

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Tuesday, January 17, 2023
6:00 P.M.

1. CALL TO ORDER

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

PRESENTATION: Daphne Cross-Country Team

PRESENTATION: Deputy Fire Marshal Badge Pinning – Brett Camilleri

RECOGNITION: Jamison Kenny – Smoke Diver

3. APPROVE MINUTES: January 3, 2023 regular meeting.

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Conaway

B. BUILDINGS & PROPERTY COMMITTEE – Phillips
Review the minutes from the December 2022 meeting and the December 2022 new Construction and Building Reports.
Certificates of Occupancy: 36
Permits Issues: 216
New Residential Home Permits: 1
Total Fees: \$57,070.59

C. PUBLIC SAFETY COMMITTEE – Hughes

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Olen

E. PUBLIC WORKS COMMITTEE – Goodlin

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD – Scott

D. LIBRARY BOARD –Phillips

E. PLANNING COMMISSION – Olen

F. RECREATION BOARD – Hughes

G. UTILITY BOARD – Coleman

6. PUBLIC PARTICIPATION

7. MAYOR’S REPORT

City Council Agenda – January 17, 2023

8. CITY ATTORNEY REPORT

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK'S REPORT

MOTION to authorize the Mayor to execute the Right-of-Way/Easement with Telepak Networks, Inc dba C Spire Fiber.

MOTION to authorize the Mayor to enter into two lease agreements with John Deere for the lease of a 2023 650K Crawler Dozer and the lease of a 75G Excavator.

MOTION to approve the Prodissee Pantry Turkey Trot 5k/Fun Run on October 28, 2023 from 6:45am – 10:45am.

MOTION to approve the 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) to ADRT Hospitality LLC dba Yinzers Brew and Grill located at 28850 US Hwy 98, Ste 200, Daphne, AL.

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2023 – 03 – Retaining Officers and Employees – City Judge

2023 – 04 – Resolution to Dissolve the Educational Advisory Committee

B. 2nd 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

C. 1ST READ ORDINANCES:

12. COUNCIL COMMENTS

13. ADJOURN

January 3, 2023
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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: Tommie Conaway, Steve Olen, Doug Goodlin, Joel Coleman, Ron Scott, Angie Phillips and Benjamin Hughes

Also Present: Candace Antinarella, City Clerk; Jay Ross, City Attorney; Chief Brian Gulsby, Police; Troy Strunk, City Development; Chief LeAnn Tacon, Fire; Ronnie Huskey, Public Works; Ange Baggett, Marketing; Tonja Young, Library; Kelli Reid, Finance; Adrienne Jones, Planning; Maren Fagan, Junior City Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Councilman Ron Scott.

PRESENTATION: Judge Michael Hoyt swore in new Police Chief Brian Gulsby.

PRESENTATION: Mayor LeJeune presented a proclamation to recently retired Police Chief David Carpenter as well as his service weapon.

RECOGNITION: Mayor LeJeune recognized the Bayside Volleyball Team and Coach Ann Schilling for their continued Championship streak for over 20 years.

3. **APPROVAL OF MINUTES:**

The minutes from the December 19, 2022 regular meeting were approved.

4. **REPORT OF STANDING COMMITTEES:**

A. **FINANCE COMMITTEE**

Councilman Goodlin said the minutes from the December 19th meeting were in the packet and gave the Treasurer's report for November 2022: Unrestricted Fund Balance - \$24,072,592; Total Cash Balance - \$42,578,481; Sales Tax for October 2022 - \$2,178,288; Lodging Tax for October 2022 - \$128,615.

MOTION by Councilman Goodlin to authorize the Mayor to enter into an Agreement for Engineering Services with Lieb Engineering Co. – Ridgewood Drive Sidewalk Improvements - \$56,465. No second was needed.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Goodlin to authorize the Mayor to enter into agreements for the Justice Center expansion project: 1) Engineering Services with Dewberry Engineers - \$845,548 and 2) Architectural Services with Walcott Adams - \$300,000. No second was needed.

MOTION CARRIED UNANIMOUSLY.

B. **BUILDINGS & PROPERTY COMMITTEE**

Councilman Coleman said the next meeting is January 9th at 5:15pm.

C. **PUBLIC SAFETY COMMITTEE**

Councilman Hughes said the next meeting is January 9th at 4:30pm and the minutes for the December 12th meeting are in the packet.

D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE**

Councilman Olen said the next meeting is February 6th at 4:30pm.

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E. PUBLIC WORKS COMMITTEE

Councilwoman Conaway said the next meeting is February 6th at 5:15pm.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said there is no meeting in January.

B. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting is January 19th at 5:30pm.

C. Industrial Development Board

Councilman Scott said 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 said the next meeting is January 26th at 5:00pm.

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 next meeting is January 25th at 5:00pm.

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:22pm.

Tom Stokes, 29891 Woodrow Lane, said he is representing Truland Homes. He requested the Council to send Ordinance 2022-74 back to Planning Commission because they had some concerns about the grading plan as well as the performance standards.

Sean Gibbs, 10533 Ruffian Route, said he represents D.R. Horton and they have concerns about Ordinance 2022-74. He said they felt the ordinance should go back to Planning Commission for reviews.

Chloe Kelly, representing TerraCore Development Services, shared concerns about Ordinance 2022-74 grading requirements and garage requirements.

Michael Niemeyer, attorney with Hand Arendall Harrison Sale Attorneys and representing Malbis Lane Homeowners Association, asked Ordinance 2022-71 be sent back to Planning Commission to request traffic not be sent down Malbis Lane seeing as it is a private drive.

Public Participation closed at 6:38pm.

7. MAYOR'S REPORT:

Mayor LeJeune said it was a great night of celebrations. He said it should be 6-8 weeks before the new pickleball courts are open and added the Ruff Wilson project is coming along. He said the first Mardi Gras parade is February 10th.

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8. **CITY ATTORNEY REPORT:**

City Attorney discussed the things needed for the closing of the old Thomas Medical Building. He asked if the Council would consider a two-minute Special Called Meeting on Monday to approve the funding. Councilman Olen said he had concerns with approving funding until the Council hears from the State. After discussion, City Attorney recommended waiting until the January 17th Council Meeting.

9. **DEPARTMENT HEAD COMMENTS:**

Chief Gulsby, Police, shared that an officer started the Police Academy and they have upcoming police testing. Chief Tacon, Fire, said there is an upcoming written driver's test. She wished retired Chief Carpenter well in his retirement and is looking forward to working with Chief Gulsby.

