1, B-1(a) B-2, B-2(a)		
Veterinary service	B-2, C/I		
Warehouse and storage facilities, minor; mini-type do-it-yourself storage facilities	C/I	B-2	Deleted: , B-2(a), C/I

ARTICLE XXXI

HOME OCCUPATIONS, AUTOMOBILE SERVICE STATIONS, CEMETERIES, BED & BREAKFAST ESTABLISHMENTS, EXTENDED STAY HOTEL FACILITIES, MINI-WAREHOUSES

31-1 HOME OCCUPATIONS

Home occupations shall be incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which the home occupation is to occur. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic, or any other condition which would constitute an objectionable use of residentially zoned property. Limitations on the type of home occupations are as follows:

- (a) Area used shall not exceed twenty percent (20%) of the gross floor area in the principal building.
- (b) It shall be confined entirely to the principal building, accessory building, or outside storage building for which twenty percent (20%) of gross floor area would apply.
- (c) Employment shall be limited to members of the family residing in the dwelling. There shall be no employment of employees other than members of the resident family. In no case shall more than two (2) persons be engaged in the home occupation.
- (d) No internal or external addition, alteration, or remodeling of the dwelling is permitted in connection with the home occupation.
- (e) Chemical, mechanical, or electrical equipment that creates odors, light, glare, noises, or interference in radio or television reception detectable outside of the dwelling shall be prohibited.
- (f) No display of products shall be visible from the street and only articles made on the premises may be sold; except non-durable articles, consumable products, which are incidental to a service or which service shall be the principal use in the home occupation may be sold on the premises.
- (g) Instruction in music, dancing, and similar subjects shall be limited to two (2) students at a time.
- (h) The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- (i) One professional or announcement sign may be used to identify the customary home occupation. Such sign shall not exceed one and one-half

characterization of a room or articulated room space as a bedroom shall be determined objectively on the basis of its physical suitability for use as a distinct defined sleeping area, not on the basis of the manner in which such room or space is denominated.

- (5) A building or structure owned under a condominium form of ownership that satisfies this definition of extended stay hotel facility shall be subject to all area and dimensional requirements and limitations applicable to hotels and motels.
- (6) No more than six (6) persons per room.

31-6 MINI-WAREHOUSE AND STORAGE FACILITIES

Warehouse and storage facilities include mini-type or do-it-yourself storage facilities. Said facility shall not be used for habitation or operation of commercial enterprise within any stall, cubicle, locker.

(a) Warehouse and storage facilities may be located in a C/I, Commercial Industrial, district by right.

(b) Warehouse and storage facilities may be located in a B-2, General Business, if certain conditions have been met. Said conditions are as follows:

(1) Shall be the subordinate land use where the building and associated parking shall comprise no more than 49% of the total land area of the proposed tract, parcel, lot or of the aggregate area of multiple tracts, parcels or lots.

(2) The primary land use and associated parking shall comprise no less than 51% of the total land area. On-site parking for each separate land use may be shared; however, as a means of effectively calculation the percentage of land uses, parking shall be calculated separately.

(3) Shall be placed behind the primary commercial land use.

(4) Shall meet all applicable standards and setbacks of the underlying zoning classification.

(5) On any lot, parcel, tract or aggregate thereof, with multiple road frontages i.e., corner lot or double frontage lot(s), ingress and egress for the warehouse and storage facility shall be from the same access as the primary land use. Where such configuration is not practicable, the minimum frontage landscape requirements provided in Article 19 shall be increased to provide an impervious visual buffer along the right of way.

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2022 - 56**

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND
AUTHORIZING THE MAYOR TO DISPOSE OF SUCH PROPERTY**

WHEREAS, the management of the City of Daphne has determined that the item listed below is no longer required for public or municipal purposes; and

WHEREAS, the item listed below is recommended for disposal.

