CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Tuesday, January 3, 2023 at 6:00 P.M.

1. CALL TO ORDER

2. ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE

PRESENTATION: Swearing in/Appointment of Brian Gulsby, Police Chief

PRESENTATION: David Carpenter – Service Weapon Retirement

RECOGNITION: Bayside Volleyball Team

3. APPROVE MINUTES: December 19, 2022 regular meeting.

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Goodlin
Review the minutes from the December 19th meeting.
- Treasurer's Report – November 2022
- Unrestricted Fund Balance - $24,072,592
- Total Cash Balance - $42,578,481

Sales Tax – October 2022 - $2,178,288 Lodging Tax – October 2022 - $128,615

MOTION to authorize the Mayor to enter into an Agreement for Engineering Services with Lieb Engineering Co. – Ridgewood Drive Sidewalk Improvements - $56,465.

MOTION to authorize the Mayor to enter into the agreements for the Justice Center Expansion project:
1) Engineering Services with Dewberry Engineers - $84,548
2) Architectural Services with Walcott Adams - $300,000

B. BUILDINGS & PROPERTY COMMITTEE – Coleman

C. PUBLIC SAFETY COMMITTEE – Hughes
Review the minutes from the December 12th meeting

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Olen

E. PUBLIC WORKS COMMITTEE – Conaway

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD – Scott

D. LIBRARY BOARD –Goodlin

E. PLANNING COMMISSION – Olen

F. RECREATION BOARD – Hughes

G. UTILITY BOARD – Phillips

6. PUBLIC PARTICIPATION

7. MAYOR'S REPORT

8. CITY ATTORNEY REPORT

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK'S REPORT

MOTION to approve the street closures of Main Street at Lott Park from Lea Avenue North to Randall Avenue for the Jubilee Festival of Arts from 12:00pm on October 20, 2023 through 5:00pm on October 22, 2023.

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2023 – 01- Resolution to Appoint the City of Daphne Police Chief – Brian Gulsby

2023 – 02 – Bid Award - C-Janitorial Services

B. 2nd READ ORDINANCES:

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

2022 – 71 – Ordinance Amending the City of Daphne's Land Use and Development Ordinance 2011-54 – Article XLI, Medical Overlay District

2022 – 72 – Pre-Zone Property Located Southwest of the Intersection of U.S. Highway 90 and Alabama Highway 181 – Infirmary Health Systems, Inc.

2022 – 73 – Annex Property Contiguous to the Corporate Limits of the City of Daphne – Southwest of the Intersection of U.S. Highway 90 and Alabama Highway 181 – Infirmary Health Systems, Inc.

2022 – 74 – Ordinance Amending the City of Daphne's Land Use and Development Ordinance 2011-54 – Articles VI, Procedures for Transaction of Business, Article XI, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments, Article XIII, District Requirements, Article XV, Site Plan Review, Article XIX, Landscaping and Tree Protection, Article XXXIV, Schedule of Fees and Article XXXVII, Eastern Shore Overlay District

2022 – 75 – Ordinance Consenting to the Sale by the Utilities Board of the City of Daphne of Certain Surplus Personal Property

2022 – 76 – Appropriation for Garbage Truck - $339,535

C. 1ST READ ORDINANCES:

2023 – 01 – Appropriation: Janitorial Services - $24,345

2023 – 02 – Appropriation: Pole Banner Bracket for New Light Poles on Hwy 98 - $8,600

2023 – 03 – Appropriation: Demo & Removal of Vacant Buildings – 6275 Shriner Avenue - $10,500

12. COUNCIL COMMENTS

13. ADJOURN

CITY OF DAPHNE, ALABAMA

Proclamation

WHEREAS; David Carpenter was hired on to the City of Daphne Police Department on December 28, 1989; and

WHEREAS; he was promoted to Corporal in 1993, to Sergeant in 1996, to Patrol Lieutenant in 1999, to Captain in January 2003, then began his nineteen years as the Chief of Police on August 1, 2003; and

WHEREAS; Chief Carpenter attended and graduated from the FBI National Academy in 2001; and

WHEREAS; during his tenure with the Daphne Police Department, Chief Carpenter has been a party of many organizations such as serving as President of the Alabama Association of Chiefs of Police from 2010-2011 and as a representative for State Associations of Chiefs of Police since 2011; and

WHEREAS; Chief Carpenter has been a loyal and dedicated employee and has served the City of Daphne and its citizens with diplomacy and strength while maintaining the Community Policing Values that the Daphne Police Department is known for throughout the County.

NOW,
THEREFORE; I, Robin LeJeune, as the Mayor of the City of Daphne, Alabama, together with the Daphne City Council, do hereby proclaim appreciation to David Carpenter for his tireless efforts and over thirty-three years of service to the City of Daphne, and wish him success and happiness in his retirement.

Robin LeJeune, Mayor

ATTEST: _____
Candace G. Antinarella, CMC, City Clerk

December 19, 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 Angie Phillips called the meeting to order at 6:00pm.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Doug Goodlin, Ron Scott, Angie Phillips and Benjamin Hughes

COUNCIL MEMBERS ABSENT: Steve Olen, Tommie Conaway and Joel Coleman

Also Present: Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; Captain Brian Gulsby, Police; Troy Strunk, City Development; Chief LeAnn Tacon, Fire; Ronnie Huskey, Public Works; Kelli Reid, Finance; Adrienne Jones, Planning; Maren Fagan, Junior City Councilmember; Sunny Blackwood, Junior City Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Councilman Ron Scott.

PRESENTATION: Gabriel Hunter, Eagle Scout, presented his proposed Eagle Scout project to restore Jackson Oak Trail. Council agreed this was a great idea.

PUBLIC HEARING: Adrienne Jones presented on the Infirmary Health Systems, Inc. Pre-Zoning Amendment located Southwest of the intersection of U.S. Highway 90 and Alabama Highway 181.

Public hearing opened at 6:08pm.

Michael Niemeyer, attorney with Hand Arendall Harrison Sale Attorneys, said he is representing Willard and Theresa Simmons and Malbis Lane Homeowners Association. He said his clients are concerned about the congestion from employees and patients using the private Malbis Lane. They are wanting to prohibit developers from sending traffic down Malbis Lane.

Joe Sullivan, attorney representing Willard and Theresa Simmons and Malbis Lane Homeowners Association, asks the Council to consider the affects this development might have on the environment with Malbis being a historic district.

Angelo Matthews, President of Malbis Memorial Foundation and owner of Malbis Memorial Church, said he owns property across from this proposed development. He says he is concerned about his personal property being impeded upon and is worried the drawings are showing the development is removing a southbound turn lane into the Church.

Public hearing closed 6:19pm.

PUBLIC HEARING: Adrienne Jones presented on the Infirmary Health Systems, Inc. Pre-Zoning Amendment – Located Southwest of the Intersection of U.S. Highway 90 and Alabama Highway 181.

Public hearing for the pre-zoning amendment opened 6:21pm.

Ormand Thompson, President of Thomas Hospital, asked Council to consider approving the pre-zoning amendment.

Public hearing closed 6:22pm.

PUBLIC HEARING: Adrienne Jones presented on the Infirmary Health Systems, Inc. Annexation Petition - Located Southwest of the Intersection of U.S. Highway 90 and Alabama Highway 181.

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

Public hearing closed 6:22pm.

PUBLIC HEARING: Adrienne Jones presented on the proposed amendments to the Land Use and Development Ordinance – Articles 6, Procedures of the Transaction of Business, Article 11, Minimum Standards and Required Improvements for 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.

Councilman Scott asked a question regarding if this precludes churches from using metal buildings. Mrs. Jones said it does preclude.

Councilman Goodlin asked if builders were already in a building phase, if they would be grandfathered in. Mrs. Jones said that has been discussed, but there are no answers yet.

Public hearing opened 6:35pm.

Sean Gibbs, 10533 Ruffian Route, represents D.R. Horton and says they have some concerns about current building phase and garage requirements. He asks this to go back to Planning Commission for review.

Chloe Kelly, representing TerraCore Development Services, expressed concerns about garage requirements, grating requirements and for the Council to consider a grace period for current developments.

3. APPROVAL OF MINUTES:

The minutes from the December 5, 2022 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE
Councilman Goodlin said the Committee met earlier and the next meeting is January 17, 2023 at 4:30pm.

B. BUILDINGS & PROPERTY COMMITTEE
Councilwoman Phillips said the November 2022 new construction and building reports were in the packet: certificates of occupancy: 36; permits issues: 286; new residential home permits: 2; and total fees: $50,279.03.

C. PUBLIC SAFETY COMMITTEE
Councilman Hughes said the next meeting is January 9th at 4:30pm.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE
Councilman Olen was absent.

E. PUBLIC WORKS COMMITTEE
Councilwoman Conaway was absent.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

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

B. Downtown Redevelopment Authority
Councilwoman Conaway was absent.

C. Industrial Development Board

MOTION by Councilman Scott to appoint Pat Rudicell to the Industrial Development Board for a term of six (6) years ending December 2028. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.

Councilman Scott said the meeting on Tuesday was cancelled but the next meeting is January 24th at 4:30pm.

D. Library Board
Councilman Goodlin said the next meeting is January 12th at 4:30pm.

E. Planning Commission
Councilman Olen was absent.

F. Recreation Board
Councilman Hughes said the next meeting is January 11th at 6:00pm in the Jubilee Conference Room.

G. Utility Board
Councilwoman Phillips said the minutes from the October 26th meeting are in the packet and the next meeting is January 25th at 5:00pm.

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:49pm.

Patrick Collins, 7051 Professional Place, expressed concerns about Ordinance 2022-70. He suggested removing the line "subject to the provisions of the City of Daphne Land Use and Development Ordinance" from Section 13-358, subsection H.