Vickie Hinman, HR, said there are upcoming oral board interview for police promotions and HR will be participating in a job fair for veterans on January 18th.

Josh Newman, Engineering, updated the Council on ongoing projects within the City.

Charlie McDavid, Recreation, said youth basketball has kicked off and baseball and softball registration is now open.

Adrienne Jones, Planning, said the staff has reviewed the Comprehensive Plan and hopes to share it with the Council soon.

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

MOTION by Councilwoman Conaway 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. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

City Clerk shared that the next Junior City Council meeting is January 12th.

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

MOTION by Councilwoman Conaway to waive the reading of Resolutions 2023-01 and 2023-02.

Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Resolution 2023-01. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Resolution 2023-02. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

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ORDINANCES:

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 and to Include Short-Term Rentals

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

MOTION by Councilman Scott to waive the reading of Ordinances 2022-70. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2022-70. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to waive the reading of Ordinances 2022-71, 2022-72 and 2022-73.

Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Olen to adopt Ordinance 2022-71. Seconded by Councilman Scott. Mayor LeJeune commented that this would be a huge benefit to Daphne and the Staff have worked hard on this Ordinance. Councilman Olen said the Medical Overlay District has been presented well. He shared that Malbis Lane is a private road and is also in the County. Councilman Coleman commented that those who live on Malbis Lane might consider petitioning the County to put a gate up to block the road.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Olen to adopt Ordinance 2022-72. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Olen to adopt Ordinance 2022-73. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to waive the reading of Ordinance 2022-74. Seconded by Councilman Olen.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Olen to adopt Ordinance 2022-74. Seconded by Councilwoman Conaway.
Councilman Scott asked if Staff felt any concerns expressed from the developers warranted the ordinance returning to Planning Commission. Mrs. Jones said the grading plan was already adopted and this ordinance just presents an amendment to ask for an up-front review. She said it does not encourage mass grading. She presented a handout to Council with recommendations to amend the ordinance.

MOTION by Councilman Scott to amend the ordinance to allow a “grandfather clause” being subject to all previously approved preliminary plat plans/exclude any previously approved preliminary plats. Seconded by Councilman Olen. Councilman Coleman asked about the grating plan.

MOTION by Councilman Coleman to amend the ordinance per the recommendations in the handout presented by staff (handout is attached to these minutes). Seconded by Councilman Scott.
Aye – Conaway, Coleman, Goodlin, Phillips and Scott Nay – Olen and Hughes
MOTION CARRIED.

**MOTION to adopt Ordinance 2022-74 amending to allow a “grandfather clause”.
MOTION CARRIED UNANIMOUSLY.**

MOTION to adopt Ordinance 2022-74 as amended twice.
Aye – Conaway, Coleman, Goodlin, Phillips and Scott Nay – Olen and Hughes
MOTION CARRIED.

MOTION by Councilman Coleman to waive the reading of Ordinance 2022-75 and 2022-76. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Coleman to adopt Ordinance 2022-75. Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Ordinance 2022-76. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

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:

Councilwoman Conaway congratulated Chief Gulsby.

Councilman Olen thanked Chief Carpenter and congratulated Chief Gulsby. He congratulated Bayside Academy Volleyball on their continued success.

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Councilman Coleman congratulated Chief Carpenter on his retirement and Chief Gulsby on his new appointment. He shared that Coach Schilling is an old friend that he thinks very highly of her.

Councilman Goodlin congratulated Chief Carpenter, Chief Gulsby and Bayside Volleyball.

Councilman Scott wished everyone a happy new year and congratulated Chief Gulsby.

Councilman Hughes congratulated Chief Gulsby and thanked Chief Carpenter for his work.

Mayor LeJeune congratulated Chief Gulsby and thanked Chief Carpenter. He congratulated Bayside Academy Volleyball on their continued wins. He thanked the Council for their kind words and support.

Councilwoman Phillips said the Mayor and his positive attitude has been inspirational. She congratulated Chief Gulsby and thanked Kelli Reid, Troy Strunk and Adrienne Jones for their work with the City.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 7:44 PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, CMC, City Clerk

Angie Phillips, Council President

**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:~~ as follows: **Repeal and Replace Section 13-7 with the exception of subsections (h), (i), and (j) 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.
- ~~(k)-(h)-~~ Architectural plans shall be signed and stamped by a Licensed Architect. Plans shall include preliminary floor plans and building elevations.

Highlighted portions are NOT TO BE INCLUDED but rather returned to the Planning Commission for further consideration

1. Elevation drawings shall be presented in color. Architectural renderings and roofline treatments shall be presented for all sides.
- (l) (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.~~

- ~~(a)(c)-~~ Streetscape:
1. Landscape plans shall establish street/lot themes. See Article 19 for further details.
- ~~(b)(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 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

BUILDINGS & PROPERTY COMMITTEE MEETING
December 12, 2022, 5:15 p.m.
City Hall, Council Chambers
1705 Main Street, Daphne, AL 36526

MEETING MINUTES

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

MEMBERS ABSENT: Councilman Scott

ALSO PRESENT: Mayor LeJeune; Patrick Dungan, City Attorney; Suzanne Henson, Finance; Troy Strunk, City Development; Kelli Reid, Finance; Ange Baggett, Marketing; Ronnie Huskey, Public Works; Kathryn McDonald, Facilities; Eric Butler, Building Inspection; and Candace Antinarella, City Clerk.

1) CALL MEETING TO ORDER / ROLL CALL

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

2) MINUTES

3) PUBLIC PARTICIPATION

3) SURPLUS PROPERTY

Mrs. Henson shared the surplus resolution regarding the 2003 Yamaha Golf Cart.

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

4) BUILDING INSPECTION REPORT

Eric Butler reviewed the building report.

5) CIVIC CENTER & BAYFRONT PAVILION REPORT

Ange Baggett gave the Civic Center report.

6) RECREATION REPORT

Charlie McDavid gave the Recreation Report.

7) LIBRARY REPORT

There was no report.

8) VILLAGE POINT BAYFRONT PROPERTIES REPORT

There was no report.

9) FACILITIES REPORT

Kathryn McDonald reviewed the facilities report.

10) OLD BUSINESS

11) NEW BUSINESS

Dayna Oldman and Pat Rudicell asked to purchase property from the City due to the fact a privacy fence was not put along the property line years ago. Council said they didn't see an issue with moving forward.

Troy Strunk presented on the Corte Road and Friendship Road Agreement. Council expresses concerns about the Agreement.

12) ANY OTHER BUILDINGS AND PROPERTY BUSINESS

Kelli Reid presented a handout regarding lease for a garbage truck. Councilman Olen suggested taking money out of the Solid Waste Fund to pay for the vehicle.