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

1. The property listed below is hereby declared to be surplus property; and

DEPT	EQ/VEH/#	DESCRIPTION	VIN/SN
FD	821	2008 FORD F150 TRUCK	1FTPX12V98FC33070

2. The Mayor is authorized to advertise and accept bids through Govdeals.com/Liquidity Services Operations LLC as contracted for the sale of such personal property; and
3. The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the appropriate City fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder and sign all necessary documents.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2022

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2022-57**

2022-CC-CITY HALL ROOF PROJECT

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 City Hall Roof Project will exceed \$50,000; and

WHEREAS, the City of Daphne did receive and review bids for the City Hall Roof Project and has determined that the low bid as presented is reasonable; and

WHEREAS, staff recommends the bid for City Hall Roof Project be awarded to Amerson Roofing, Inc. to include the Base Bid and unit cost as bid.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City hereby accepts the bid from Amerson Roofing, Inc. for the Base Bid of \$211,000 and unit cost as specified in BID SPECIFICATION NO. 2022-CC-City Hall Roof Project.

Install cold process polyester reinforced liquid applied coating system per plans and specifications.		BASE BID				\$ 211,000.00
UNIT PRICING						
ITEM NO.	DESCRIPTION	UNIT	QTY		UNIT PRICE	EXTENDED BID AMOUNT
Owner can add/delete quantities from the Contract as required.						
a.	Include cost to replace 100 SF x 3.0" lightweight concrete deck and roofing	SQFT	100		\$ 8.00	\$ 800.00
b.	Include cost to replace 20 BF imbedded PT lumber	BF	20		\$ 5.00	\$ 100.00
c.	Include raking existing and installing misc. new sealant per LF	LF	100		\$ 5.00	\$ 500.00
d.	Include cost to replace 10 LF of metal edge, 24 ga Kynar matching profile.	LF	10		\$ 5.00	\$ 50.00
TOTAL AMOUNT BID-BASE BID						\$ 1,450.00

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this ____ day of _____, 2022.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2022 - 58**

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND
AUTHORIZING THE MAYOR TO DISPOSE OF SUCH PROPERTY**

WHEREAS, the management of the City of Daphne has determined that the items listed below are no longer required for public or municipal purposes; and

WHEREAS, the items listed below are recommended for disposal.

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

1. The property listed below is hereby declared to be surplus property; and

DEPT	EQ/VEH/#	DESCRIPTION
Mech	2657	Hoffman True Cut 401 Brake Lathe
Mech	2683	Tire Changer-Coats 5040A
Mech	2664-66 & 2673-74	Waycool Fans 1/3 hp

2. The Mayor is authorized to advertise and accept bids through Govdeals.com/Liquidity Services Operations LLC as contracted for the sale of such personal property; and
3. The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the appropriate City fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder and sign all necessary documents.

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

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk



INTERNAL MEMORANDUM

DATE: 10/20/22
TO: Suzanne Henson, Senior Accountant
FROM: Ronnie Huskey, Public Works Director
CC: Kelli Reid, Finance Director
RE: 2022-CC-CITY HALL ROOF PROJECT

The Finance Department sent out request for bids to acquire a contractor to repair the City Hall roof. A total of two (2) bids was received with the lowest bid being \$211,000 from Amerson Roofing, Inc. I would recommend to the Finance Committee that we award the CITY HALL ROOF PROJECT to Amerson Roofing, Inc. I would also recommend adding a 10% contingency to the project due to the unknown of the project once construction begins.

Please contact me if you should have any questions in reference to the bid award.

Thanks

A handwritten signature in black ink, appearing to read "Ronnie Huskey".

Ronnie Huskey
Public Works Director

Public Works Department
26435 Public Works Road, Daphne, AL 36526
251-620-2100 • www.daphneal.com

CITY OF DAPHNE
BID: 2022-CC-CITY HALL ROOF PROJECT
10/19/2021 @ 11:30 A.M.

Attending: Suzanne Henson, Senior Accountant; William Eringman, PW Deputy Director, & Ronnie Huskey, PW Director
William Eringman opened the bids presented and the bids were read aloud as follows:

- 1) Sixty (60) calendar days will be allowed for the completion of the project.
- 2) The Work will consist of removing the existing bitumen roof, approximately 13,600 Square Feet, repair all areas of deterioration and install a high strength, cold process SBS modified, polyester reinforced coating system with Energy Star rated surfacing, and new membrane flashings. 10 Year Warranty.
- 3) All erosion control items and best management practices needed or required by or for the work shall be included in the incidental to the lump sum price of the contract.