Curt Fonger, 1443 Randall Avenue, spoke about the Industrial Development Board, welcomed new members and thanked all who had served previously on the Board.

Public Participation closed at 7:01pm.

7. MAYOR'S REPORT:

Mayor LeJeune was absent.

8. CITY ATTORNEY REPORT:

City Attorney said there was no report, but Jay Ross sends his regards and wishes everyone a Merry Christmas.

9. DEPARTMENT HEAD COMMENTS:

Chief Tacon, Fire, reminded everyone to be safe and aware when using space heaters.

Captain Gulsby, Police, spoke on recent promotions in the Department and said they have an officer heading to the Police Academy. Councilman Scott asked about an officer's wife who was recently in an accident. Captain Gulsby gave an update and said she was doing much better.

Ronnie Huskey, Public Works, updated the Council on the Highway 98 lighting project.

10. CITY CLERK'S REPORT:

MOTION by Councilman Hughes to approve the Eastern Shore Baptist Church's Miles for Missions 5k on January 28, 2023 from 7:00am – 12:00pm. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.

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

A. RESOLUTIONS:

2022 – 60 – Declare Certain Personal Property Surplus and Authorize the Mayor to Dispose – 2003 Yamaha Golf Cart

MOTION by Councilman Scott to waive the reading of Resolution 2022-60. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2022-60. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

<u>ORDINANCES</u>:

B. 2nd READ ORDINANCES:

2022 – 68 – Additional Appropriation: Public Works Storage Building - $96,520

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

MOTION by Councilman Scott to waive the reading of Ordinances 2022-68 and 2022-69. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2022-68. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2022-69. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to waive the reading of Ordinance 2022-70. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Goodlin to adopt Ordinance 2022-70 with the changes of removing the line "subject to the provisions of the City of Daphne Land Use and Development Ordinance" from Section 13-358, Subsection H. Seconded by Councilman Scott.

MOTION by Councilman Scott to amend Ordinance 2022-70 to adopt only through Section 1: B and C. No second.
MOTION FAILED FOR LACK OF SECOND.

Original motion by Councilman Goodlin.
Aye – Phillips, Hughes and Goodlin
Nay – Scott
MOTION FAILED.

C. 1ST READ ORDINANCES:

2022 – 71 – Ordinance Amending the City of Daphne's Land Use and Development Ordinance 2011-54 – Article XLI, Medical Overlay District

2022 – 72 – Pre-Zone Property Located Southwest of the Intersection of U.S. Highway 90 and Alabama Highway 181 – Infirmary Health Systems, Inc.

2022 – 73 – Annex Property Contiguous to the Corporate Limits of the City of Daphne – Southwest of the Intersection of U.S. Highway 90 and Alabama Highway 181 – Infirmary Health Systems, Inc.

2022 – 74 – Ordinance Amending the City of Daphne's Land Use and Development Ordinance 2011-54 – Articles VI, Procedures for Transaction of Business, Article XI, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments, Article XIII, District Requirements, Article XV, Site Plan Review, Article XIX, Landscaping and Tree Protection, Article XXXIV, Schedule of Fees and Article XXXVII, Eastern Shore Overlay District

2022 – 75 – Ordinance Consenting to the Sale by the Utilities Board of the City of Daphne of Certain Surplus Personal Property

2022 – 76 – Appropriation for Garbage Truck - $339,535

12. COUNCIL COMMENTS:

Councilman Goodlin wished everyone a Merry Christmas.

Councilman Scott wished everyone a Merry Christmas.

Councilman Hughes wished everyone a Merry Christmas.

Council President Phillips asked everyone to keep the Mayor in your prayers as he continues treatment. She said he has been instrumental in getting things accomplished. She wished everyone a Merry Christmas.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 7:17 PM.

Respectfully submitted by,

_____
Candace G. Antinarella, CMC, City Clerk

Certification of Presiding Officer,

_____
Angie Phillips, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
DECEMBER 19, 2022
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

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

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

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

II. PUBLIC PARTICIPATION

There was no public participation.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman presented the Human Resources Report for November and December 2022:

NOVEMBER 2022:

- Posted/Reposted Positions – 14
- Reviewing/Testing/Interviewing/Background check - 29
- Promotion/Internal Transfer - 1
- New Hires – 3

Safety Committee: Next Safety meeting on December 28. Reviewing sections of Safety Manual for any revisions needed.

Other HR Projects/Meetings/Events:

- Job Fair January 18, 2023
- Employee Longevity Pay
- Researching assessment procedures for Foreign Language & American Sign Language Additional Pay
- Building Evacuation Plan & Procedural Document

Mrs. Hinman noted that the salary needs to be set for the Police Chief. Mrs. Antinarella, City Clerk noted that the appointment for the Police Chief is on the January 3, 2023 Council Agenda so it could be addressed at that meeting.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – November, 2022

Mrs. Reid reviewed the following reports and information:

- Code enforcement issued 3 warnings resulting in businesses becoming compliant and $187.50 in revenue.
- New Businesses with a physical location in Daphne - 31
- Simplified Sellers Use Tax collections - $141,671.79 and YTD collections - $294,538.66

BUSINESS LICENSE COUNT through 11/30/2022	
New Licenses	**31**
Renewal Licenses (2022)	**13**
Total Issued THIS MONTH	**44**
Total Issued THIS MONTH - PREVIOUS YEAR	45
Net Gain/-Loss Current VS Previous Yr MONTH	**-1**
Total Issued YTD 2022	**4,666**
Total Issued YTD - PREVIOUS YEAR	4,593
Net Gain/-Loss Current VS Previous Yr YTD	**73**

Simplified Sellers Use Tax
Historical Analysis

	FY18	FY19	FY20	FY21	FY22	FY23	YTD COMPARISON
October	$10,680.68	$13,351.07	$54,443.51	$83,616.89	$99,349.81	$152,866.87	$53,517.06
November	$9,761.79	$12,664.88	$51,473.01	$83,569.88	$114,596.71	$141,671.79	$27,075.08
Year to Date	**$147,076.71**	**$397,934.36**	**$828,958.55**	**$1,151,302.41**	**$1,638,589.62**		**-$1,344,050.96**

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: October, 2022

Mrs. Henson reviewed the Sales & Use Tax Reports: $2,178,288.31 was collected for October, 2022 which was up $99,479.05 from October 2021's collections:

- YTD Variance over Budget - $178,288.31

B. Lodging Tax Collections, October, 2022

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for October, 2022 were $128,615.39 which is down ($812.47) from October 2021's collections.

- YTD Variance over Budget - ($812.47)

Discussion was made on the new $2/night hotel room fee that would be going into effect January 2023. Mrs. Reid noted the January collections for this tax would be reported on at the February 2023 Finance Committee meeting.

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

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

- Recreation for related purchases - $422,375.74
- Unreserved balance for Bayfront related purchases - $2,959,702.51

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: November, 2022

Mrs. Reid reviewed the Treasurer's Report:

TREASURER'S REPORT As of November 30, 2022					
Account Type/Title	11/30/2022	10/31/2022	Increase (Decrease) from last Month	11/30/2021	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	$ 13,791,045	$ 13,691,700	$ 99,345	$ 13,728,656	$ 62,389
INVESTMENT FUND	10,281,547	10,100,456	181,091	5,957,232	$ 4,324,315
CREDIT CARD ACCOUNT	-	-	-	72,630	$ (72,630)
Total Unrestricted Cash Balance	**24,072,592**	**23,792,156**	**280,436**	**19,758,518**	**4,314,074**
SPECIAL REVENUE FUNDS					
4 CENT GAS TAX	217,844	212,952	4,892	255,505	(37,661)
7 CENT GAS TAX	163,985	163,564	421	221,532	(57,547)
10 CENT GAS TAX	136,979	269,797	(132,818)	283,274	(146,295)
TREE & FLOWER	22,660	22,660	-	22,660	-
COVID RELIEF FUND	3,149,526	3,371,993	(222,467)	1,482,002	1,667,524
ANIMAL SHELTER FUND	827,320	862,208	(34,888)	1,094,701	(267,381)
FEDERAL DRUG FORFEITURES	199,525	199,525	-	169,271	30,254
LOCAL DRUG FORFEITURES	76,045	76,045	-	75,288	757
LIBRARY	29,800	19,335	10,465	32,254	(2,454)
COURT TRAINING & EQUIPMENT	43,745	42,867	878	44,769	(1,024)
COURT CORRECTION	543,691	547,290	(3,600)	498,970	44,721
LODGING TAX	3,298,671	3,310,573	(11,902)	3,631,973	(333,302)
RENAISSANCE	-	-	-	25,915	(25,915)
AGENCY FUNDS					
SELF INSURANCE	229,279	229,151	129	224,485	4,794
FLEX SPENDING	27,317	24,208	3,109	21,501	5,816
OPEB TRUST INVESTMENT FUND	927,704	887,174	40,529	1,064,903	(137,199)
	9,894,092	10,239,343	(345,252)	9,149,003	745,089
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	7,659,530	8,024,430	(364,899)	5,395,593	2,263,937
	7,659,530	8,024,430	(364,899)	5,395,593	2,263,937
DEBT SERVICE FUNDS					
DEBT SERVICE	952,267	676,410	275,856	867,942	84,325
Total Restricted Cash Balance	**18,505,889**	**18,940,183**	**(434,295)**	**15,412,538**	**3,093,351**
Total City Cash Balance	**$ 42,578,481**	**$ 42,732,340**	**$ (153,859)**	**$ 35,171,056**	**$ 7,407,425**
	Encumbrance Total as of		**11/30/2022**	**$ 776,219.73**	

The Treasurer's Report as of* NOVEMBER*, 2022 Total Unrestricted Cash Balance - $24,072,592 and Total City Cash Balance - $42,578,481 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance - $776,219.73 as of November, 2022.