**MOTION by Councilman Olen to recommend to Council to use money from the Solid Waste Fund to pay for the garbage truck. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

Councilman Coleman shared that he and Mr. Strunk have been in contact with a group to provide a proposal for the amphitheater.

13) NEXT MEETING

The next meeting is scheduled for Monday, January 9, 2023 at 5:15 p.m.

14) ADJOURN

There being no further business to discuss, the Council adjourned at 5:56pm.

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	\$50,279.03	106	223	378	351	286	18	26	30	30	36
Dec	\$28,050.20	\$233,529.32	\$101,471.36	\$128,605.99	\$57,070.59	108	252	383	296	216	23	33	43	53	36
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	\$154,436.58	2476	3577	4537	3945	694	262	396	451	481	100
Percent	NA	80.09%	-15.14%	20.00%		NA	44.47%	26.84%	-13.05%		NA	51.15%	13.89%	6.65%	

December FY2023 Notes

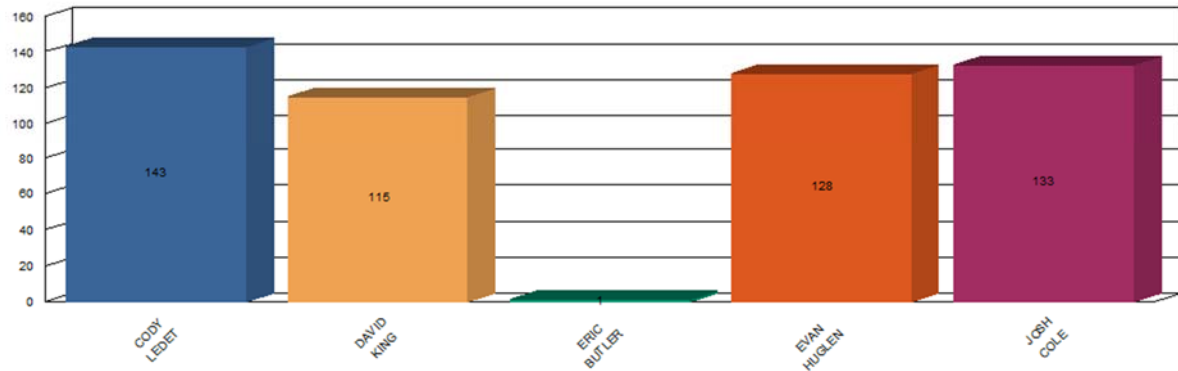
Building Inspections-

216 Permits issued, 36 Certificate Of Occupancies issued, 3 New Commercial permits(Press & Co. & Haley's Little Fish) and 1 New home permits issued

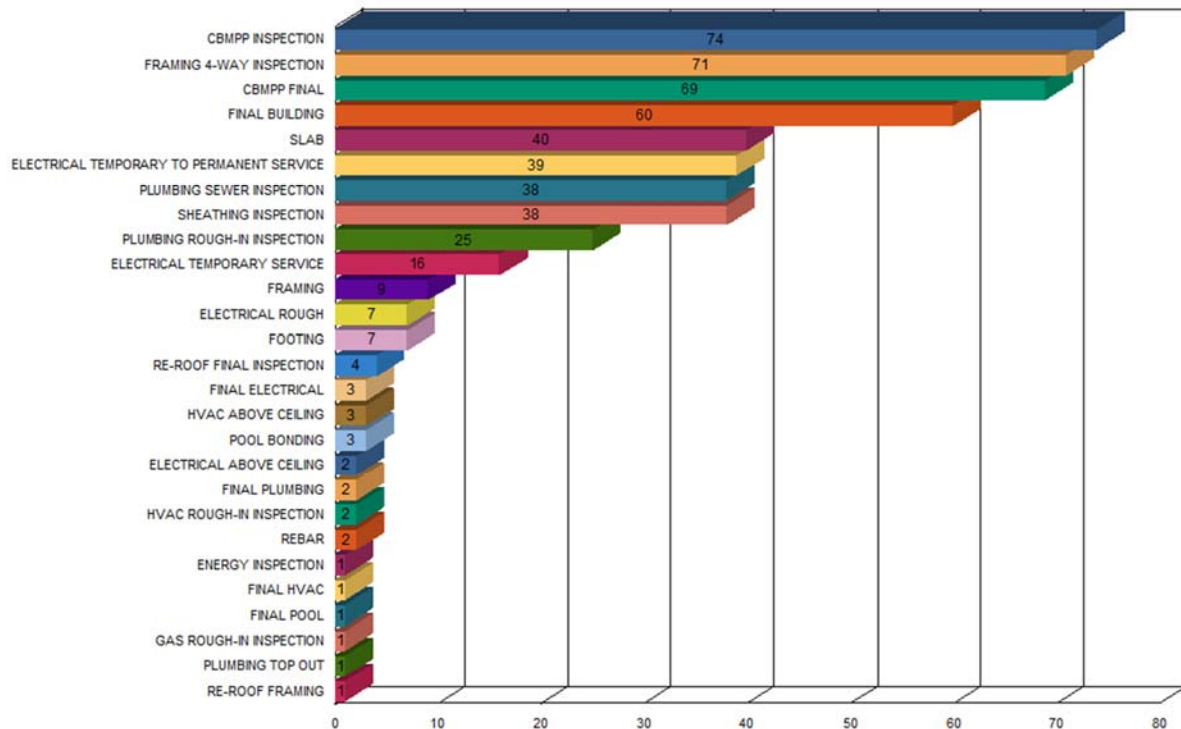
377 Building Inspections – 143 Environmental Inspections – **520 Total Inspections**



**ALL INSPECTIONS BY ACTUAL START DATE BY INSPECTOR (12/01/2022 TO 12/31/2022)
FOR CITY OF DAPHNE**



**ALL INSPECTIONS BY ACTUAL START DATE BY INSPECTION TYPE (12/01/2022 TO 12/31/2022)
FOR CITY OF DAPHNE**



PERMITS ISSUED BY (12/01/2022 TO 12/31/2022) FOR CITY OF DAPHNE

Building Permit (Commercial)

Work Class New Construction (Commercial)

BLDC-013633-2022	Type: Building Permit (Commercial)	District:	Main Address:	711 Belrose Av, FLOOR 2
Status: Issued	Workclass: New Construction (Commercial)	Project:	Parcel: 2697	Daphne, AL 36526
Application Date: 11/09/2022	Issue Date: 12/01/2022	Expiration: 05/30/2023	Last Inspection:	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$714,445.00	Fee Total: \$5,607.89	Assigned To:
Additional Info:				
Zoned: B2	Flood Zone: X	Master Permit: 19-	IBC Commercial Building Code Year: 2018	Contract Value: 714445.00