				Amerson Roofing, Inc.			E. Cornell Malone Corp		
BASE BID				BID BOND	X	ADDENDUM #1,2,3 Yes - all 3	BID BOND	X	ADDENDUM #1,2,3 Yes - all 3
Install cold process polyester reinforced liquid applied coating system per plans and specifications.						\$ 211,000.00			\$ 273,400.00
UNIT PRICING									
ITEM NO.	DESCRIPTION	UNIT	QTY		UNIT PRICE	EXTENDED BID AMOUNT		UNIT PRICE	EXTENDED BID AMOUNT
Owner can add/delete quantities from the Contract as required.									
a.	Include cost to replace 100 SF x 3.0" lightweight concrete deck and roofing	SQFT	100		\$ 8.00	\$ 800.00		\$ 24.00	\$ 2,400.00
b.	Include cost to replace 20 BF imbedded PT lumber	BF	20		\$ 5.00	\$ 100.00		\$ 6.00	\$ 120.00
c.	Include raking existing and installing misc. new sealant, per LF	LF	100		\$ 5.00	\$ 500.00		\$ 4.00	\$ 400.00
d.	Include cost to replace 10 LF of metal edge, 24 ga Kynar matching profile.	LF	10		\$ 5.00	\$ 50.00		\$ 30.00	\$ 300.00
TOTAL AMOUNT BID-BASE BID						\$ 1,450.00			\$ 3,220.00

Suzanne Henson, Finance Department

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2022-59**

**2022-DD-FIRE DEPARTMENT CANDIDATE PHYSICAL ABILITY TRAINING
(CPAT) BUILDING- (SITE WORK)**

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 CPAT Building will exceed \$50,000; and

WHEREAS, the City of Daphne did receive and review bids for the CPAT Building and has determined that the low bid as presented is reasonable; and

WHEREAS, staff recommends the bid for CPAT Building be awarded to Kahlbau Construction include the Base Bid -\$134,037.70 and unit cost - \$23.50/CY (estimated cost of \$587.50) for undercut and backfill as bid.

BID DOCUMENT NO: 2022-DD-FIRE DEPARTMENT CANDIDATE PHYSICAL ABILITY TRAINING (CPAT) BUILDING					
ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	BID AMOUNT
1	EROSION CONTROL	LS	1	3,425.00	3,425.00
2	SITE GRADING (UNCLASSIFIED & BORROW)	CY	1	48,300.00	48,300.00
3	BUILDING PAD & UTILITY STUBS	CY	1	11250.00	11,250.00
4	CONCRETE PAVEMENT & BASE	SY	150	69.16	10,374.00
5	ASPHALT PAVEMENT, BASE, & MARKINGS	SY	765	67.58	51,698.70
6	FINAL SITE STABILIZATION, SODDING	SY	1450	6.20	8,990.00
BASE BID					134,037.70
7	UNDERCUT & BACKFILL	CY	25	23.50	587.50
TOTAL BID					134,625.20

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City hereby accepts the bid from Kahlbau Construction for the Base Bid of \$134,625.20 and unit cost of \$23.50/CY (estimated cost of \$587.50) for undercut and backfill as specified in BID SPECIFICATION NO. 2022-DD-FIRE DEPARTMENT CANDIDATE PHYSICAL ABILITY TRAINING (CPAT) BUILDING- (SITE WORK).

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 2022-65**

**AN ORDINANCE AUTHORIZING THE OPERATION OF MEDICAL CANNABIS
DISPENSING SITES WITHIN THE CITY OF DAPHNE**

WHEREAS, on May 17, 2021, Alabama Governor Kay Ivey signed the Darren Wesley “Ato” Hall Compassion Act (the “Act”) into law, legalizing and creating a regulatory framework for medical cannabis, and such Act has been codified as Code of Alabama, §§ 20-2A-1, *et seq.*; and

WHEREAS, the Act provides for the medical use of medical grade products that contain a derivative of cannabis by patients with a qualifying medical condition and a valid medical cannabis card; and

WHEREAS, the Act authorizes and requires the Medical Cannabis Commission to heavily regulate dispensary operations, thus addressing any health, safety, or welfare concerns of the citizen of the City of Daphne; and

WHEREAS, the location of a dispensary within the corporate limits of Daphne will bring the potential of new employment opportunities for Daphne’s citizens; and