Mrs. Reid reviewed the Encumbrance Report. Discussion was made concerning the late delivery of the Police Tahoes. Mrs. Reid noted that the vehicles have been stuck in Chevrolet quality control since April 2022.

3. Outstanding Appropriations

Mrs. Reid reviewed the report and noted that the May Day Drainage project has been awarded and the appropriation ordinance just passed at Monday's Council meeting.

4. Financial Overview: Debt Summaries & Monthly Financial Statements, September/October, 2022

Mrs. Reid reviewed the following Financial Statements:

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

Monthly Financial Statements – September 2022 Financial Highlights

General Fund:

	FY 2022	FY 2021	Change
• YTD Budgetary Net Income:	$ 2,191,677	$4,767,596	$(2,575,919)

- Total sales tax collected year to date is approximately $4.5 million over budgeted income and $2.47 million over prior year to date income
- Total investment income including interest and unrealized gain is a loss of approximately $741,000 due to the overall market conditions in the market
- Unassigned Fund Balance: $24,697,514
- Outstanding Encumbrances: $871,894

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of September 30, 2022: $26,950,794
- Outstanding Capital Lease Balance as of September 30, 2022:
    - General Fund: $1,047,606
    - Enterprise Fund: $1,161,790

Capital Project Funds (Capital Reserve):

- Road Repaving Expenditures YTD: $1,651,823
- Sidewalk Expenditures YTD: $164,199

Special Revenue Funds (13 separate funds):

- No new funds were created in FY 2022
- Lodging Tax Fund –
    - Bayfront Unreserved Fund Balance: $2,906,850
    - Recreation Unreserved Fund Balance: $489,069
    - Total lodging tax collected was $364,000 over budgeted income and $36,000 over prior year to date income.

Enterprise Funds (Solid Waste and Civic Center):

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

	FY 2022	FY 2021	Change
Solid Waste Fund	$ 382,035	$ 311,391	$ 70,644
Civic Center Fund	$ 252,762	$ 246,495	$ 6,267

5. Summary of Budgetary Amendments

Mrs. Reid reviewed the General Fund budgetary amendments made to the FY2023 Budget.

- Total Appropriations Year to Date – $350,000
- Adjusted Expenses over Revenue – ($342,913)

Discussion was made on the pending Mobile Infirmary building purchase. Mr. Strunk stated the building would have to stay operational for the current tenants until they can relocate to a new building. Mrs. Reid discussed the GOMESA grant funding and the purchase of the building. Discussion continued on the terms of the purchase agreement and if the building remains a rental facility after a certain timeframe that the City would have to pay back $4 million of grant funds.

Mr. Strunk noted the rental income from tenants over five years is estimated to be $2 million. For the years 1-3 is $250,000/ year so a total of $750,000 for the three year period. The estimate for the Infirmary space for years four and five is $1.24 million. Mrs. Reid noted that the City will be responsible for the maintenance cost for the building. Mr. Strunk noted that the tenants have been notified of the change in their leases.

6. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary and noted the top three will have activity soon. Mrs. Reid also noted that the Main Streetscape design should be on the January 2023 Finance agenda.

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

The Bills Paid Report was previously presented electronically.

VIII. BIDS & APPROPRIATION REQUESTS: *(Ordinance)*

A. 2023-C-Janitorial Services

Mrs. Reid reviewed the Janitorial Services bid and noted three years ago was the first time this contract had been bid out. Mrs. Reid noted before this contract the City performed the services in-house using City personnel and temporary workers. Mrs. Reid stated that Touchdown Cleaning Services, Inc., who currently holds the contract, was the low bidder. Mrs. Reid reviewed an appropriation in the amount of $24,345 will be needed. Mrs. Phillips stated she had heard from departments that there had been some issues with the current contract and asked if any of these issues were discussed with the Janitorial Company. Mrs. Reid answered that Mrs. Schneider had discussed some reported issues with the company. Mrs. Antinarella and Mrs. Hinman reviewed some issues they had seen. Mr. Huskey noted that conversations have been made with the company and that janitorial service contract had been transitioned to Public Works/Facilities to manage and that the Facilities supervisor would be closely monitoring the services at each of the three locations. Mrs. Phillips asked what the termination terms were. Discussion continued on the termination terms in the contract. Mrs. Phillips recommended that a discussion take place before the contract is awarded and she encouraged the departments to report if there are any issues so they can be addressed. Mr. Huskey stated they would closely monitor the services and prepare documentation when needed.

MOTION BY Mr. Scott to recommend to Council to adopt the Resolution to award the 2023-C-Janitorial Services bid to Touchdown Cleaning Services, Inc. for cost as bid. Seconded by Mr. Goodlin.
MOTION CARRIED UNANIMOUSLY

MOTION BY Mr. Scott to recommend to Council to adopt the Ordinance amending the budget to appropriate $24,345 for the janitorial services contract. Seconded by Mr. Hughes.
MOTION CARRIED UNANIMOUSLY

B. Pole Banner Brackets for New Light Poles on Hwy 98 - $8,600

An appropriation ordinance for pole banner brackets was included in the packet. Mrs. Reid stated the new poles need a different bracket for banners. Mr. Huskey reviewed that the new bracket will in the ground beside the poles with a breakaway at the bottom of the pole. Discussion was made on the new poles being installed along Hwy 98. Mr. Hughes asked when the project would be completed. Mr. Huskey estimated at the end of January 2023. Mr. Huskey stated the new poles would go all the way to the interstate.

MOTION BY Mr. Hughes to recommend to Council to adopt the Ordinance amending the budget to appropriate $8,600 for the purchase of the pole banner brackets. Seconded by Mr. Scott.
MOTION CARRIED UNANIMOUSLY

C. Demolition and Removal of Vacant Buildings-6275 Shriner Avenue - $10,500

Mrs. Reid discussed that there were two houses on the property at 6275 Shriner Avenue. Mrs. Reid noted the City has received notice that the tenant in the house will be moving out. Mr. Strunk discussed the quote received to tear down the buildings. Mrs. Reid stated an appropriation would be needed for the demolition of the buildings in the amount of $10,500.

MOTION BY Mrs. Phillips to recommend to Council to adopt an ordinance appropriating $10,500 out of the General Fund for the demolition of the buildings. Seconded by Mr. Scott.
MOTION CARRIED UNANIMOUSLY

X. NEW BUSINESS

A. Authorization for Mayor to enter into an agreement for Engineering Services: Ridgewood Drive Sidewalk Improvements - $56,465

Mr. Strunk reviewed the project and the engineering agreement with Lieb Engineering. Discussion continued on the sidewalks.

MOTION BY Mrs. Phillips to recommend to Council to authorize the Mayor to enter an agreement for Engineering Services-Ridgewood Drive Sidewalk Improvement with Lieb Engineering. Seconded by Mr. Hughes.

MOTION CARRIED UNANIMOUSLY

B. Justice Center Expansion

1. Authorization for Engineering Contract w/Dewberry Engineers - $84,548

2. Authorization for Engineering Contract w/Walcott Adams - $300,000

Mr. Strunk reviewed the project and stated that Dewberry will be doing the site engineering and Walcott Adams would be doing the design for the building. Mrs. Reid noted that $1 million is budgeted for this project.

MOTION BY Mrs. Phillips to recommend to Council to authorize the Mayor to enter into an agreement for architecture services and design for the Justice Center Expansion and utilize the monies set aside in the Capital Reserve Fund. Seconded by Mr. Hughes.
MOTION CARRIED UNANIMOUSLY

C. Lavendar Lane – Temporary Construction Easement

Mr. Strunk discussed that the City is working on obtaining a temporary construction easement on private property and the estimated cost for this easement is $5,900. Mr. Strunk reviewed the easements obtained from existing businesses as well. Mr. Dungan reviewed the project and how the $5,900 was calculated. Mrs. Reid discussed monies that were available. Mr. Strunk stated that he is hoping the project can be let in April or May 2023.

XI. OLD BUSINESS

A. Short Term Rental Ordinance

Mr. Strunk discussed the short-term rental ordinance being reviewed. Mr. Scott discussed some concerns citizens are having with short-term rentals and that verbiage needs to be added in the ordinance to outline parking restrictions. Mr. Scott stated that Gulf Shores had added verbiage in their ordinance limiting the parking places to one vehicle per bedroom. Mr. Strunk discussed that Mrs. Adrienne Jones, Community Development Director, had suggested another option for verbiage could be the number of occupants in the rental unit shall not exceed the number of available parking spaces. Discussion continued on adding verbiage for parking restrictions. Mr. Scott reminded everyone that HOA's are responsible for setting restrictions for their property. Mrs. Reid discussed the three parts of the ordinance and perhaps consideration could be given to passing two parts before the Business License renewals are mailed out.

XII. ADJOURN

The meeting adjourned at 5:47 p.m.

December 12, 2022
PUBLIC SAFETY MEETING MINUTES
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

1. CALL TO ORDER:

There being a quorum present, Councilman Hughes called the meeting to order at 4:31pm.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Council President Angie Phillips, Councilwoman Tommie Conaway, Councilmen Steve Olen, Joel Coleman, Benjamin Hughes, and Doug Goodlin.

ABSENT: Mayor LeJeune and Councilman Scott

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

3. PUBLIC PARTICIPATION:

Leslie Ezell, 608 Lea Ave. Spoke on speeding issues on her street. Council suggested petition for traffic calming device.

Carrol Gillen, 23928 Doireann St. Spoke on dangers of exiting out of the Dumore Subdivision on State Hwy 181. She was referred to ALDOT (Alabama Department of Transportation) due to the construction project not being the city's, as well as police jurisdiction being the Alabama State Troopers.

4. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from November 14, 2022 Public Safety meeting were approved as presented.

5. POLICE DEPARTMENT

Old Business: Stats provided for last month by Captain Gulsby.