Contractor: Crucible Construction 707 BELROSE AV DAPHNE, AL 36526 bhulien@crucibleconstruction.com

BLDC-013849-2022	Type: Building Permit (Commercial)	District:	Main Address:	711 Belrose Av, FLOOR 1
Status: Issued	Workclass: New Construction (Commercial)	Project:	Parcel: 2697	Daphne, AL 36526
Application Date: 11/09/2022	Issue Date: 12/01/2022	Expiration: 05/30/2023	Last Inspection:	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$529,519.00	Fee Total: \$3,707.55	Assigned To:
Additional Info:				
Zoned: B2	Flood Zone: X	Master Permit:	IBC Commercial Building Code Year: 2018	Contract Value: 529591.00

Contractor: Crucible Construction 707 BELROSE AV DAPHNE, AL 36526 bhulien@crucibleconstruction.com

BLDC-014015-2022	Type: Building Permit (Commercial)	District:	Main Address:	7942 American Way
Status: Issued	Workclass: New Construction (Commercial)	Project:	Parcel:	Daphne, AL 36526
Application Date: 12/27/2022	Issue Date: 12/28/2022	Expiration: 06/26/2023	Last Inspection: 12/28/2022	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$341,000.00	Fee Total: \$2,887.00	Assigned To:
Additional Info:				
Master Permit: 19-	Contract Value: 341000.00			

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

Value total for Work Class New Construction (Commercial):	Fee total for Work Class New Construction (Commercial):
\$1,584,964.00	\$12,887.00

Value total for Permit Type Building Permit (Commercial): \$1,584,964.00	Fee total for Permit Type Building Permit (Commercial): \$12,887.00	PERMITS ISSUED for Permit Type:	3
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PERMITS ISSUED BY (12/01/2022 TO 12/31/2022)

Building Permit (Residential)

Work Class New Construction (Residential)

BLDR-013932-2022	Type: Building Permit (Residential)	District:	Main Address:	1177 Wilson Ave
Status: Issued	Workclass: New Construction (Residential)	Project:	Parcel:	Daphne, AL 36526
Application Date: 12/14/2022	Issue Date: 12/14/2022	Expiration: 06/12/2023	Last Inspection:	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$586,830.93	Fee Total: \$3,218.00	Assigned To:
Additional Info:				
Heated and Cooled Valuation: 492741	Number of Stories: 0	Heated and Cooled Square Feet: 3266	Non-Heated and Cooled Square Feet: 1557	Non-Heated and Cooled Valuation: 94089.5
IRC Residential Building Code Year: 2018				
Contractor: DRAYTON HOMES INC 13958 SNARR RD SILVERHILL, AL 36576 info@draytonhomes.com				

Value total for Work Class New Construction (Residential):	Fee total for Work Class New Construction (Residential):
\$586,830.93	\$3,218.00

Value total for Permit Type Building Permit (Residential): \$586,830.93	Fee total for Permit Type Building Permit (Residential): \$3,218.00	PERMITS ISSUED for Permit Type:	1
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GRAND TOTAL VALUE: \$2,171,794.93	GRAND TOTAL FEES: \$15,420.44	GRAND TOTAL OF PERMITS:	4
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* Indicates active hold(s) on this permit



PERMIT ISSUANCE SUMMARY (12/01/2022 TO 12/31/2022) FOR CITY OF DAPHNE

Permit Type	Permit Work Class *	Permits Issued	Square Feet	Valuation	Fees Paid
Building Permit (Commercial)	Alteration or Remodel	1	0	\$3,000.00	\$54.46
	Demolition	1	0	\$0.00	\$154.12
	Interior Build Out	1	0	\$108,134.50	\$1,111.97
	New Construction (Commercial)	3	0	\$1,584,964.00	\$12,202.44
	Pool	1	0	\$97,516.00	\$731.89
	Repair	1	0	\$20,150.00	\$153.77
	Re-Roof	3	0	\$482,619.00	\$958.66
BUILDING PERMIT (COMMERCIAL) TOTAL:		11	0	\$2,296,383.50	\$15,367.31
Building Permit (Residential)	Addition	1	0	\$15,600.00	\$137.89
	Alteration or Remodel	3	0	\$323,070.00	\$1,833.26
	Deck	2	0	\$20,000.00	\$194.40
	Demolition	1	0	\$0.00	\$75.00
	Misc.	4	0	\$41,984.00	\$358.70
	New Construction (Residential)	1	0	\$586,830.93	\$3,218.00
	Pool	1	0	\$75,480.00	\$446.14
	Repair	1	0	\$0.00	\$41.10
	Re-Roof	24	0	\$366,469.81	\$2,475.00
BUILDING PERMIT (RESIDENTIAL) TOTAL:		38	0	\$1,429,434.74	\$8,779.49
Certificate of Occupancy	Certificate of Occupancy	36	0	\$0.00	\$0.00
CERTIFICATE OF OCCUPANCY TOTAL:		36	0	\$0.00	\$0.00
Electrical Permit (Commercial)	Misc.	2	0	\$2,500.00	\$230.16
	New Construction (Commercial)	7	0	\$265,157.00	\$4,358.00
ELECTRICAL PERMIT (COMMERCIAL) TOTAL:		9	0	\$267,657.00	\$4,588.16
Electrical Permit (Residential)	Misc.	11	0	\$38,450.00	\$547.21
	New Construction (Residential)	17	0	\$0.00	\$1,918.32
	Pool Bonding	4	0	\$4,900.00	\$132.60
ELECTRICAL PERMIT (RESIDENTIAL) TOTAL:		32	0	\$43,350.00	\$2,598.13
Gas Permit (Residential)	Gas Permit (Residential)	3	0	\$1,350.00	\$106.92
GAS PERMIT (RESIDENTIAL) TOTAL:		3	0	\$1,350.00	\$106.92
HVAC Permit (Commercial)	New Construction (Commercial)	4	0	\$917,450.00	\$15,164.62
HVAC PERMIT (COMMERCIAL) TOTAL:		4	0	\$917,450.00	\$15,164.62
HVAC Permit (Residential)	HVAC Changeout	16	0	\$196,326.00	\$1,459.02
	Misc.	4	0	\$32,172.00	\$246.60
	New Construction (Residential)	35	0	\$0.00	\$3,955.70
HVAC PERMIT (RESIDENTIAL) TOTAL:		55	0	\$228,498.00	\$5,661.32
Plumbing Permit (Commercial)	Misc.	1	0	\$2,500.00	\$115.08
	New Construction (Commercial)	5	0	\$152,503.00	\$2,501.71
PLUMBING PERMIT (COMMERCIAL) TOTAL:		6	0	\$155,003.00	\$2,616.79