WHEREAS, a dispensary would be required to obtain a business license and remit sales taxes to the City of Daphne, thus creating new revenue; and

WHEREAS, the City Council of the City of Daphne previously adopted Resolution 2022-49 on September 19, 2022, to authorize medical cannabis dispensaries within the City of Daphne, but upon further review it has been determined that the Act requires that the governing body of a municipality must adopt an ordinance authorizing the operation of such dispensaries before any such business can operate in the municipality; and

WHEREAS, the City of Daphne wishes to ratify its prior action by adopting this Ordinance authorizing the operation of medical cannabis dispensing sites within the corporate limits of the City of Daphne, subject to zoning, business license, and other revenue and police power requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that, in accordance with the Act, a holder of a license granted by the State of Alabama pursuant to the Act is hereby authorized to operate a medical cannabis dispensing site within the corporate limits of the City of Daphne, subject to the provisions of the Act and other applicable state law, and further subject to any applicable ordinance of the City of Daphne, including, without limitation, applicable zoning regulations and business license requirements as the same are applied to other businesses operating as a pharmacy.

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

Robin L. LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-66**

APPROPRIATION: MAY DAY PARK DRAINAGE REPAIRS

WHEREAS, Ordinance 2022-59 approved and adopted the Fiscal Year 2023 Budget on September 19, 2022; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2023 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2023 budget; and

WHEREAS, the City was awarded Grant #DAPHNE-CZM-306-20-1 from the State of Alabama Department of Conservation and Natural Resources (ADCNR) in the amount of \$45,000 for drainage planning at May Day Park; and

WHEREAS, a previous appropriation (Ordinance 2022-07) in the amount of \$61,280 was approved for engineering costs in excess of the grant award amount of which \$16,802 remains; and

WHEREAS, the May Day Park Drainage Repairs project has been bid with a total project cost of \$756,283 (Construction - \$651,166; Additional Engineering - \$40,000; Contingency - \$65,117); and

WHEREAS, the City wishes to use a portion of the Coronavirus State and Local Recovery Funds (SLFRF) received pursuant to the American Rescue Plan Act (ARPA) for funding this project; and

WHEREAS, the City has elected to take a standard allowance of up to \$10 million in revenue loss as allowed by the U.S. Department of Treasury and deemed its SLFRF funds to be used to provide government services under this allowance; and

WHEREAS, the City has determined this project qualifies as government services.

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

1. Funds in the amount of **\$739,481** from the **COVID-19 Relief Fund** are appropriated and made a part of the Fiscal Year 2023 budget for the City's portion of the project herein described.
2. The Mayor is hereby authorized to execute 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 2022-68**

ADDITIONAL APPROPRIATION: PUBLIC WORKS STORAGE BUILDING

WHEREAS, Ordinance 2022-59 approved and adopted the Fiscal Year 2023 Budget on September 19, 2022; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2023 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2023 budget; and

WHEREAS, the previous building located on the site that the Public Works storage building will be constructed was destroyed in a fire and a negotiated bid was awarded in the amount of \$728,501 for the construction of a new Public Works storage building; and

WHEREAS, total insurance proceeds in the amount of \$299,388 were received and Ordinance 2022-30 previously appropriated \$515,205 to fund the remaining construction amount and engineering costs for the building; and

WHEREAS, additional funds in the amount of \$86,520 are needed to install a sprinkler system in the Public Works storage building and to perform additional sitework needed to make the system operable.

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

1. An appropriation in the amount of **\$86,520** from the General Fund and transferred to the Capital Reserve Fund is appropriated and made a part of the Fiscal Year 2023 Budget for the Public Works Storage Building.
2. The Mayor is hereby authorized to execute any and all documents required in order for the Public Works Storage Building project addition.

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 2022-69**

CITY HALL ROOF REPLACEMENT

WHEREAS, Ordinance 2022-59 approved and adopted the Fiscal Year 2023 Budget on September 19, 2022; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2023 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2023 budget; and

WHEREAS, a portion of the roof at City Hall has had significant leaks and has significant visible damage due to age and several natural disasters throughout the past year and is need of replacement; and

WHEREAS, the City Hall Roof Project has been bid with a total project cost of \$215,000 (Base Bid - \$211,000 and Contingency - \$4,000); and

WHEREAS, an appropriation is needed in the amount of \$215,000 to complete the City Hall Roof Project.