New Business: None

6. FIRE DEPARTMENT:

Old Business: Stats provided by Chief Holasz. Call volume up by 11 percent. Also increased number of fentanyl overdose cases recently.

New Business: None

7. <u>OTHER BUSINESS</u>

No further discussion needed on vicious animals.

Topic B, (Funeral procession and Police escorts topic) tabled.

4:48 p.m. **ADJOURNMENT**

City of Daphne
Event Permit Application

TYPE OF PERMIT: ☒ Special Event/Fundraiser ☐ Parade/Run (Streets Use) ☐ Walk (Sidewalks Only)
☐ Athletic Complex/Sporting Event ☐ Other: _____

APPLICANT & ORGANIZATION INFORMATION

ORGANIZATION NAME: Eastern Shore Chamber of Commerce

APPLICANT NAME: Liz Thomson

STREET: 327 Fairhope Ave. CITY, STATE, ZIP: Fairhope, AL 36532

CONTACT PHONE: 251-422-3039 EMAIL: LROBERTS@eschamber.com

"ON SITE" CONTACT PERSON DAY OF EVENT: Liz Thomson

CELL PHONE: 251-422-3039 EMAIL: lt

EVENT INFORMATION

EVENT NAME: 35th Annual Jubilee Festival of Arts

TYPE OF/PURPOSE OF EVENT: Art Festival

EVENT DATE: noon 10/20/23 - 5pm 10/22/23 TIME (START- END): 10am - 5 pm

ASSEMBLY TIME: 10/21/23 10-5+ 10/22/23 # PARTICIPANTS/VEHICLES: 130 artists/vendors

EVENT LOCATION: Loft Park + Main Street from Lee North to Randall

FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE): City Stage + wooden stage, Kids art park tented, portalets, city tent

SPECIAL REQUESTS

ROAD CLOSURE(S) REQUESTS: ☒ Yes* ☐ No *If Yes, please indicate which City Route is requested: Lee North to Randall

WILL YOUR EVENT REQUIRE BARRICADES: ☒ Yes* ☐ No *If Yes, please indicate quantity & location: Delivered to Left Park → 10 barricades

WILL YOUR EVENT REQUIRE ELECTRICITY: ☒ Yes* ☐ No *If Yes, you must provide your own extension cords

WILL YOUR EVENT REQUIRE WATER: ☒ Yes* ☐ No *If Yes, you must provide your own hose(s)

OTHER SPECIAL ITEMS FOR RENT:

TENTS: 20' X 40' # 1 X $321.00 10' X 10' # _____ X $123.00/EACH

TABLES: 8' L # 10 X $45.00/EACH CHAIRS: # 20 X $12.00/EACH

OTHER SPECIAL REQUESTS: _____

MARKETING & COMMUNICATIONS

PLEASE NOTE: As a City permitted event, the City of Daphne should be listed as a sponsor on all marketing materials promoting your event, such as, but not limited to, posters, social media outlets, website(s), t-shirts, promo items, etc. It is the event organizer's responsibility to request the official City logo from our Marketing & Events Department in a proper format. No other City of Daphne logo should be utilized. Please initial acknowledgement: _____

Is your event open to the general public? ☒ Yes* ☐ No

* If Yes, do you wish for your event to be listed and/or shared on: www.daphneal.com? ☒ Yes ☐ No

Facebook.com? ☒ Yes ☐ No Instagram? ☒ Yes ☐ No LinkedIn? ☒ Yes ☐ No

MARKETING CONTACT (IF DIFFERENT THAN EVENT APPLICANT OR "ON SITE" EVENT CONTACT):

NAME: Joanna Armond CONTACT PHONE: 251.455.7450

OTHER MARKETING REQUESTS: promotion on city electronic billboard

REVENUE/BUSINESS LICENSE

WILL SALES BE GENERATED AT YOUR EVENT: ☐ Yes** ☐ No ** If Yes, please provide your City of Daphne Business License Number here: Each artist fills out + reports their taxes on forms we provide.

PLEASE NOTE: If you are providing food trucks or other third-party vendors, they MUST be a licensed business with the City of Daphne.

INDEMNITY & HOLD HARMLESS AGREEMENT

In consideration of the permission granted to me by the City of Daphne to use grounds, sidewalks, and/or streets, I hereby indemnify and hold harmless the City of Daphne, its agents, servants and employees from any and all claims and causes of action that may arise from injury to me or third party using the grounds, sidewalks, and/or streets who are injured or suffer property damage that is in any way caused by my use of the grounds, sidewalks, and/or streets. This indemnity and hold harmless agreement is given to the City of Daphne to protect the City and its agents, servants, and employees from cost of defense and claims for injuries and damages that may be caused either directly or indirectly by my use of grounds, sidewalks, and/or streets.

Further, I have read and understand all rules and regulations according to the City of Daphne Ordinance No. 2017-35 as set forth by the governing body of the City of Daphne and will abide by these rules and regulations. I understand that damage to City property, grounds, sidewalks, and/or streets can and will results in additional fees. I also understand that if at any time the City of Daphne appointed Law Enforcement, Code Enforcement, or other personnel feel that said rules and regulations are not being followed the function will be terminated with no refund of said fees.

I have read and understand the above, including the cancellation and indemnity policies.

APPLICANT SIGNATURE: Lyn R Thurman DATE: 12/13/22

INTERNAL USE ONLY

DATE REC'D: 12-13-2022 CITY CLERK: _____

FIRE DEPT: L.G. Tarver APPROVED ROUTE: _____

POLICE DEPT: _____ ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS: _____

SPORTS & RECREATION: _____ EVENT FEE: ☐ Paid $_____ CHK# _____

MARKETING & EVENTS: _____ ☐ Waived: _____

** REVENUE: _____ PROOF OF INSURANCE REC'D: ☐ Yes ☐ No

CITY OF DAPHNE, ALABAMA
RESOLUTION 2023-01

Resolution to Appoint the City Police Chief

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, IN THE STATE OF ALABAMA:

SECTION 1: That Brian Gulsby, an appointed employee, is hereby appointed as Chief of Police for the City of Daphne for a term that runs concurrent with the present administration's term in accordance with the Code of Alabama, 1975 Section 11-43-3, at the same rate of compensation and benefits as is presently in place, except that from time to time said compensation and benefits may be adjusted as City Council considers pay and benefit matters.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this 3rd day of January, 2023.

_____
Robin LeJeune, Mayor

ATTEST:

_____
Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
RESOLUTION 2023-02
2023-C-JANITORIAL SERVICES

WHEREAS, janitorial services are needed for the City Hall, Recreation/Senior Center and Library facilities; and

WHEREAS, The City of Daphne advertised for bids for the Janitorial Services and received three bids; and

WHEREAS, Staff has reviewed the bids for the Janitorial Services and determined that the low bid as presented is reasonable; and

WHEREAS, Staff has recommended to award to the low bidder Touchdown Cleaning Services, Inc. for rates as bid; and

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City hereby accept the bid of Touchdown Cleaning Services, Inc. at the rates as listed below and specified in BID SPECIFICATION NO. 2023-C-Janitorial Services:

ITEMS LIST	MONTH $	12 MONTHS $
Location: City of Daphne City Hall, 1705 Main Street, Daphne, AL		
Services	$2,184.00	$26,208.00
Location: City of Daphne Library, 2607 US Highway 98, Daphne, AL		
Services	$1,213.00	$14,560.00
Location: City of Daphne Recreation/Senior Center 2605 US Highway 98, Daphne, AL		
Services	$1,820.00	$21,840.00
Bid shall include all applicable cost and shall be provided in whole dollar amounts with no cents.		
UNIT PRICES –for Cleaning Carpet & Waxing Floors - SqFt & Total Bldg	SqFt	TOTAL BLDG
Location: City Hall- Carpet Cleaning	$0.20	$1,196.00
Location: City Hall - Waxing Floors	$0.24	$3,318.00
Location: Library - Carpet Cleaning	$0.20	$1,166.00
Location: Library - Waxing Floors	$0.24	$241.00
Location: Recreation/Senior Center - Carpet Cleaning	$0.20	$375.00
UNIT PRICES – for additional services outside the basic scope of services not included in the total Bid:	PER HOUR	
A. Regular Time (8am to 5pm, Monday through Friday):	$14.00	
B. Overtime (5pm to 8am, Monday through Friday, and Weekends):	$14.00	
C. Overtime Holidays (City Holidays):	$14.00	

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2023.

_____
Robin LeJeune, Mayor

ATTEST:

_____
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

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

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, only one-half (½) of the license shall be charged and collected, except for those whose gross receipts are in excess of $100,000.

(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 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. The said issue fee shall be collected in the same manner as the license fee.

SECTION 2. 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 3. 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 4. 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 _____, 2023.

_____
Robin L. LeJeune, Mayor

ATTEST:

_____
Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-71

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

ARTICLE XLI, MEDICAL OVERLAY DISTRICT

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

WHEREAS, at the City of Daphne Planning Commission regular meeting on October 27, 2022, the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54 (as previously amended), and set forth a favorable recommendation to the City Council of the City of Daphne; and

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, and a public hearing was held before the City Council on December 19, 2022.

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

SECTION 1. ARTICLE XLI, MEDICAL OVERLAY DISTRICT

The Land Use and Development Ordinance is hereby amended by adding Article XLI, Medical Overlay District, in the form attached hereto as **Appendix 1**, including Exhibits H and H-1 attached thereto.