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

PERMIT ISSUANCE SUMMARY (12/01/2022 TO 12/31/2022)

Permit Type	Permit Work Class *	Permits Issued	Square Feet	Valuation	Fees Paid
Plumbing Permit (Residential)	Misc.	3	0	\$13,325.00	\$147.47
	New Construction (Residential)	17	0	\$0.00	\$1,918.32
	Sewer	2	0	\$13,985.00	\$122.06
PLUMBING PERMIT (RESIDENTIAL) TOTAL:		22	0	\$27,310.00	\$2,187.85
Site Disturbance	Site Disturbance (Commercial with Cl)	1	0	\$0.00	\$781.00
	Site Disturbance (LANDSCAPE ONLY)	1	0	\$0.00	\$3,104.00
	Site Disturbance (Multi or Single Fami	1	0	\$0.00	\$22,047.00
SITE DISTURBANCE TOTAL:		3	0	\$0.00	\$25,932.00
GRAND TOTAL:		219	0	\$5,366,436.24	\$83,002.59

-3

216

- \$25,932.00

\$57,070.59

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

PREPARED BY AND AFTER
RECORDING RETURN TO:
Brooks P. Milling
Hand Arendall Harrison Sale LLC
P.O. Box 123
Mobile, Alabama 36601
Telephone: (251) 432-5511

RIGHT-OF-WAY/EASEMENT

For Three Hundred Dollars (\$300) cash in hand paid and other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged,

CITY OF DAPHNE, ALABAMA

(whether one or more, Grantor)

1705 Main Street

Daphne, Alabama 36526

Telephone: 251-620-1000

hereby grants, conveys, assigns and warrants to

TELEPAK NETWORKS, INC., d/b/a C Spire Fiber

its successors and assigns (Grantee)

Attn: OSP Manager

1018 Highland Colony Parkway, Suite 400

Ridgeland, Mississippi 39157

Telephone: 601-355-1522

an exclusive easement and right-of-way running with the land for a period of at least thirty (30) years from the date of execution of this instrument to lay, construct, place, repair, operate, test, maintain, improve, replace and remove, in whole or in part, as the Grantee may from time to time require, communications equipment, cabinets and related facilities, and a buried communications cable system with fiber cables **(INCLUDING VOICE, VIDEO OR DATA)** on, under and across the Grantor's property more particularly described as follows and shown on the survey attached hereto as Exhibit "A" and incorporated herein:

A twenty foot by twenty foot easement for a communications facility compound, lying and being situated in Baldwin County, Alabama and being more particularly described by metes and bounds as follows:

A portion of the Guarisco Street Right of Way, being in the SW 1/4 of the SW 1/4 of Section 17, Township 5 South, Range 2 East, Baldwin County, Alabama, and being more particularly described as follows;

Commencing at a capped rebar (Dewberry CA1109) found at NE Corner of "Parcel B" of the Little Bethel Baptist / Olde Towne Replat as recorded on Slide 2705E in the Office of Probate for Baldwin County Alabama thence S 89°39'14" E a distance

of 191.16 feet to a 1" crimp pipe found at the SE corner of the Guarisco Street Right of Way; thence N 86°38'20" W a distance of 38.02 feet to a capped rebar set and the Point of Beginning; thence N 89°39'14" W a distance of 20.00 feet to a capped rebar set; thence N 00°20'46" E a distance of 20.00 feet to a capped rebar set; thence S 89°39'14" E a distance of 20.00 feet to a capped rebar set; thence S 00°20'46" E a distance of 20.00 feet to the Point of Beginning,

Said easement contains (400 sq.ft.) 0.009 acres, more or less.

The Grantor also grants, conveys, assigns and warrants to Grantee for the same not less than thirty (30) year term a nonexclusive five-foot-wide easement for the installation, operation, maintenance, repair, replacement, and use of any utilities in, under, over, across and through the real property situated in Baldwin County, Alabama, described as follows:

A portion of the Guarisco Street Right of Way and the City of Daphne WO Lott Park tract, being in the SW 1/4 of the SW 1/4 of Section 17, Township 5 South, Range 2 East, Baldwin County, Alabama, and being more particularly described as follows;

Commencing at a capped rebar (Dewberry CA1109) found at NE Corner of "Parcel B" of the Little Bethel Baptist / Olde Towne Replat as recorded on Slide 2705E in the Office of Probate for Baldwin County Alabama thence S 89°39'14" E a distance of 191.16 feet to a 1" crimp pipe found at the SE corner of the Guarisco Street Right of way; thence N 86°38'20" W a distance of 38.02 feet to a capped rebar set; thence N 89°39'14" W a distance of 20.00 feet to a capped rebar set; thence N 00°20'46" E a distance of 4.00 feet to the the Point of Beginning of a Fiber Easement being 5 feet in width and lying 2.5 feet on each side of the following described centerline; thence N 89°39'14" W a distance of 70.00 feet to a point; thence N 78°14'23" W a distance of 110.60 feet to a point; thence N 89°23'06" W a distance of 107.88 feet to a point; thence S 82°07'00" W a distance of 163.99 feet to a point; thence N 77°10'37" W a distance of 53.34 feet to a point; thence N 89°32'29" W a distance of 61.11 feet to the Point of Ending.

Said easement contains (2834.60 sq.ft.) 0.065 acres, more or less.

Utilities include, but are not limited to, utility wires, lines, cables, fiber cables, conduits, pipes and other facilities such as electrical utility facilities, telephone utility facilities, and communications/data facilities for the provision of electric power service, telephone service, communications/data service and such other utility services as Grantee, its successors and assigns, may require from time to time.

By accepting this Easement, Grantee understands and agrees with Grantor that:

(1) All cables along the access and utility easement will be installed below the ground surface, except at necessary access pedestals. Service lines off of cables will be installed below ground surface.

(2) Grantee shall have the right to cut or trim such trees, vegetation, and shrubbery as may, from time to time, threaten, impede or interfere with the purposes for which this instrument is given.

(3) After the expiration of the thirty (30) year term of this Right-of-Way/Easement, the rights and obligations granted and assumed herein shall continue thereafter until terminated by written notice from Grantor to Grantee.