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

- 1) Funds in the amount \$215,000 from the **General Fund** are hereby appropriated and made part of the Fiscal Year 2023 Budget for the partial replacement of the roof at City Hall.
- 2) The Mayor is hereby authorized to execute any and all document required in relation to these projects.

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

ATTEST:

Robin LeJeune, Mayor

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-70**

**AMENDMENT TO ORDINANCE NO. 2004-11 (BUSINESS LICENSE ORDINANCE) TO
MODERNIZE CERTAIN REQUIREMENTS RELATING TO LICENSE TERM AND
MINIMUM AMOUNT AND TO INCLUDE SHORT-TERM RENTALS**

WHEREAS, the City of Daphne, after due consideration, believes that certain revisions to the City of Daphne's Business License Ordinance are necessary to account for the growing short term rental industry and to modernize certain other requirements relating to the license term and minimum amount for any business license; and

WHEREAS, the City of Daphne desires to amend said ordinance to further promote the health, safety and welfare of the citizens of the City of Daphne and their guests by ensuring that any person or entity providing short-term lodging or rentals is a "business" required to obtain a business license before operating in the City of Daphne.

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

SECTION 1. AMENDMENT TO ORDINANCE 2004-11 - LICENSE TERM AND MINIMUMS

Section 13-253 of Chapter 13, Article XII of the Code of Ordinances of the City of Daphne, Alabama is hereby amended by repealing subsections (b) and (c) in their entirety and replacing them with the following:

- (b) *Half year.* In case the license of any business, trade, occupation or profession is based on a flat rate and is taken out after July 1, for those whose gross receipts are less than \$100,000, only one-half (½) of the license shall be charged and collected.
- (c) *Issue fee.* For each license issued, there shall be an issue fee collected in an amount equal to the maximum amount allowable by the Alabama Department of Revenue, which shall be adjusted every five (5) license years by an amount equal to the percentage increase in the U.S. Department of Labor's Producer Price Index, with the base year being 2006.

SECTION 2. AMENDMENT TO ORDINANCE 2004-11 - SHORT-TERM RENTALS

Chapter 13 of the Code of Ordinances of the City of Daphne, Alabama is hereby amended to add the following:

ARTICLE XVI: SHORT TERM RENTALS

Section 13-351 - Definitions

"Commercial vehicle" means a vehicle customarily used as part of a business for the transportation of goods or people.

"Hosting platform" means a person who, for a fee or other charge, provides on an internet website an online platform that facilitates the rental of a short-term residential rental unit on behalf of an operator, including, without limitation, through advertising, matchmaking or other means.

"Operator" means any person who owns, leases, controls, manages or operates a short-term residential rental unit or property.

"Short-term residential rental" means the commercial use, or the making available for commercial use, of a residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any individual guest rents or occupies the unit or a portion of the unit for a period of less than one hundred and eighty (180) consecutive calendar days. The definition of "short-term residential rental" shall exclude commercial businesses that operate facilities primarily for the purpose of short-term rental (i.e., mobile home parks, RV Parks, hotels, motels, bed and breakfasts, etc.) that are already required to be licensed by other provisions of the business license ordinances of the City.

Section 13-351 - License required

- (A) No person shall engage in the business of offering or operating a short-term residential rental without first obtaining and thereafter maintaining a valid unexpired business license pursuant to this Chapter for short-term residential rental.
- (B) If a short-term residential unit is managed by a person other than the licensee or a principal of the licensee for that unit, that person must also possess a valid license from the City of Daphne to manage property.
- (C) The holder of a license under this Chapter is the person primarily responsible for compliance with the obligations that are imposed on an operator by this Chapter, whether or not that person owns the real property on which the short-term residential rental is located. In the case of a short-term residential rental whose affiliated licensee is not the property owner, the property owner is secondarily responsible for compliance.
- (D) The NAICS code to be used for licensing of Short-Term Residential Rental is NAICS # 721119 – All Other Traveler Accommodation, and the fee schedule for licensing is Schedule D.