SECTION 2. 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 3. 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 4. EFFECTIVE DATE

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

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

ATTEST: **Robin LeJeune, Mayor**

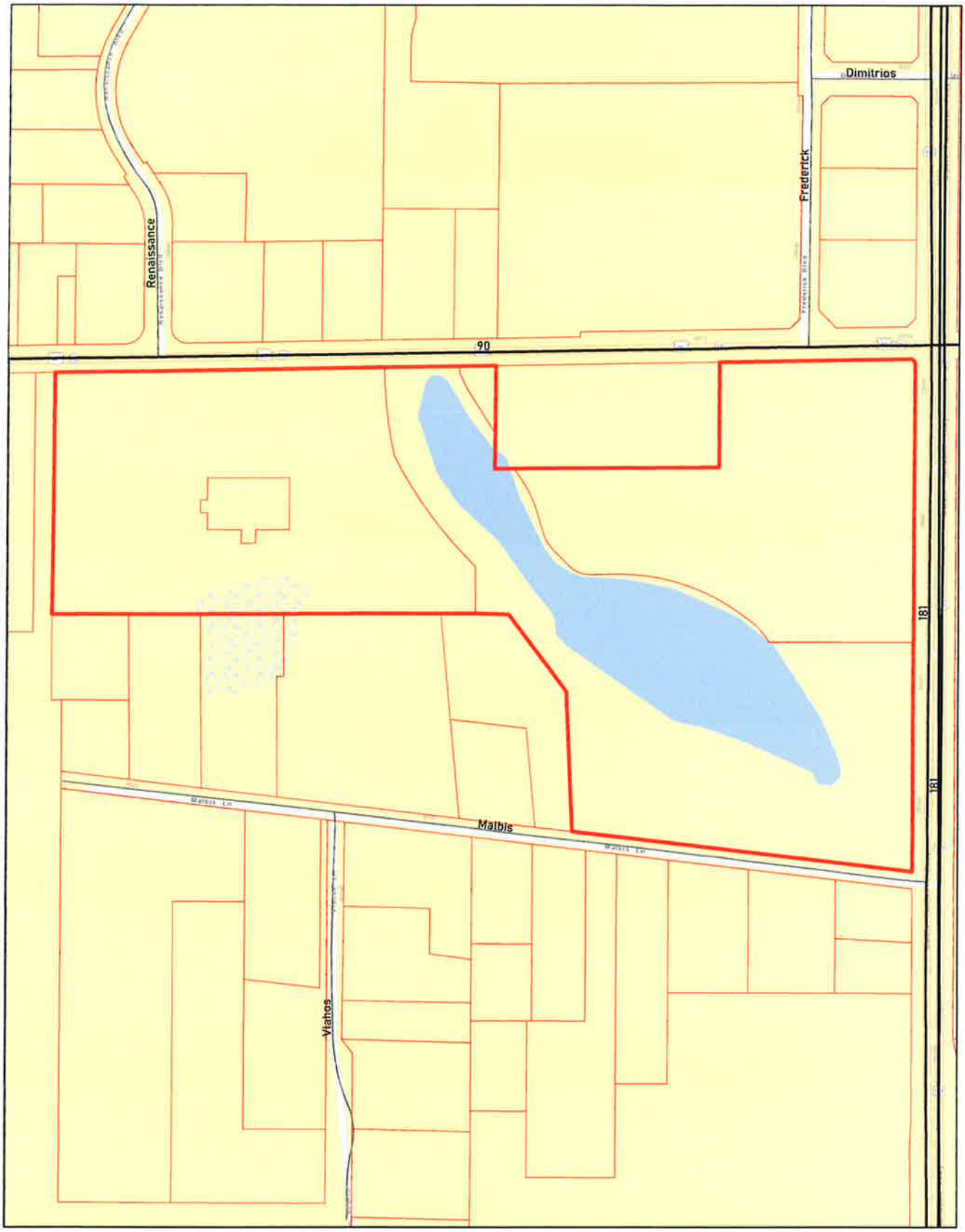
Candace G. Antinarella, CMC, City Clerk

APPENDIX 1

ARTICLE XLI
MEDICAL OVERLAY DISTRICT

(attached)

Medical Overlay District



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

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

Basemap maintained by ESRI

0 0.05 0.1 Miles

Medical Overlay District
Other Parcels
Major Roads
Roads

CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-72

Ordinance to Pre-Zone Property Located Southwest of the intersection of U.S. Highway 90 and Alabama Highway 181
Infirmary Health Systems, Inc.

WHEREAS, Infirmary Health Systems, Inc., as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned by the County as B-2, Neighborhood Business and RSF-1, Residential Single Family, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as B-2(a), General Business Alternate, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located Southwest of the intersection of U.S. Highway 90 and Alabama Highway 181, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

COMMENCE AT 5/8 INCH CAPPED REBAR (CA-007-LS) AT THE SOUTHWEST CORNER OF LOT 12 OF EASTERN SHORE PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2244-A AND SLIDE 2244-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 05 DEGREES 24 MINUTES 34 SECONDS EAST, A DISTANCE OF 80.87 FEET TO A 1/2 INCH REBAR ON THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY 90 FOR THE POINT OF BEGINNING: THENCE RUN NORTH 88 DEGREES 57 MINUTES 53 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90, A DISTANCE OF 223.85 FEET TO A ½ INCH CAPPED REBAR (CA-0604-LS); THENCE RUN ALONG THE EAST BANK OF A POND THE FOLLOWING COURSE, TO WIT; SOUTH 08 DEGREES 18 MINUTES 01 SECONDS WEST, A DISTANCE OF 11 FEET, MORE OR LESS; SOUTH 11 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 19 FEET, MORE OR LESS; SOUTH 25 DEGREES 40 MINUTES 16 SECONDS EAST, A DISTANCE OF 48 FEET, MORE OF LESS; SOUTH 32 DEGREES 27 MINUTES 19 SECONDS EAST, A DISTANCE OF 157 FEET, MORE OR LESS; TO THE WEST MARGIN OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 52 SECONDS WEST, A DISTANCE OF 103 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 89 DEGREES 06 MINUTES 40 SECONDS EAST, A DISTANCE OF 658.95 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS) AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 00 DEGREES 14 MINUTES 00 SECONDS EAST, ALONG THE EAST MARGIN OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 310.06 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS) ON THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90; THENCE RUN NORTH 89 DEGREES 05 MINUTES 42 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90, A DISTANCE OF 567.09 FEET TO A ½ INCH CAPPED REBAR (CA-0951-LS) ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY 181; THENCE RUN SOUTH 45 DEGREES 20 MINUTES 48 SECONDS EAST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA STATE HIGHWAY 181, A DISTANCE OF 13.99 FEET TO A ½ INCH CAPPED REBAR (CA-0951-LS); THENCE RUN SOUTH 00 DEGREES 12 MINUTES 51 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA STATE HIGHWAY 181, A DISTANCE OF 1491.53 FEET TO A 5/8 INCH CAPPED REBAR (CA-0033-LS) ON THE NORTH RIGHT-OF-

WAY OF MALBIS LANE; THENCE RUN NORTH 83 DEREES 16 MINUTES 51 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY OF MALBIS LANE, A DISTANCE OF 1012.72 FEET TO A ½ INCH CAPPED REBAR; THENCE RUN NORTH 02 DEGREES 18 MINUTES 50 SECONDS WEST, A DISTANCE OF 410.51 FEET TO A ½ INCH CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 36 DEGREES 45 MINUTES 14 SECONDS WEST, A DISTANCE OF 282.91 FEET TO A ½ INCH REBAR; THENCE RUN NORTH 89 DEGREES 59 MINUTES 38 SECONDS WEST, A DISTANCE OF 101.90 FEET TO A ½ INCH REBAR; THENCE RUN NORTH 00 DEGREES 20 MINUTES 17 SECONDS WEST, A DISTANCE OF 137.17 FEET TO A ½ INCH REBAR; THENCE FUN NORTHWESTERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 406.32 FEET, (CHORD BEARS NORTH 36 DEGREES 08 MINUTES 42 SECONDS WEST, A DISTANCE OF 404.49 FEET) TO ½ INCH CAPPED REBAR (CA-0604-LS); THENCE NORTHERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 259.19 FEET (CHORD BEARS NORTH 06 DEGREES 26 MINUTES 07 SECONDS WEST, A DISTANCE OF 258.71 FEET) TO THE POINT OF BEGINNING, TRACT CONTAINS 36.18 ACRES, MORE OR LESS, AND LIES SECTION 34, TOWNSHIP 4 SOUTH, RANGE, 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on October 27, 2022, the Commission considered said request and voted to set forth an unanimously favorable recommendation to the City Council to pre-zone the property B-2(a), General Business Alternate; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at City Hall, and a public hearing was held before the City Council on December 19, 2022; and,

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

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

SECTION I: ZONING

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

Until such time as the property is annexed into the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was B-2, Neighborhood Business and RSF-1, Residential Single Family, Baldwin County District 15, Exterritorial Planning Jurisdiction.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