(4) Following any termination of its rights hereunder, Grantee shall remove its improvements, property and facilities from the easement areas described herein and restore such easement areas to the condition they were in as of the date hereof, normal wear and tear excepted.

The undersigned Grantor covenants that Grantor is the owner of the above-described lands, Grantor has the authority to grant the rights to the Grantee granted herein and the said lands are free and clear of encumbrances and liens of whatsoever character, except as listed on Exhibit "B", incorporated herein.

[SIGNATURE PAGE FOLLOWS]

Executed on the date of the Grantor's acknowledgment below.

GRANTOR:

CITY OF DAPHNE, ALABAMA

By: _____
Name: _____
Title: _____

STATE OF ALABAMA:
COUNTY OF BALDWIN:

I, the undersigned Notary Public in and for said County in said State, hereby certify that _____, whose name as _____ of the CITY OF DAPHNE, ALABAMA, a municipality, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, being informed of the contents of the instrument, he/she, as such officer and with full authority, executed same voluntarily for and as the act of said municipality.

Given under my hand and seal this _____ day of _____, 202__.

[NOTARIAL SEAL]

NOTARY PUBLIC
My Commission Expires: _____

A-1



TITLE EXCEPTIONS This survey was completed with the aid of Title work prepared by FIRST AMERICAN TITLE INSURANCE COMPANY. Commitment date of August 31, 2022 @ 12:00 pm, being Commitment File No. 86255, for the subject property, to determine the impacts of existing title exceptions.							
Exception No.	Instrument	Comment					
1-8	N/A	Standard exceptions. Contain no survey matters.					
9	Restrictions as to use as contained in Deed Book 456, Page 267.	Legal description describes WD Lott Park and may or may not affect the 5' wide Fiber Easement.					
10	Oil, gas and mineral reservations as contained in Deed Book 456, Page 267.	Legal description describes WD Lott Park and may or may not affect the 5' wide Fiber Easement.					
11	Notice of Limitation of Use as attached to deed record in Real Property Book 428, Page 1711.	Legal description describes Northern portion of WD Lott Park and does not affect the 5' wide Fiber Easement.					
12	Any portion of property lying within the Right of Way of Guarsico Street.	The 20' x 20' Exclusive Perpetual Easement lies within the Right of Way Guarsico Street.					
PARCEL 05-43-04-17-3-000-037.000 BOOK 456, PAGE 267 From the Southwest corner of Section 17, Township 5 South, Range 2 East run North 419.76 feet; thence run N89°-49'E, 40 feet to an iron pipe on the East right-of-way of Baldwin County Highway 11 for the point of beginning; thence run North along said East right-of-way, 547.41 feet; thence run N89°49'E, 557.23 feet; thence run S00°-04'-14"W, 547.41 feet to an iron pipe; thence run S89°-49'W, 556.58 feet to the point of beginning, containing 7.0 acres BOOK 456, PAGE 267 From the Southwest corner of Section 17, Township 5 South, Range 2 East run North 419.76 feet; thence run N89°-49'E, 40 feet to the East right-of-way of Baldwin County Highway 11; thence run North, 664.66 to the point of beginning; thence continue North, 117.28 feet; thence run N89°-49'E, 557.55 feet; thence run S00°04'-14"W, 117.28 feet; thence run S89°-49'W, 557.40 feet to the point of beginning, containing 1.5 acres; 20' x 20' EXCLUSIVE PERPETUAL EASEMENT (AS-SURVEYED) A portion of the Guarsico Street Right of Way, being in the SW 1/4 of the SW 1/4 of Section 17, Township 5 South, Range 2 East, Baldwin County, Alabama, and being more particularly described as follows: Commencing at a capped rebar (Dewberry CA1105) found at NE Corner of "Parcel B" of the Little Bethel Baptist / Old Towne Replat as recorded on Slide 2705E in the Office of Probate for Baldwin County Alabama thence S 89°39'14" E a distance of 191.16 feet to a 1" crimp pipe found at the SE corner of the Guarsico Street Right of Way; thence N 89°38'20" W a distance of 38.02 feet to a capped rebar set and the Point of Beginning; thence N 89°39'14" W a distance of 20.00 feet to a capped rebar set; thence N 09°20'46" E a distance of 20.00 feet to a capped rebar set; thence S 89°39'14" W a distance of 20.00 feet to a capped rebar set; thence S 09°20'46" E a distance of 20.00 feet to the Point of Beginning. Said easement contains (400 sq.ft.) 0.009 acres, more or less. 5' WIDE FIBER EASEMENT (AS-SURVEYED) A portion of the Guarsico Street Right of Way and the City of Daphne WD Lott Park tract, being in the SW 1/4 of the SW 1/4 of Section 17, Township 5 South, Range 2 East, Baldwin County, Alabama, and being more particularly described as follows: Commencing at a capped rebar (Dewberry CA1105) found at NE Corner of "Parcel B" of the Little Bethel Baptist / Old Towne Replat as recorded on Slide 2705E in the Office of Probate for Baldwin County Alabama thence S 89°39'14" E a distance of 191.16 feet to a 1" crimp pipe found at the SE corner of the Guarsico Street Right of Way; thence N 89°38'20" W a distance of 38.02 feet to a capped rebar set; thence N 89°39'14" W a distance of 20.00 feet to a capped rebar set; thence N 09°20'46" E a distance of 4.00 feet to the Point of Beginning of a Fiber Easement being 5 feet in width and lying 2.5 feet on each side of the following described centerline; thence N 89°39'14" W a distance of 20.00 feet to a point; thence N 78°14'23" W a distance of 110.80 feet to a point; thence N 89°23'06" W a distance of 107.88 feet to a point; thence S 82°07'00" W a distance of 163.99 feet to a point; thence N 77°10'37" W a distance of 53.34 feet to a point; thence N 89°32'20" W a distance of 61.11 feet to the Point of Ending. Said easement contains (2834.60 sq.ft.) 0.065 acres, more or less.							
ON POINT SURVEYING, LLC 4011 Virginia Lane Huntsville, Alabama 35896 Ph: 256-755-8508 reports@onsurveying.com Alabama C&M 1171-JS expires 01/31/2023		EASEMENT SURVEY C SPIRE 1018 Ridgeway Colony Pkwy Birmingham, AL 35217	DRAWN BY: JP CHECKED BY: JP FIELD CREW: JP APPROVED BY: JP DATE: 07/29/2022 SCALE: 1" = 50' Page: 2 of 2	NO. REVISION DATE BY 1 Adjust primary easement location 06/19/2022 JP 2 Add Title Report 09/15/2022 JP	DAHPNE CABINET SW 1/4, SEC. 17, T-5-S, R-2 E BALDWIN COUNTY, ALABAMA		
SURVEYOR'S NOTES 1. This is a Easement Survey, made on the ground under the supervision of a Alabama Registered Land Surveyor. Date of field survey is July 21st 2022. 2. The following instruments were used during the field visit: Topcon OT Series Robotic Total Station, and Topcon Hiper SR GPS receiver. 3. Bearings are based on Alabama West State Plane Coordinates NAD 83 by GPS observation. 4. No underground utilities, underground encroachments or building foundations were measured or located as a part of this survey, unless otherwise shown. Trees and shrubs not located, unless otherwise shown. 5. Attention is directed to the fact that this survey may have been reduced or enlarged in size due to reproduction. This should be taken into consideration when coloring scaled data. 6. This Survey was conducted with the benefit of an Abstract Title Search. 7. Field data upon which this map or plat is based has a closure predation of not less than one-foot in 10,000 feet (1:10,000) and an angular error that does not exceed 15 seconds times the square root of the number of angles turned. Field traverse was not adjusted. 8. This survey is not valid without the original signature and the original seal of a state licensed surveyor. SURVEYOR'S CERTIFICATION I certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief. <i>John M. Perez</i> John M. Perez Alabama License No. 30354 ALABAMA LICENSED No. 30354 PROFESSIONAL LAND SURVEYOR JOHN M. PEREZ 09/22/2022							
VICINITY MAP NOT TO SCALE AL WEST STATE PLANE USE THIS: GRID TO TRUE NORTH CONVERGENCE 0°12'14.44" TRUE NORTH TO MAGNETIC DECLINATION 7°44' W COMBINED SCALE FACTOR 0.999496252 LEGEND ○ = 5/8" REBAR SET ● = FOUND PROPERTY MARKER POB = POINT OF BEGINNING POC = POINT OF COMMENCEMENT POE = POINT OF ENDING ▲ = CALCULATED POINT GO = REFERENCED INFORMATION OO = MEASURED — = POWER POLE + = GUY ANCHOR □ = POWER BOX □ = POWER METER ● = GROUNDING ROD □ = TELEPHONE PEDESTAL □ = CABLE PEDESTAL □ = WATER METER ⊙ = WATER VALVE ⊙ = SANITARY SEWER MANHOLE — = RIGHT-OF-WAY — = OVERHEAD POWER ASPHALT CONCRETE FLOOD NOTE By graphic plotting only, the subject property appears to lie in Zone "X" of the Flood Insurance Rate Map Panel No. 01002C0832M, which bears an effective date of April 18, 2019 and is NOT in a special flood hazard area.							

A-2

Exhibit "B"
Exceptions

1. Oil, gas and mineral reservations contained in Deed Book 456, Page 267.
2. Restrictions as to use contained in deed recorded in Deed Book 456, Page 267, which restrictions do not prohibit the use for which the foregoing Right-of-Way/Easement is granted.



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: Prodisee Pantry
APPLICANT NAME: Neil Beasley
STREET: 9315 Spanish Fort Blvd CITY, STATE, ZIP: Spanish Fort AL 36527
CONTACT PHONE: 2516261720 EMAIL: programs@prodiseepantry.org
"ON SITE" CONTACT PERSON DAY OF EVENT: Neil Beasley
CELL PHONE: 2517091222 EMAIL: programs@prodiseepantry.org

EVENT INFORMATION

EVENT NAME: Turkey Trot 5K / Fun Run
TYPE OF/PURPOSE OF EVENT: fundraiser for Thanksgiving food distribution
EVENT DATE: 10/28/2023 TIME (START- END): 8am 5K 9am Fun Run
ASSEMBLY TIME: 6:45am - 10:45 # PARTICIPANTS/VEHICLES: 700+ participants
EVENT LOCATION: front of city hall, parking lot, grass area, main st. race route
FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE):
Prodisee Pantry event to help provide a traditional Thanksgiving meal
to thousands of Baldwin County families in need!
5K race and Fun Run
sponsors tents, port-o-lets, and event registration tables

SPECIAL REQUESTS

ROAD CLOSURE(S) REQUESTS: ☒ Yes* ☐ No *If Yes, please indicate which City Route is requested: Main St

WILL YOUR EVENT REQUIRE BARRICADES: ☐ Yes* ☒ No *If Yes, please indicate quantity & location: _____

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' # _____ X \$321.00 10' X 10' # _____ X \$123.00/EACH

TABLES: 8' L # _____ X \$45.00/EACH CHAIRS: # _____ 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: nb

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: Neil Beasley CONTACT PHONE: 2516261720

OTHER MARKETING REQUESTS: _____

REVENUE/BUSINESS LICENSE

WILL SALES BE GENERATED AT YOUR EVENT: ☐ Yes** ☒ No ** If Yes, please provide your City of Daphne Business License Number here: _____

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

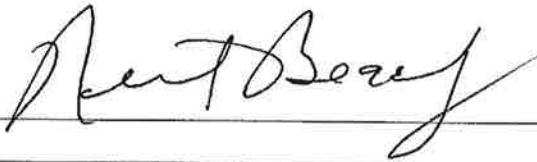
INDEMNITY & HOLD HARMLESS AGREEMENT

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 result 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: _____



DATE: 1/4/2023

INTERNAL USE ONLY

DATE REC'D: 1-4-2023

CITY CLERK: _____

FIRE DEPT: [Signature]

APPROVED ROUTE: _____

POLICE DEPT: [Signature]

ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS: [Signature]

SPORTS & RECREATION: [Signature]

EVENT FEE: ☐ Paid \$ _____ CHK# _____

MARKETING & EVENTS: _____

☐ Waived: _____

** REVENUE: _____

PROOF OF INSURANCE REC'D: ☐ Yes ☐ No



Daphne City Clerk 251-620-1100

**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION**



Confirmation Number: 20230109084257535

Type License: 040 - RETAIL BEER (ON OR OFF PREMISES) State: County:

Type License: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES) State: County:

Trade Name: **YINZERS BREW AND GRILL**

Filing Fee:

Applicant: **ADRT HOSPITALITY LLC**

Transfer Fee: \$100.00

Location Address: 28850 US HWY 98 STE 200 DAPHNE, AL 36526

Mailing Address: 13037 HATCHETT CREEK AVE FAIRHOPE, AL 36532

County: BALDWIN Tobacco sales: NO

Tobacco Vending Machines:

Product Type:

Type Ownership: LLC

Book, Page, or Document info: 001-051-827 DLL

Do you sell Draft Beer?:

Date Incorporated: 12/05/2022 State incorporated: AL

County Incorporated:

Date of Authority:

Federal Tax ID: 92-1281882

Alabama State Sales Tax ID: R011598010

Name:	Title:	Date and Place of Birth:	Residence Address:
PATRICK MORRIS 10368969 - AL	MEMBER	2/2/1974 VIRGINIA	13037 HATCHETT CREEK FAIRHOPE, AL 36532
JENNIFER MORRIS 10368975 - AL	MEMBER	2/10/1976 TENNESSEE	13037 HATCHETT CREEK FAIRHOPE, AL 36532

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: JENNIFER MORRIS

Business Phone: 251-621-6990

Fax:

Home Phone: 901-569-4887

Cell Phone:

E-mail: JENNIFERMORRIS78@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Trade Name: YINZERS BREW AND GRILL

Applicant: YINZERS LLC

Previous License Number(s)

License 1: 040-011028002

License 2: 060-011028002



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20230109084257535

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

Name of Property owner/lessor and phone number: **98 NORTH LLC 251-422-6000**

What is lessors primary business? **PROPERTY OWNER**

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

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

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

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

Does the establishment have restroom facilities? **YES**

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**

Building Dimensions Square Footage: **3440** Display Square Footage:

Building seating capacity: **99** 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

Confirmation Number: 20230109084257535



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:

YINZERS LLC

Address: 28850 US HWY 98 SUITE 200

DAPHNE, AL 36526

Telephone: 251-533-3378

NEW APPLICANT:

ADRT HOSPITALITY LLC

Address: 13037 HATCHETT CREEK AVE

FAIRHOPE, AL 36532

Telephone: 251-621-6990

Current License No: 040-011028002

060-011028002

LICENSED PREMISES ADDRESS: 28850 US HWY 98 STE 200 DAPHNE, AL 36526

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

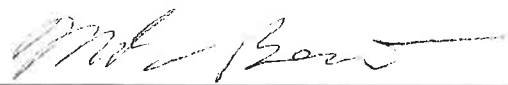
The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 9 day of January, 2023.

CURRENT LICENSEE (NAMED ON LICENSE)

NEW LICENSEE (APPLICANT)





Print Name: Mark Bentz

Print Name: Jennifer Morris

Title: Yinzers LLC, mbr

Title: ADRT Hospitality LLC, mbr

WITNESS: (By ABC Enforcement) _____

Revised 9/08

Rosemarie Moore
Rosemarie Moore

My commission expires 11/9/2025



STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION

Confirmation Number: 20230109084257535



Initial each

Signature page

☐ *am*

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

☐ *am*

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

☐ *am*

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.

☐ *XX*

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.

☐ *XX*

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

☐ *am*

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

☐ *am*

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.

☐ *am*

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.

☐ *am*

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): Jennifer Morris

Signature of Applicant:

Jennifer Morris

Notary Name (print):

Rosemarie Moore

Notary Signature:

Rosemarie Moore

Commission expires:

11/9/2025

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: **20230109084257535**
Application Payment Confirmation Number: **89277430**

Payment Summary	
Payment Item	Fee
Transfer Fee for License 040 and License 060	\$100.00
Total Amount to be Charged	\$100.00

Application Type

Application Type: TRANSFER

Applicant Information

License Type 1: 040 - RETAIL BEER (ON OR OFF PREMISES)

License Type 2: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES)

License County: BALDWIN

Business Type: LLC

Trade Name: **YINZERS BREW AND GRILL**

Applicant Name: **ADRT HOSPITALITY LLC**

Location Address: 28850 US HWY 98 STE 200
DAPHNE, AL 36526

Mailing Address: 13037 HATCHETT CREEK AVE
FAIRHOPE, AL 36532

Contact Person: JENNIFER MORRIS

Contact Home Phone: 901-569-4887

Contact Business Phone: 251-621-6990

Contact Fax:

Contact Cell Phone:

Contact Email Address:

Contact Web Address:

CASE NO 2023-1

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. _____

1/9/23

(initial)

CAC

DATE FORWARDED TO POLICE DEPT. _____

DATE RECEIVED BY POLICE DEPT. _____

1-9-23

gr

DATE: 1-9-23 APPROVED X

DISAPPROVED _____

POLICE DEPT SIGNATURE _____

R. Ardia

DATE RETURNED TO REVENUE DIV. _____

1-9-23

gr

DATE FORWARDED TO CITY CLERK _____

1/9/23

CAC

DATE RECEIVED BY CITY CLERK _____

SCHEDULED DATE ON AGENDA _____

Council Action: _____

APPROVED

DISAPPROVED

TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: _____

APPROVED

DISAPPROVED

TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____

OR TO ABC FIELD OFFICE. _____

(per taxpayer request)

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2023-03**

**Retaining Officers and Employees
City Judge**

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

SECTION 1: That Michael Hoyt is appointed to continue as City Judge for a two (2) year term, effective February 2023 – February 2025, for the City of Daphne upon the basis of compensation heretofore existing.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA on this 17th day of January, 2023.**

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2023-04**

A RESOLUTION TO DISSOLVE THE EDUCATIONAL ADVISORY COMMITTEE

WHEREAS, pursuant to Resolution 2017-27, the City Council of the City of Daphne, Alabama (the “City”), established an Educational Advisory Committee (the “Committee”) to study and make recommendations on matters relating to the schools within the City; and

WHEREAS, pursuant to Amendment 382 of the Constitution of Alabama of 1901, on August 23, 2022, voters of the City approved a special 3 mill ad valorem school district tax for the exclusive benefit of the local public schools in the City; and

WHEREAS, the special school district tax went into effect on January 1, 2023; and

WHEREAS, pursuant to that certain Local Public School Agreement by and between the City and the County Board of Education of Baldwin County, Alabama (the “Board”), dated as of May 19, 2022, the City Council, during its regular meeting of December 5, 2022, established a commission known as the “Daphne (Amendment 382) Public School Commission” (hereinafter, the “Commission”) to advise and make recommendations to the Board with respect to the use of the special tax proceeds; and

WHEREAS, the City Council has determined that the purposes for which the Committee was established will be served by the Commission going forward, and that the Committee should accordingly be dissolved.

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

1. The City Council commends the Educational Advisory Committee and each of its members for their work with the Committee and their dedication to providing a high quality education to the children of the City; and

2. The Educational Advisory Committee, as established by Resolution 2017-27, is hereby dissolved.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE 17TH DAY OF JANUARY, 2023.

Robin LeJeune, Mayor

ATTEST:

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