Section 13-353 - Permit Fees

The operator of a short-term residential rental unit shall pay, in advance, an annual fee of twenty dollars (\$20) for each short-term residential rental unit. Where there are multiple residential rental units on the same property, each unit must be permitted individually. This is in addition to the yearly business license fee.

Section 13-354 - Application for a Permit

Each application for a short-term residential rental permit shall contain or include the following information and documentation:

- (A) The name, signature, address and telephone number of the owner of the residential rental unit to be associated with the license.
- (B) The name, address and telephone number of any property manager or property management firm that will be operating the short-term residential rental.
- (C) The name, address and telephone number (including a telephone number that provides for communication twenty-four hours a day) of the local contact person who will respond to complaints regarding the condition, operation, or conduct of the occupants of the short-term residential rental unit.
- (D) The address of the residential rental unit proposed to be used as a short-term residential rental.
- (E) A list of all hosting platforms that the applicant proposes to use to market, advertise, offer, solicit customers for, or make available for commercial use the short-term residential rental applied for.
- (F) An affidavit attesting that there are no delinquent lodging tax liabilities or liens regarding the property to be used as a short-term residential rental.
- (G) Approval from the City's fire official for the first year of operation and a signed affidavit of continuing safety regulations each year thereafter. Each unit shall be inspected every three years.

Section 13-355 - Additional conditions

In connection with the issuance of a business license, the revenue officer may impose on the licensee (or upon the renewal thereof) reasonable conditions that are in addition to the requirements of this Chapter and that are designed to protect the public health, safety and welfare. In addition, at any time during a license period, the revenue officer may impose such a requirement on a licensee whose short-term residential rental has been the subject of repeated complaints of violations of this Chapter.

Section 13-356 – Compliance

The operator of a short-term residential rental shall comply with all provisions of City of Daphne Ordinances that pertain to the collection of lodging taxes by the operator of an establishment subject to those Ordinances, as well as the associated recordkeeping requirements.

The operator is responsible for ensuring that the short-term residential rental complies with all State, County and City ordinances related to disasters and for ensuring the safety of the guests of the short-term residential rental.

Nothing contained in this article shall be construed to relieve any person from any tax liability, penalty, interest or forfeiture incurred under any laws or ordinances of the City prior to the effective date of this article.

Section 13-357 - Safety precautions

- (A) An evacuation map and list of procedures shall be placed within each guest room used for sleeping. Maps and lists of procedures shall be mounted on a wall or door in a horizontal position, either made of a durable material or encased within a durable frame or enclosure. Each map and list shall have a minimum size of ten inches by eight inches, with the color of text contrasting to the background. Maps shall have a "you are here" star with a directional arrow to the nearest exit, and shall also indicate the location of all available fire extinguishers.
- (B) At a minimum, there must be at least one fire extinguisher:
 - (1) In the kitchen area, mounted, both visible and accessible;
 - (2) In any garage, mounted on the wall no higher than sixty inches above the finished floor; and
 - (3) Located on each floor level of the short-term residential rental unit, to the extent not otherwise covered by Paragraphs (1) and (2) of this Subsection (B).

Each fire extinguisher shall have a current service tag from a licensed fire extinguisher contractor.

- (C) All sleeping rooms shall be equipped with smoke alarms, and the smoke alarms shall be installed in accordance with applicable codes. A record of monthly testing and battery replacement shall be available for verification by the Fire Department.
- (D) Carbon monoxide alarms shall be installed in accordance with applicable codes.
- (E) Each short-term residential rental shall be maintained in accordance with all applicable provisions of City building-related and technical codes adopted by the City of Daphne.

Section 13-358 - Miscellaneous provisions

- (A) The operator shall post a copy of the permit in a conspicuous place within the short-term residential rental unit.
- (B) All occupant vehicles shall be parked on site, and shall not be parked in the adjacent public right-of-way. No commercial vehicles shall be permitted on the short-term

residential rental unit property or parked in the adjacent public right-of-way, except where otherwise permitted in commercial zoning districts.