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

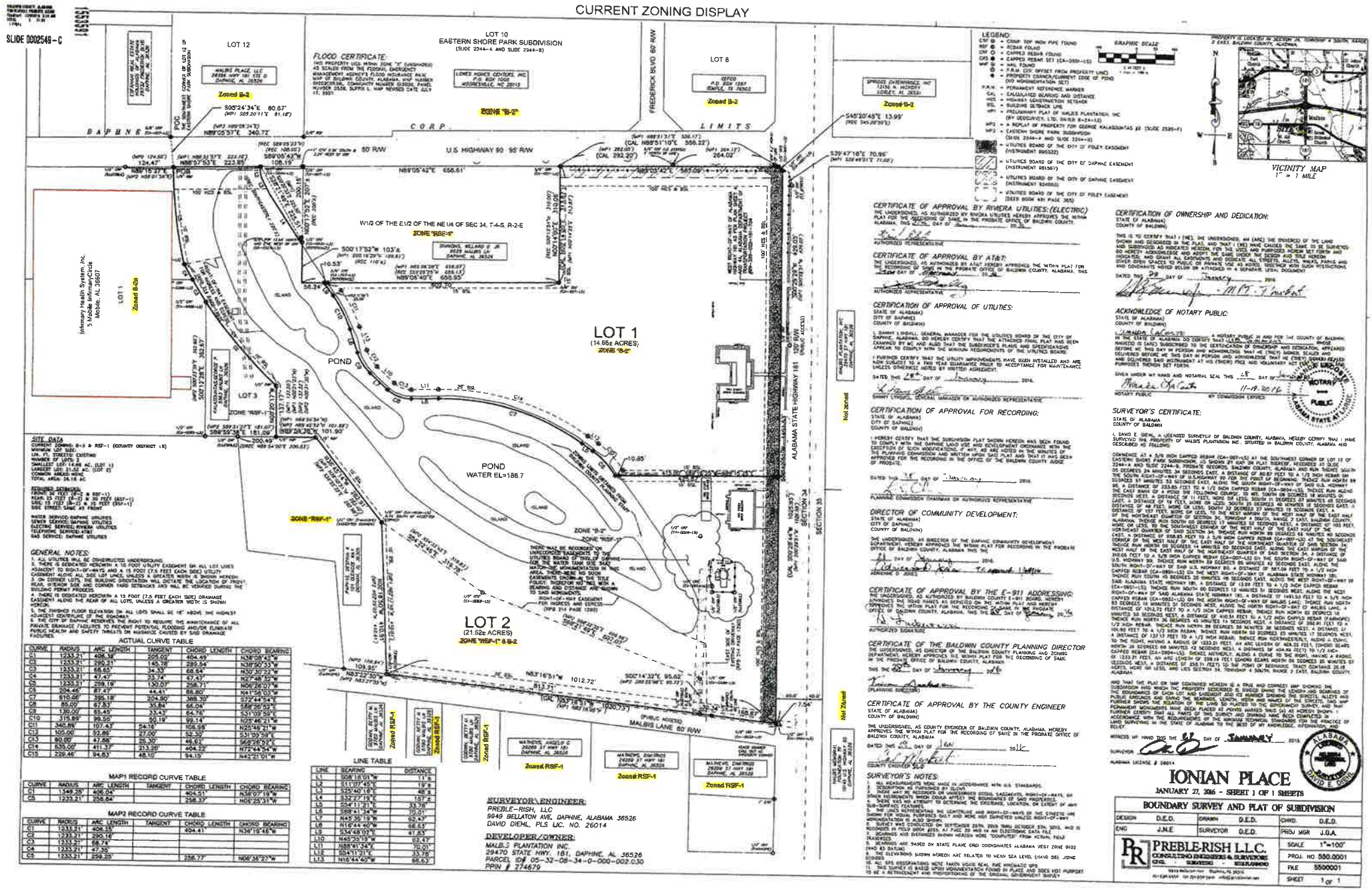
_____

Robin LeJeune, Mayor

ATTEST:

_____

Candace G. Antinarella, CMC, City Clerk


CURRENT ZONING DISPLAY
SLIDE 0002549-C
LOT 10
EASTERN SHORE PARK SUBDIVISION
(SLIDE 2244-A AND SLIDE 2244-B)
LOT 12
LOT 8
FLOOD CERTIFICATE:
Zoned B-3
Zoned B-2
ZONE "B-2"
BAPHNE
CORP
LIMITS
U.S. HIGHWAY 90 95' R/W
50' R/W
FREDERICK BLVD 60' R/W
W1/2 OF THE E1/2 OF THE NE 1/4 OF SEC 34, T-4-S, R-2-E
ZONE "RSF-1"
LOT 1
(14.66± ACRES)
ZONE "B-2"
POND
POND
WATER EL=188.7
LOT 2
(21.52± ACRES)
ZONE "RSF-1" & B-2
LOT 3
ZONE "RSF-1"
Infirmary Health System, Inc.
5 Mobile InfirmaryCircle
Mobile, AL 36607
Zoned B-2a
ALABAMA STATE HIGHWAY 181
Not Zoned
SECTION 34
SECTION 35
MALBIS LANE 60' R/W
PUBLIC ACCESS
Zoned RSF-1
SITE DATA
GENERAL NOTES:
ACTUAL CURVE TABLE
MAP1 RECORD CURVE TABLE
MAP2 RECORD CURVE TABLE
LINE TABLE
SURVEYOR\ENGINEER:
PREBLE-RISH, LLC
9949 BELLATON AVE, DAPHNE, ALABAMA 36526
DAVID DIEHL, PLS LIC. NO. 26014
DEVELOPER/OWNER:
MALBIS PLANTATION INC.
29470 STATE HWY. 181, DAPHNE, AL 36526
PARCEL ID# 05-32-08-34-0-000-002.030
PPIN # 274679
LEGEND:
VICINITY MAP
1" = 1 MILE
CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES:(ELECTRIC)
CERTIFICATE OF APPROVAL BY AT&T:
CERTIFICATION OF APPROVAL OF UTILITIES:
CERTIFICATION OF APPROVAL FOR RECORDING:
DIRECTOR OF COMMUNITY DEVELOPMENT:
CERTIFICATE OF APPROVAL BY THE E-911 ADDRESSING:
CERTIFICATE OF THE BALDWIN COUNTY PLANNING DIRECTOR
CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER
SURVEYOR'S NOTES:
CERTIFICATION OF OWNERSHIP AND DEDICATION:
ACKNOWLEDGE OF NOTARY PUBLIC:
SURVEYOR'S CERTIFICATE:
IONIAN PLACE
JANUARY 27, 2016 - SHEET 1 OF 1 SHEETS
BOUNDARY SURVEY AND PLAT OF SUBDIVISION
PREBLE-RISH L.L.C.
CONSULTING ENGINEERS & SURVEYORS

CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-73

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

Southwest of the Intersection of U.S. Highway 90 and Alabama Highway 181
Infirmary Health Systems, Inc.

WHEREAS, on the 11th day of August, 2022, Infirmary Health Systems, Inc., being the owner of certain real property hereinafter described, did file with the City Clerk a petition requesting that said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama (the "City"); and

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

WHEREAS, said petition was presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on October 27, 2022, and the Commission set forth an unanimously favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property; and

WHEREAS, after proper publication, a public hearing was held by the City Council on December 19, 2022, concerning the petition for annexation.

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

SECTION ONE: ANNEXATION

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

SECTION TWO: ZONING

At the _____, 2022, regularly scheduled City Council meeting, Ordinance 2022-____ was adopted pre-zoning the said property as B-2(a), General Business Alternate, with the apportionment of said zoning districts to the subject property described therein.

SECTION THREE: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

COMMENCE AT 5/8 INCH CAPPED REBAR (CA-007-LS) AT THE SOUTHWEST CORNER OF LOT 12 OF EASTERN SHORE PARK

SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2244-A AND SLIDE 2244-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 05 DEGREES 24 MINUTES 34 SECONDS EAST, A DISTANCE OF 80.87 FEET TO A 1/2 INCH REBAR ON THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY 90 FOR THE POINT OF BEGINNING: THENCE RUN NORTH 88 DEGREES 57 MINUTES 53 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90, A DISTANCE OF 223.85 FEET TO A ½ INCH CAPPED REBAR (CA-0604-LS); THENCE RUN ALONG THE EAST BANK OF A POND THE FOLLOWING COURSE, TO WIT; SOUTH 08 DEGREES 18 MINUTES 01 SECONDS WEST, A DISTANCE OF 11 FEET, MORE OR LESS; SOUTH 11 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 19 FEET, MORE OR LESS; SOUTH 25 DEGREES 40 MINUTES 16 SECONDS EAST, A DISTANCE OF 48 FEET, MORE OF LESS; SOUTH 32 DEGREES 27 MINUTES 19 SECONDS EAST, A DISTANCE OF 157 FEET, MORE OR LESS; TO THE WEST MARGIN OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 52 SECONDS WEST, A DISTANCE OF 103 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 89 DEGREES 06 MINUTES 40 SECONDS EAST, A DISTANCE OF 658.95 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS) AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 00 DEGREES 14 MINUTES 00 SECONDS EAST, ALONG THE EAST MARGIN OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 310.06 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS) ON THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90; THENCE RUN NORTH 89 DEGREES 05 MINUTES 42 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY 90, A DISTANCE OF 567.09 FEET TO A ½ INCH CAPPED REBAR (CA-0951-LS) ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY 181; THENCE RUN SOUTH 45 DEGREES 20 MINUTES 48 SECONDS EAST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA STATE HIGHWAY 181, A DISTANCE OF 13.99 FEET TO A ½ INCH CAPPED REBAR (CA-0951-LS); THENCE RUN SOUTH 00 DEGREES 12 MINUTES 51 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY OF SAID ALABAMA STATE HIGHWAY 181, A DISTANCE OF 1491.53 FEET TO A 5/8 INCH CAPPED REBAR (CA-0033-LS) ON THE NORTH RIGHT-OF-WAY OF MALBIS LANE; THENCE RUN NORTH 83 DEREES 16 MINUTES 51 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY OF MALBIS LANE, A DISTANCE OF 1012.72 FEET TO A ½ INCH CAPPED REBAR; THENCE RUN NORTH 02 DEGREES 18 MINUTES 50 SECONDS WEST, A DISTANCE OF 410.51 FEET TO

A ½ INCH CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 36 DEGREES 45 MINUTES 14 SECONDS WEST, A DISTANCE OF 282.91 FEET TO A ½ INCH REBAR; THENCE RUN NORTH 89 DEGREES 59 MINUTES 38 SECONDS WEST, A DISTANCE OF 101.90 FEET TO A ½ INCH REBAR; THENCE RUN NORTH 00 DEGREES 20 MINUTES 17 SECONDS WEST, A DISTANCE OF 137.17 FEET TO A ½ INCH REBAR; THENCE FUN NORTHWESTERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 406.32 FEET, (CHORD BEARS NORTH 36 DEGREES 08 MINUTES 42 SECONDS WEST, A DISTANCE OF 404.49 FEET) TO ½ INCH CAPPED REBAR (CA-0604-LS); THENCE NORTHERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 259.19 FEET (CHORD BEARS NORTH 06 DEGREES 26 MINUTES 07 SECONDS WEST, A DISTANCE OF 258.71 FEET) TO THE POINT OF BEGINNING, TRACT CONTAINS 36.18 ACRES, MORE OR LESS, AND LIES SECTION 34, TOWNSHIP 4 SOUTH, RANGE, 2 EAST, BALDWIN COUNTY, ALABAMA.

SECTION FOUR: MAP OF PROPERTY

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

SECTION FIVE: EFFECTIVE DATE AND PUBLICATION

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

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

_____
Robin LeJeune, Mayor

ATTEST:

_____
Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-74

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

ARTICLE VI, PROCEDURES FOR TRANSACTION OF BUSINESS

ARTICLE XI, MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISIONS AND COMMERCIAL SITE DEVELOPMENTS

ARTICLE XIII, DISTRICT REQUIREMENTS

ARTICLE XV, SITE PLAN REVIEW

ARTICLE XIX, LANDSCAPING AND TREE PROTECTION

ARTICLE XXXIV, SCHEDULE OF FEES

ARTICLE XXXVII, EASTERN SHORE OVERLAY DISTRICT

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

WHEREAS, at the City of Daphne Planning Commission regular meeting on October 27, 2022, the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54 (as previously amended), and set forth a favorable recommendation to the City Council of the City of Daphne; and

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, and a public hearing was held before the City Council on December 19, 2022.

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

SECTION 1. ARTICLE VI, PROCEDURES FOR TRANSACTION OF BUSINESS

Article VI of the Land Use and Development Ordinance is hereby amended by repealing Section 6-11 therefrom in its entirety.

SECTION 2. ARTICLE XI, MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISIONS AND COMMERCIAL SITE DEVELOPMENTS

(A) Section 11-11(b)(5) of Article XI of the Land Use and Development Ordinance is hereby amended by inserting the following language thereto:

> A non-traversable curb is a highway curb designed to discourage a motor vehicle from leaving the roadway. Non-traversable curbs are used at locations where roadway speeds do not exceed 40 miles per hour and are at least six inches high.

(B) Section 11-14 of Article XI of the Land Use and Development Ordinance is hereby amended by repealing and replacing subsection (h) with the following:

(h) Common Open Space and Recreation Provisions:

> A Common Open Space and Recreation Area Plan shall be provided as a component of the subdivision Master Plan and/or Overall Landscape Plan for

single family or multi-family residential subdivision development, except where herein exempted. Design details are provided in Article 19, Landscape Standards and Tree Protection, Section 19-11.

(1) Single Family, Townhouse, Residential PUD, or Mixed Use PUD Development

Upon preliminary plat or site plan submission for the first phase of the development, an Agreement shall be established for the implementation of a Common Open Space and Recreation Area Plan. The agreement shall be made using appropriate forms as provided by the city and shall include:

(a) The proposed common open space and recreation area plan;

(b) A cost estimate of all work associated with the common open space and recreation area plan improvements (this excludes land and/or utility costs), and;

(c) A renewable surety bond valid for two years in the amount of one hundred and ten percent (110%) of the cost estimate or a letter of credit drawn on an Alabama-based bank.

(C) Section 11-11(l) of Article XI of the Land Use and Development Ordinance is hereby amended by inserting the following language following the first paragraph therein:

Each lot's drainage flow pattern shall follow the overall grading plan for the development.

(D) Section 11-11 of Article XI of the Land Use and Development Ordinance is hereby amended by repealing and replacing subsection (m)(2)d. with the following:

d. The minimum grade of swales/ditches in drainage easements shall be a minimum of one-half of one percent (0.5%). One percent (1%) is preferred.

(E) Section 11-11 of Article XI of the Land Use and Development Ordinance is hereby amended by adding new subsection (o) as follows:

(o) Traffic Management Plan:

(1) A Traffic Management Plan (TMP) shall be provided as a component of the residential subdivision review process or development plan review for a Planned Unit Development. Upon preliminary plat review or site plan review for the first phase of any multi-phased development, said TMP must be provided to the Planning Commission for review and approval. All traffic control devices must be installed per the requirements shown in Article 11, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments.

(2) Said TMP shall include:

a. A plan that illustrates the location of traffic control and traffic calming devices distributed within the entire development.

b. Speed limit and other required traffic control signs.

c. Traffic control pavement markings.

d. Traffic calming devices shall be placed at a minimum of every eight hundred (800) feet or at a point midblock one-half (1/2) the block length, whichever is most practical.

e. Preferred traffic calming techniques are as follows:

i. Speed tables

ii. Raised intersections

iii. Traffic circles

iv. Road narrowed/chokers

(3) The installation of Radar signs may be required upon recommendation of the City Engineer and approval of the Planning Commission.

SECTION 3. ARTICLE XIII, DISTRICT REQUIREMENTS

Article XIII of the Land Use and Development Ordinance is hereby amended by repealing Section 13-7 therefrom in its entirety and replacing it with the following:

13-7 PERFORMANCE STANDARDS

(1) Performance Standards for Nonresidential Districts

In all nonresidential districts (with commercial, institutional and/or industrial uses) where facilities are permitted lots, tracts or parcels shall comply with the following minimum standards:

(a) Lots shall be of sufficient size to be used for the purpose intended, provide adequate parking and loading facilities in addition to space required for conduct of other operation of the business, and otherwise comply with the provisions provided herein.

(b) The minimum lot size for marinas shall be one (1) acre and shall be constructed above mean sea level.

(c) No entrances or exits shall direct traffic into adjacent residential districts.

(d) Noise, air pollutants including dust emissions, and surface runoff shall not exceed background levels by more than ten percent (10%).

(e) Uses in all business districts must comply with all applicable health and safety standards, including sanitary facilities; paved and landscaped parking areas, and all other requirements of this Ordinance, as well as pertinent State and Federal regulations.

(f) Nonpermanent structures such as trailers, sheds, and other such buildings used for business purposes may be permitted in business districts on a temporary basis pending construction of a permanent building. Such structures may be permitted by the Building Official for a three (3) month period, renewable upon written request from the business owner, up to a maximum of one (1) year. Said nonpermanent structure shall be removed immediately upon completion of construction. Delayed removal of the nonpermanent structure may be allowed for no more than thirty (30) calendar days upon review and approval of the Building Official.

(g) All non-residential structures shall be so designed as to present an aesthetically pleasing appearance that is generally compatible with existing buildings in the district, except those less desirable in appearance that have been grandfathered under this Ordinance.

(h) Architectural plans shall be signed and stamped by a Licensed Architect. Plans shall include preliminary floor plans and building elevations.

1. Elevation drawings shall be presented in color. Architectural renderings and roofline treatments shall be presented for all sides.

(i) Streetscape. Landscaping and street furniture complement residential surroundings.

(j) Every effort to make structures aesthetically pleasing shall be made by the developer. Depending upon the location of the proposed facility, as a means to ensure compatibility with existing development or to encourage a higher standard along major corridors, subsequent improvements and changes to building architecture may be required by the Planning Commission.

1. In all non-residential zoning districts the following are preferred building materials for any wall area facing a public street or any residential land use: brick, textured concrete block, stone, metal veneers, stucco or Exterior Insulation and Finish Systems (E.I.F.S.), concrete, steel, vinyl or stone panels provided they contain some architectural relief and exhibit structural strength, or alternate building material approved by the Planning Commission.

2. Tilt-up tilt-slab or tilt-wall type building construction must include vertical architectural elements.

(k) Certain construction materials are discouraged as they are considered aesthetically incompatible. These materials include metal-finished buildings and highly-reflective glass.

(l) Metal buildings may be permitted as follows:

1. In a C/I zone district only, except where said C/I district is located along County Road 13, Highway 98, Highway 90, Highway 181, Olde Towne Daphne, the Village Overlay District, Eastern Shore Overlay District or the Jubilee Retail Overlay District.

(2) Performance Standards for Residential Districts

(a) Design standards for neighborhoods or individual lots shall consider functional and aesthetic features that contribute to residential livability and community sustainability and the overall quality of life. As such, design standards should address compatibility at the neighborhood, block and individual lot level.

1. Architectural Themes:

i. Building materials including brick, stone, textured traditional cement stucco (i.e., real stucco) and cement siding are required as the primary veneer on new dwellings.

ii. Roofs must be varied in roofline treatments.

iii. Front porches or deeply-shaded eaves are encouraged.

iv. Garage fronts should not predominate; they should be recessed and/or constitute less than forty percent (40%) of the residential facade.

(b) Variety:

1. Colored elevations shall illustrate that a minimum of three (3) different elevations are provided in each block face.

2. Developments of thirty-five (35) dwelling units or more should offer a

minimum of five (5) different elevations.

(c) Streetscape:

1. Landscape plans shall establish street/lot themes. See Article 19 for further details.

(d) Residential Streets:

1. Traffic Calming is required within all residential developments. See Article 11 for details regarding Traffic Management Plan.

2. Street designs should discourage through traffic; reduced street paving widths may be considered where off-street guest parking bays are installed.

SECTION 4. ARTICLE XV, SITE PLAN REVIEW

Section 15-5 of Article XIV of the Land Use and Development Ordinance is hereby amended by repealing subsection (2)(b) in its entirety.

SECTION 5. ARTICLE XIX, LANDSCAPING AND TREE PROTECTION

Article XIX of the Land Use and Development Ordinance is hereby amended by repealing Sections 19-11, 19-12, 19-13, 19-14, 19-15, and 19-16 in their entirety, and replacing them with the following:

19-11 COMMON OPEN SPACE AND RECREATION PLAN

(a) Applicability:

(1) Ten percent of each proposed single family or multifamily residential development shall be set aside for common open space and recreation area. Common Open Space and Recreation Provisions shall apply to each residential development within the corporate limits and extraterritorial jurisdiction of the City of Daphne except as exempted below.

(b) Exemptions:

(1) Where a unified planned single family residential development (i.e., under single ownership and planned in multiple phases) is five acres (5 ac) or less in total area and the minimum lot size exceeds twenty thousand square feet (20,000 sq. ft.); or,

(2) Where the entire subdivision is zoned R-1, Low Density Single Family Residential.

(c) Common open space and recreation area set asides shall include formal recreation areas and/or natural open space areas. There are two types of formal recreation areas: passive and active.

(1) Passive recreation areas may include but shall not be limited to: open areas that include arranged plantings, gardens, gazebos or similar structures, fountains, sculptures, and other forms of public art, pedestrian walkways, dog parks, picnic areas, general landscaped areas, flower gardens, and other uses typical for passive recreation.

(2) Active recreation uses may include but shall not be limited to: playground or park for local or neighborhood use with swing sets, ball fields, tennis courts, jogging trails, clubhouses, swimming pools, including accompanying accessory structures, and any other similar use suitable for

the common enjoyment of the residents.

Natural open space areas that preserve and conserve the natural condition and hydrology of the property should be included as well as tree groves, wetlands, associated wetland buffers, rock outcrops, pastoral areas, floodplains, lakes, streams, rivers, wildlife habitat, utility and conservation easements, and scenic vistas and trails. Detention ponds and related stormwater facilities, especially low impact development measures, may also be included.

(d) Phasing/Implementation:

A common open space and recreation area plan shall be a provided as a component of the subdivision master plan for single family or multi-family residential subdivision development, except where herein exempted.

Upon preliminary plat submission for the first phase of the development an agreement shall be established for the implementation of the common open space and recreation area plan. The agreement shall be made using appropriate forms as provided by the city and shall include:

(1) The proposed common open space and recreation area plan;

(2) A cost estimate of all work associated with the common open space and recreation area plan improvements (this excludes land and/or utility costs), and;

(3) A renewable surety bond valid for two years in the amount of one hundred and ten percent (110%) of the cost estimate or a letter of credit drawn on an Alabama based bank.

(e) Performance Standards:

The following factors shall be considered to determine the location for common open space and recreation areas.

(1) Where possible and appropriate, common open space and recreation areas shall be readily accessible and useable by property owners.

(2) To the maximum extent practical, a portion of the common open space and recreation area should provide focal points for the development.

(3) Common open space and recreation areas shall have at least one direct access to a public right-of-way.

(4) The common open space and recreation areas shall be compact and contiguous unless the land is used as a continuation of or link to an existing or planned adjacent open space resource or where specific natural or topographic features require a different configuration.

(5) In all developments, due regard shall be shown for all natural features such as large trees, heritage trees, water courses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the overall development.

(f) Streetscapes:

(1) A streetscape design shall be incorporated into the Common Open Space and Recreation Plan as part of the Overall Master Landscape Plan.

(2) At a minimum, the plan shall include a design for street trees and for

residential lots.

(3) One overstory tree shall be planted every fifty feet along the right-of-way with the exception of rear alleys. Said trees shall be planted at a distance of six feet or greater from any adjacent sidewalk.

(4) This plan shall include the theme for street trees, lot trees, and street furniture that complements the proposed development.

19-12 SPECIAL DESIGNS

More stringent design and landscape standards may be required by the Planning Commission in any district if it is determined the design would be more compatible with the development and/or more beneficial to the aesthetics of the City.

19-13 RETENTION OR DETENTION PONDS IN COMMON AREAS

(a) Detention Ponds-General:

Vegetation shall be planted around the circumference of detention areas.

(b) Subdivisions and Planned Unit Developments:

Retention areas shall have embankments planted with a combination of grass (sod) and shrub plantings. Additional requirements for trees may be required as deemed appropriate by the Planning Commission. There shall be a minimum of one shrub for every five (5) feet of circumference around retention or detention areas.

19-14 SUPERVISION

The landscape architect shall be responsible for the supervision of all plantings. Upon completion, the landscape architect shall certify in writing to the Director of Community Development that the submitted, approved landscape plan has been implemented and is in compliance with the provisions of this Article.

19-15 CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued until the submitted, approved landscape plan has been fully implemented or a financial guarantee for the implementation of the landscape plan is submitted. Said guarantee shall be in an amount equal to one hundred and fifty percent (150%) of the total remaining installation cost. Said cost shall be certified by the landscape architect responsible for the design. In no case shall a certificate of occupancy be approved without the written approval of the design landscape architect.

19-16 MAINTENANCE

Maintenance of new plantings, fencing and/or natural areas is the responsibility of the developer and/or property owner(s). Any vegetation or trees planted or retained to fulfill the requirements of this Article that become damaged or diseased must be replaced by the property owner by the beginning of the optimum planting season of the following year and approved by a professional landscape architect. The landscape architect or the property owner must notify the designee of the Director of Public Works in writing when the replacement tree(s) and vegetation has been planted.

19-17 PENALTIES

The Code Enforcement Officer of the City of Daphne shall serve the owner of said property, each person, firm or corporation engaged in the activities regulated hereunder in

which the activities are being conducted in violation of any provision of this Article. The person(s) shall be fined upon conviction, not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) and costs of the court for each offense.

SECTION 6. ARTICLE XXXIV, SCHEDULE OF FEES

Article XXXIV of the Land Use and Development Ordinance is hereby amended by repealing Section 34-1 in its entirety and replacing it with the Schedule of Fees attached hereto as **Exhibit A. Exhibit A is on file and available for viewing in the City Clerk's Office.**

SECTION 7. ARTICLE XXXVII, EASTERN SHORE PARK OVERLAY DISTRICT

Section 37-10 of Article XXXVII of the Land Use and Development Ordinance is hereby amended by repealing subsection (d) under the heading "Special Provisions" in its entirety.

SECTION 8. 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 9. 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 10. EFFECTIVE DATE

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

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

ATTEST: **Robin LeJeune, Mayor**

Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA

ORDINANCE 2022 – 75

AN ORDINANCE CONSENTING TO THE SALE BY THE UTILITES BOARD OF THE CITY OF DAPHNE OF CERTAIN SURPLUS PERSONAL PROPERTY

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

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

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

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

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

_____

Robin LeJeune, Mayor

ATTEST:

_____

Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-76

APPROPRIATION FOR GARBAGE TRUCK

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 Fiscal Year 2022 Capital Budget approved the purchase of a new Garbage Truck to be financed over five years but due to supply chain issues, the delivery of the vehicle was delayed and was not delivered to the City until Fiscal Year 2023; and

WHEREAS, quotes were received from several financial institutions with the lowest interest rate being 4.84%; and

WHEREAS, due to the high interest rates in the current financial market, the City has determined the better financial decision is to purchase the Garbage Truck from excess funds in the Solid Waste Fund.

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

1) Funds in the amount $339,535 from the **Solid Waste Fund** are hereby appropriated and made part of the Fiscal Year 2023 Budget for the purchase of a new Garbage Truck and related equipment.
2) The Mayor is hereby authorized to execute any and all documents required in relation to this expenditure.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF_____, 2023.

ATTEST: **Robin LeJeune, Mayor**

Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-01

ADDITIONAL APPROPRIATION: JANITORIAL SERVICES FOR CITY FACILITIES

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, monies have been appropriated in the FY 2023 budget for contracted janitorial services at certain city facilities; and

WHEREAS, the current contract has expired and a new bid was sent out to provide Janitorial Services at the Library, Senior Center, and City Hall; and

WHEREAS, multiple bids were received and the awarded contract for the Janitorial Services has an increase from the previous awarded contract amount; and

WHEREAS, an appropriation in the amount of $24,345 is needed to fund the anticipated amount of the FY 2023 contracted Janitorial Services; and

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

1) Funds in the amount **$24,345** from the **General Fund** are hereby appropriated and made part of the Fiscal Year 2023 Budget for contracted Janitorial Services at the Library, Senior Center, and City Hall.
2) The Mayor is hereby authorized to execute any and all documents required in relation to these services.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF_____, 2023.

ATTEST: **Robin LeJeune, Mayor**

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-02

APPROPRIATION FOR POLE BANNER BRACKETS

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, with the installation of the new light poles in the medians of Highway 98, the previous brackets that were used to hang the pole banner flags throughout the year no longer are compatible with the new light poles; and

WHEREAS, quotes have been obtained for new brackets that can be installed by city staff with the lowest quote received being $8,590 and funds are needed to complete this purchase.

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

1) Funds in the amount $8,600 from the **General Fund** are hereby appropriated and made part of the Fiscal Year 2023 Budget for the purchase of new pole banner brackets.
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 2023-03

APPROPRIATION FOR DEMOLITION AND REMOVAL OF VACANT BUILDINGS – 6275 SHRINER AVENUE

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 purchased a parcel of real property located on Mobile Bay at 6275 Shriner Avenue, Daphne, Alabama in Fiscal Year 2021 for approximately $425,000; and

WHEREAS, the previous owner was allowed to continue to live in the residence located on the property and remit monthly rent to the City for a period of time; and

WHEREAS, the previous owner will be vacating the premises by the end of December 2022 and it is necessary to remove the vacant buildings on the property to prevent vagrancy, trespassing, and vandalism.

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

1) Funds in the amount $10,500 from the **General Fund** are hereby appropriated and made part of the Fiscal Year 2023 Budget for the demolition and removal of vacant buildings at 6275 Shriner Avenue.
2) The Mayor is hereby authorized to execute any and all documents required in relation to this project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF_____, 2023.

ATTEST: **Robin LeJeune, Mayor**

Candace G. Antinarella, CMC, City Clerk