- (C) Notwithstanding the provisions of any other ordinance of the City of Daphne, the use of any radio receiver, stereo, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound shall take place only within an enclosed short-term residential rental unit. The property owner or operator of a short-term residential rental unit shall use reasonably prudent business practices to ensure that the occupants or guests of the rental unit do not create unreasonable noise or disturbances.
- (D) The operator shall make available a local twenty-four-hour phone number that provides the capability of producing a response within 15 (fifteen) minutes to complaints regarding the condition, operation, or conduct of the occupants of the short-term residential rental unit. Failure of the operator or an employee or agent to respond to the complainant within 15 (fifteen) minutes shall constitute a violation of this Chapter.
- (E) A placard shall be displayed on the interior of each short-term residential rental unit listing the information set forth above in Subsection (D). The placard shall be in plain view of the renters at all times the short-term residential rental unit is occupied and shall be a minimum of eight and one-half inches by eleven inches in size. Displayed on the placard shall be the twenty-four-hour contact information required by Subsection (D) of this Section. The information required by the preceding sentence must be in a minimum legible font of seventy-two-point or a minimum of one and one-half inches in height. The required contact information shall include a full name and telephone number of the contact.
- (F) Trash and refuse shall not be left or stored in public view, except in proper containers for the purpose of collection in accordance with the requirements of City of Daphne Ordinances. The owner of the property or manager of the short-term residential rental unit shall be responsible for notifying occupants of trash disposal procedures and for maintaining compliance with the requirements of City of Daphne Ordinances.
- (G) Consistent with and as a reflection of the definition of the term "short-term residential rental" set forth in this Chapter, no short-term residential rental unit may be rented for the purpose of holding weddings, parties, receptions or similar events that typically are held at a banquet facility or other facility that is made available for the holding of events on a commercial basis. Any use of the short-term residential rental unit is limited to activities that are incidental to its use for dwelling, lodging or sleeping purposes.
- (H) Short-term residential units may only be operated in residentially zone areas, the Olde Towne Daphne District, and the Village Overlay district.

Section 13-359 - Notification of change in ownership

The operator must notify the City of Daphne Revenue Department of any change in property ownership or management or any other material change in the information described in the license application, permit(s) and set forth in the City of Daphne Business License Ordinance. The notification must be made within fifteen days after the change has occurred. The Revenue Director may require a new application for a business license and new permit(s) if the changes warrant a new application.

Section 13-360 - Suspension—Revocation

In addition to any other remedy available for a violation of this Chapter, the revenue officer may refer the license to the City Council for revocation of a license issued under this Chapter in connection with a particular short-term residential unit for the second or subsequent violation of this Chapter regarding that unit within any 12 (twelve) month period. In addition, the renewal of a license issued under this Chapter or an application for a new license under this Chapter may be denied if the licensee or applicant has been found guilty of any provision of this Chapter or has been determined to be in violation of any provision of this Chapter in connection with a civil proceeding. If a business license is revoked, all permit(s) under that license will be revoked simultaneously.

Section 13-361 - Enforcement

Officers of the Police Department, Code Enforcement, and/or fire official's are authorized to enforce or assist in the enforcement of this Chapter.

Section 13-363 - Quarterly Reports

- (A) Each operator must submit to the City of Daphne Revenue Department a quarterly report that includes the information set forth in Subsection (B) of this Section.
- (B) Each report required by Subsections (A) and (B) of this Section must state, for the quarter being reported and with respect to short-term residential rentals within the City Jurisdiction:
 - (1) The number of bookings, listings, and operators;
 - (2) The average number of bookings per listing;
 - (3) Current year-to-date booking value;
 - (4) Current year-to-date revenue collected from all short-term residential rentals through the hosting platform, separated by operator; and
 - (5) The average length of a short-term residential rental.

SECTION 3. AMENDMENT TO LICENSE CLASSIFICATIONS

Section 13-272 - License classifications, as set forth in Chapter 13 of the Code of Ordinances of the City of Daphne, Alabama, is hereby amended to add the following row to the table of license classifications:

Code	NAICS Title and Suggested License Grouping	Schedule
721199	All other traveler accommodation - short-term residential lodging (excluding hotels, motels, inns, and bed-and-breakfasts)	D

SECTION 4. CONFLICT WITH OTHER ORDINANCES

Any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, is hereby repealed to the extent of such conflict.

SECTION 5. 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 6. 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, with an effective date of January 1, 2023.

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

Robin L. LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk