CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, February 6, 2023
6:00 P.M.

1. **CALL TO ORDER**

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

   PUBLIC HEARING: Proposed Amendments to the Land Use and Development Ordinance, to amend Articles 31 and 35.

3. **APPROVE MINUTES:** January 17, 2023 regular meeting.

4. **REPORTS OF STANDING COMMITTEES**

   A. FINANCE COMMITTEE – Goodlin
   Review the minutes from the January 17th meeting.
   Treasurer's Report for December 2022: Unrestricted Fund Balance - $25,961,540;
   - Total Cash Balance - $44,139,977

   Sales Tax for November 2022: $2,163,150; Lodging Tax for November 2022: $112,137
   Excess Reserve Balance - $14,023,708
   Debt Summary – December 2022: Warrants - $26,950,794
   - Capital Leases - $2,053,772: General Fund - $970,005; Enterprise Fund - $1,083,767

   MOTION to renew the City's annual insurance policy with John A. Robertson Insurance Agency, Inc. for the third-year discounted term of the three-year policy for the amount of $662,614.

   MOTION to authorize the Mayor to enter into the Intergovernmental Service Agreement with Baldwin County for the extension of the Corte Road to Friendship Road.

   B. BUILDINGS & PROPERTY COMMITTEE – Coleman

   C. PUBLIC SAFETY COMMITTEE – Hughes
   Review the minutes from the January 9th 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

   MOTION to appoint Tasha Quinnelly to the Board of Zoning Adjustments, replacing Willie Robinson, with her term expiring November 2025.

   B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

   C. INDUSTRIAL DEVELOPMENT BOARD – Scott

   D. LIBRARY BOARD – Goodlin

   E. PLANNING COMMISSION – Olen
   Review the minutes from the December 15, 2022 meeting and the report from the January 26, 2023 meeting.

F. **RECREATION BOARD –** Hughes

G. **UTILITY BOARD –** Phillips
Review the minutes from the November 30, 2022 meeting.

6. PUBLIC PARTICIPATION

7. MAYOR'S REPORT

8. CITY ATTORNEY REPORT

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK'S REPORT

MOTION to approve the 140 – Special Events Retail to Mancis Antique LLC dba Annual Saint Patrick's Day located at 704 Belrose Avenue on March 18, 2023.

MOTION to approve the Ballin' on Belrose Run/Walk Challenge on April 22, 2023 from 8:00am – 12:00pm located on Belrose Avenue.

MOTION to approve the Daphmont Community Mardi Gras Parade on February 18, 2023 from 2:00 – 3:30pm.

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2023 – 05 – A – May Day Park Pier Repairs – Negotiated

2023 – 06 – RFQ – Daphne Transportation Improvements Plan

B. 2nd READ ORDINANCES:

C. 1ST READ ORDINANCES:

2023 – 04 – Short Term Rentals

2023 – 05 – Appropriation: May Day Park Pier Repairs – Negotiated **-** $171,805

2023 – 06 – Appropriation: Wastewater Treatment Facility Culvert Replacements **-** $55,000

2023 – 07 – Appropriation: Engineering – Phase I of Main Street Renovation **-** $848,525

2023 – 08 – Authorize the Mayor to Enter into an Easement Agreement with Daphne Utilities for the Animal Shelter Project

2023 – 09 – Adopting the Rules of Procedure in all Instances for Meetings of the City Council

2023 – 10 – Appropriation: Purchase of Real Property from Gulf Health Hospitals, Inc. **-** $1,976,786

2023 – 11 – Ordinance to Amend the Land Use and Development Ordinance 2011-54, Article 31 – Home Occupations, Automobile Service Stations, Cemeteries, Bed and Breakfast Establishments, Extended Stay Hotel Facilities; and Article 35 – Table of Permitted Uses

12. COUNCIL COMMENTS

13. ADJOURN

COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM

Daphne
ALABAMA

DATE: November 18, 2022

TO: Office of the City Clerk

FROM: Adrienne Jones, AICP, Director of Community Development

SUBJECT: Proposed Amendments to the Land Use and Development Ordinance, to amend Articles 31 and 35

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

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

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

Thank you,
ADJ/jv

Attachment

cc: file

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

SECTION 35-3 PERMITTED USES & CONDITIONS	By Right	Planning Commission Approval	Special Exception BZA Approval
Contractor's storage yard for vehicles, equipment, materials and supplies; need not be enclosed within a structure, but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided	B-2, C/I		
Convenience store	B-2	B-1, B-2(a)	
Correctional, detention or penal institution			B-2, C/I
Dairy equipment sales	B-2, C/I		
Dairy products sales	B-1, B-1(a) B-2, B-2(a)	C/I	
Delicatessen	B-1, B-1(a) B-2, B-2(a)	C/I	
Department store	B-2(a) B-2		
Dog pound; need not be enclosed within a structure	C/I	B-2	
Drive-in restaurant	B-2, B-2(a)	B-1	
Drug Store, Pharmacy	B-1, B-1(a) B-2, B-2(a)		
Dry cleaning shop, including self-service	B-1, B-2(a), B-2	B-1(a), C/I	
Dry goods or fabric store	B-1, B-1(a) B-2, B-2(a)		
Dwelling, one-family	R-1, R-2, R-3, R-4		
Dwelling, two-family	R-4		

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

Deleted: , B-2(a), C/I

ARTICLE XXXI

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

31-1 HOME OCCUPATIONS

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

(a) Area used shall not exceed twenty percent (20%) of the gross floor area in the principal building.

(b) It shall be confined entirely to the principal building, accessory building, or outside storage building for which twenty percent (20%) of gross floor area would apply.

(c) Employment shall be limited to members of the family residing in the dwelling. There shall be no employment of employees other than members of the resident family. In no case shall more than two (2) persons be engaged in the home occupation.

(d) No internal or external addition, alteration, or remodeling of the dwelling is permitted in connection with the home occupation.

(e) Chemical, mechanical, or electrical equipment that creates odors, light, glare, noises, or interference in radio or television reception detectable outside of the dwelling shall be prohibited.

(f) No display of products shall be visible from the street and only articles made on the premises may be sold; except non-durable articles, consumable products, which are incidental to a service or which service shall be the principal use in the home occupation may be sold on the premises.

(g) Instruction in music, dancing, and similar subjects shall be limited to two (2) students at a time.

(h) The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

(i) One professional or announcement sign may be used to identify the customary home occupation. Such sign shall not exceed one and one-half characterization of a room or articulated room space as a bedroom shall be determined objectively on the basis of its physical suitability for use as a distinct defined sleeping area, not on the basis of the manner in which such room or space is denominated.

(5) A building or structure owned under a condominium form of ownership that satisfies this definition of extended stay hotel facility shall be subject to all area and dimensional requirements and limitations applicable to hotels and motels.

(6) No more than six (6) persons per room.

31-6 MINI-WAREHOUSE AND STORAGE FACILITIES

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

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

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

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

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

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

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

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

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

1. <u>CALL TO ORDER</u>:

There being a quorum present Council Pro Tem Steve Olen called the meeting to order at 6:04pm.

2. <u>ROLL CALL</u>:

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

COUNCIL MEMBERS ABSENT: Angie Phillips

Also Present: Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; Mayor LeJeune; Chief Brian Gulsby, Police; Troy Strunk, City Development; Chief LeAnn Tacon, Fire; Ronnie Huskey, Public Works; Ange Baggett, Marketing; Tonja Young, Library; Judge Hoyt; Vickie Hinman, HR; Deputy Fire Marshal Brett Camilleri; Kelli Reid, Finance; Adrienne Jones, Planning; Sunny Blackwood, Junior City Councilmember; Daniel Hill, Junior City Councilmember; and Jessica Linne, Assistant City Clerk.

<u>INVOCATION/PLEDGE OF ALLEGIANCE</u>

Invocation was given by Captain Lamar Green, Daphne Fire Department.

PRESENTATION: Daphne Cross-Country Team thanked the Council for their support of their financial support with competitions.

PRESENTATION: Chief Tacon presented Brett Camilleri with his new badge as Deputy Fire Marshal.

RECOGNITION: Chief Tacon recognized Firefighter Jamison Kenny for his recent Smoke Diver Certification.

3. <u>APPROVAL OF MINUTES</u>:

The minutes from the January 3, 2023 regular meeting were approved.

4. <u>REPORT OF STANDING COMMITTEES</u>:

A. FINANCE COMMITTEE
Councilman Goodlin gave the Treasurer's report for December 2022: Unrestricted Fund Balance - $25,961,540; Total Cash Balance - $44,139,977; Sales Tax for November 2022 - $2,163,150; Lodging Tax for November 2022 - $112,137.

B. BUILDINGS & PROPERTY COMMITTEE
Councilman Coleman said the next meeting is February 13th and the minutes from the December 2022 meeting as well as the December 2022 new Construction and Building Reports are in the packet.

C. PUBLIC SAFETY COMMITTEE
Councilman Hughes said the next meeting is February 13th at 4:30pm.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE
Councilman Olen said the next meeting is February 6th at 4:30pm.

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

5. <u>REPORTS OF SPECIAL BOARDS & COMMISSIONS</u>:

A. Board of Zoning Adjustments
Mrs. Jones said there is no meeting in January or February.

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 the second Thursday in February 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 March 8th at 6:00pm in the Jubilee Conference Room.

G. Utility Board
Councilwoman Phillips was absent.

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:17pm.

Victoria Phelps, Lake Forest POA, thanked the Police and Fire Department crews who had recently responded to a few accidents in Lake Forest.

Public Participation closed at 6:18pm.

7. MAYOR'S REPORT:

Mayor LeJeune thanked Chief Tacon for her leadership with the Fire Department and congratulated both Deputy Fire Marshal Camilleri and Firefighter Kenny. He mentioned upcoming Eastern Shore Chamber events and updated the Council on the Highway 98 lighting improvements.

8. CITY ATTORNEY REPORT:

City Attorney mentioned the closing deadline for the hospital property is next Tuesday and asked the Council about the possibility of scheduling a special called meeting before then. Councilman Olen asked the City Attorney about revisions on the documents for the closing.

9. DEPARTMENT HEAD COMMENTS:

Chief Gulsby, Police, said the Police Department is currently going through hiring and promotion processes.

Chief Tacon, Fire, shared the Fire Department recently had a written driver's test and shared that the department will be receiving a mini-pumper soon.

Ange Baggett, Marketing and Tourism, said Mardi Gras functions are soon to be underway and that the Museum recently had a record-breaking number of visitors in December.

Tonja Young, Library, welcomed Councilman Goodlin to the Library Board and talked about how the collection box for retired flags was recently delivered.

Ronnie Huskey, Public Works, updated the Council on the lighting project and said the Old County Road project is coming to an end.

Troy Strunk, City Development, gave project updates on the pickleball courts, Lakeshore Drive project and May Day Park.

Kelli Reid, Finance, gave the FY22 summary report.

10. CITY CLERK'S REPORT:

MOTION by Councilman Coleman to authorize the Mayor to execute the Right-of-Way/Easement with Telepak Networks, Inc dba C Spire Fiber. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway 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. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to approve the Prodisee Pantry Turkey Trot 5k/Fun Run on October 28, 2023 from 6:45am – 10:45am. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Goodlin 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. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

11. RESOLUTIONS & ORDINANCES:

A. RESOLUTIONS:

2023 – 03 – Retaining Officers and Employees – City Judge

2023 – 04 – Resolution to Dissolve the Educational Advisory Committee

MOTION by Councilman Scott to waive the reading of Resolutions 2023-03 and 2023-04. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2023-03. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Resolution 2023-04. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.

ORDINANCES:

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

MOTION by Councilman Scott to waive the reading of Ordinances 2023-01, 2023-02 and 2023-03. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2023-01. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2023-02. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2023-03. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.

C. 1ST READ ORDINANCES:

12. COUNCIL COMMENTS:

Councilman Hughes congratulated Judge Hoyt and Deputy Fire Marshal Camilleri. He commended Firefighter Kenny on his certification and said it was great to see the Mayor.

Councilman Scott thanked the Clerk's Office.

Councilman Coleman said he echoes Councilman Hughes' comments.

Councilwoman Conaway said she agreed with all the previous comments and said the first meeting of the Daphne Public School Committee will be Monday, January 23rd at 5:00pm.

Mayor LeJeune thanked Grayson Peacock and Hughes Funeral Home for the flag boxes.

Councilman Olen thanked Judge Hoyt for his service and echoed Councilman Scott's comments. He congratulated Councilman Scott for his team's, Georgia Bulldogs, win.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 6:41 PM.

Respectfully submitted by,	Certification of Presiding Officer,
____________________________	____________________________
Candace G. Antinarella, CMC, City Clerk	Steve Olen, Council Pro Tem

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
JANUARY 17, 2022
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m.
Present were:
Chairman Mr. Doug Goodlin
Councilman Mr. Steve Olen
Councilman Mr. Joel Coleman
Councilman Mrs. Tommie Conaway
Councilman Mr. Ron Scott
Councilman Mr. Ben Hughes

Also Present: Mayor Robin LeJeune, Finance Director Mrs. Kelli Reid, Accountant III Mrs. Suzânne Henson, Revenue Officer Julie Koptis, Human Resource Director Mrs. Vickie Hinman, Assistant City Clerk Mrs. Jessica Linne, Executive Director of City Development Troy Strunk, Fire Chief Mrs. LeAnn Tacon, Director of Events and Marketing Mrs. Ange Baggett, Public Works Director Mr. Ronnie Huskey, City Engineer Josh Newman, City Attorney Patrick Dungan, and Engineer- Mr. Trey Jinright, Jade Consulting.

II. PUBLIC PARTICIPATION

A. Mr. Alex Kanaverskis (Pollard Road, Daphne AL)

Asked if he could get an update on the annual audit and when it would be completed. Mrs. Reid answered that she is waiting for the OPEB evaluation which was finished last week and now she is working on completing the ACFR. Mrs. Reid noted she is also waiting for GFOA to submit their comments before the FY2022 ACFR can be submitted. Mrs. Reid noted that she expected the auditors to give their report at the March 2023 Finance meeting.

B. Annual Insurance Policy Renewal – Robertson Insurance Company, Inc. – Mr. Robbie Robertson

Mr. Robertson reviewed the insurance proposal for 2023 and noted that the City's property coverage limits went up but the rate went down. The City moved into a new rating category which lowers the rate as well. Mr. Robertson noted some municipalities have received a 50-80% increase because their property values needed to be updated but Daphne's property values were in order and only the standard market increase of 3% was included. Discussion continued on the increase in vehicles. Mr. Olen asked for additional information on the increase for the General Liability Policy. Mr. Robertson stated he would get the additional information and report back. Mrs. Henson noted that the Cyber policy is now a separate policy and IT is working on completing that application. Mr. Robertson noted the cyber policy was no charge in previous years but AMIC has now required it to be a separate policy. Mr. Robertson discussed that the City receives a 5% dividend based on policy cost.

Mrs. Henson noted that a motion will be needed for the insurance policy renewal.

MOTION BY Mr. Scott to renew the City's annual insurance policy with John A. Robertson Insurance Agency, Inc. for the third year discounted term of the three year policy for the amount of $662,614. Seconded by Mr. Hughes.

MOTION CARRIED UNANIMOUSLY

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resources Report:

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

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

- Job Fair – January 18, 2023; Bay Minette Career Center
- Researching CDL Courses in partnership with Coastal Alabama Community College
- Building Evacuation Plan & Procedural Document
- Supervisor & Timekeeper training for Leave Tracking, Payroll, etc

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – December, 2022

Mrs. Koptis reviewed the following reports and information:

- Code enforcement issued 2 warnings resulting in businesses becoming compliant and $132.50 in revenue.
- New Businesses with a physical location in Daphne - 6
- Simplified Sellers Use Tax collections - $150,363.64 and YTD collections - $444,902.30
- Total Business Licenses issued were 29 new and 12 renewals for a total of $5,792.38 in December, 2022

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: November, 2022

Mrs. Henson reviewed the Sales & Use Tax Reports: $ 2,163,150.26 was collected for November, 2022 which was up $75,814.09 from November 2021's collections:

- YTD Variance over Budget - $ 341,438.57

B. Lodging Tax Collections, November, 2022

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for November, 2022 were $112,136.84 which is down ($1,558.10) from November 2021's collections.

- YTD Variance over Budget - $(2,370.57)

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

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

- Recreation for related purchases - $435,974.94
- Unreserved balance for Bayfront related purchases - $2,886,225.97

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: December, 2022

Mrs. Reid reviewed the Treasurer's Report:

Account Type/Title	12/31/2022	11/30/2022	Increase (Decrease) from last Month	12/31/2021	Increase (Decrease) from Last Year
TREASURER'S REPORT					
As of December 31, 2022					
GENERAL FUND & ENTERPRISE FUNDS	$ 15,826,683	$ 13,791,045	$ 2,035,638	$ 16,543,212	$ (716,529)
INVESTMENT FUND	10,134,856	10,281,547	(146,691)	5,956,487	$ 4,178,369
CREDIT CARD ACCOUNT	-	-	-	131,123	$ (131,123)
Total Unrestricted Cash Balance	**25,961,540**	**24,072,592**	**1,888,948**	**22,630,822**	**3,330,718**
SPECIAL REVENUE FUNDS					
4 CENT GAS TAX	223,185	217,844	5,340	261,070	(37,885)
7 CENT GAS TAX	189,302	163,985	25,317	227,136	(37,834)
10 CENT GAS TAX	153,876	136,979	16,897	300,585	(146,709)
TREE & FLOWER	22,660	22,660	-	22,660	-
COVID RELIEF FUND	2,780,088	3,149,526	(369,438)	1,482,002	1,298,086
ANIMAL SHELTER FUND	801,154	827,320	(26,166)	1,088,730	(287,576)
FEDERAL DRUG FORFEITURES	196,225	199,525	(3,300)	169,271	26,954
LOCAL DRUG FORFEITURES	79,175	76,045	3,130	75,288	3,887
LIBRARY	26,688	29,800	(3,112)	29,335	(2,647)
COURT TRAINING & EQUIPMENT	43,596	43,745	(149)	44,921	(1,325)
COURT CORRECTION	545,937	543,691	2,246	518,901	27,036
LODGING TAX	3,231,155	3,298,671	(67,516)	3,666,646	(435,491)
RENAISSANCE	-	-	-	25,517	(25,517)
AGENCY FUNDS					
SELF INSURANCE	223,160	229,279	(6,120)	228,932	(5,772)
FLEX SPENDING	27,267	27,317	(50)	23,482	3,785
OPEB TRUST INVESTMENT FUND	913,118	927,704	(14,586)	1,075,419	(162,301)
	9,456,586	9,894,092	(437,506)	9,239,895	216,691
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	7,618,684	7,659,530	(40,846)	5,428,529	2,190,155
	7,618,684	7,659,530	(40,846)	5,428,529	2,190,155
DEBT SERVICE FUNDS					
DEBT SERVICE	1,103,167	952,267	150,900	334,706	768,461
Total Restricted Cash Balance	**18,178,437**	**18,505,889**	**(327,452)**	**15,003,130**	**3,175,307**
Total City Cash Balance	**$ 44,139,977**	**$ 42,578,481**	**$ 1,561,496**	**$ 37,633,952**	**$ 6,506,025**
	Encumbrance Total as of		**12/31/2022**	**$ 743,227.37**	

The Treasurer's Report as of* DECEMBER*, 2022 Total Unrestricted Cash Balance - $25,961,540 and Total City Cash Balance - $44,139,9771 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance - $743,227.37 as of December, 2022.

Mrs. Reid reviewed the Encumbrance Report.

3. Outstanding Appropriations

Mrs. Reid reviewed the outstanding projects.

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

Mrs. Reid reviewed the following Financial Statements:

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

Monthly Financial Statements – November 2022 Financial Highlights

General Fund:

	FY 2023	FY 2022	Change
• YTD Budgetary Net Income:	$717,938	$ <1,643,773>	$2,361,711

- Total sales tax collected year to date is approximately $341,000 over budgeted income and $175,000 over prior year to date income

- Unassigned Fund Balance: $25,461,514
- Outstanding Encumbrances: $776,220

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of November 30, 2022: $26,950,794
- Outstanding Capital Lease Balance as of November 30, 2022:
  - General Fund: $974,172
  - Enterprise Fund: $1,083,767

Capital Project Funds (Capital Reserve):

- Total Expenditures YTD D'Olive Bay Parking Lot: $334,802
- Total Expenditures YTD Pickleball Expansion: $218,034

Special Revenue Funds (13 separate funds):

- Lodging Tax Fund –
  - Bayfront Unreserved Fund Balance: $2,959,703
  - Recreation Unreserved Fund Balance: $422,376
  - Total lodging tax collected was approximately $2,400 under budgeted income and 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 2023	FY 2022	Change
Solid Waste Fund	$12,315	$ -0-	$ 12,315
Civic Center Fund	$17,739	$ 11,178	$ 6,561

Mrs. Reid noted she and Finance Chairman Mr. Goodlin had discussed sending the financial statements electronically for review and only including the summary sheet which would decrease the size of the packet but still provide the information to the Council. Mr. Goodlin noted that Mrs. Phillips said she would like the statements included in the packet at fiscal year end. Discussion was made and the financial statements will be sent electronically monthly for future packets except at fiscal year end.

5. Summary of Budgetary Amendments

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

- Total Appropriations Year to Date – ($661,520)
- Adjusted Expenses over Revenue – ($654,433)

6. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary and highlighted Lavender Lane, Animal Shelter, Justice Center Expansion, and Pollard Road/CR64 Improvements projects. Mrs. Reid discussed potential borrowing for some of the projects. Mrs. Reid noted there are a lot of projects and it was going to be a very busy year. Discussion was made that the Animal Shelter bid is now being advertised and will be opened March 1, 2023.

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

The Bills Paid Report was previously presented electronically.

VIII. BIDS *(Resolution)*

A. 2023-A-May Day Park Pier Repairs - Negotiated

Mrs. Reid reviewed the project and noted that only one bid was received so the bid was negotiated with Blade Construction LLC. Discussion continued on when this project and other waterfront projects that will be closed for construction projects.

MOTION BY Mrs. Conaway to recommend to Council to award the 2023-A-May Day Park Pier Repairs bid to Blade Construction LLC in the amount of $133,805 as bid. Seconded by Mr. Scott.

MOTION CARRIED UNANIMOUSLY

MOTION BY Mr. Scott to recommend to Council to adopt an ordinance appropriating $171,805 out of the Lodging Tax Fund for the May Day Park Pier Repair project. Seconded by Mr. Olen.
MOTION CARRIED UNANIMOUSLY

B. 2023-RFQ-Daphne Transportation Improvement Plan
Mrs. Reid reviewed that this is a MPO grant project. Mr. Strunk noted this is basically a 20 year plan and will provide a guideline for future projects needed and what funding may be required. Discussion was made on future projects and this proposal will come back before Council for approval.

MOTION BY Mr. Scott to recommend to Council to award the 2023-RFQ-Daphne Transportation Improvement Plan to Neel-Schaffer, Inc. for engineering services Seconded by Mr. Olen.
MOTION CARRIED UNANIMOUSLY

IX. APPROPRIATION REQUESTS: *(Ordinance)*

A. Appropriation: Wastewater Treatment Facility Culvert Replacement - $55,000
Mrs. Reid reviewed the project and noted monies are available from Covid monies. Discussion continued on the project and the culvert that needs to be replaced.

MOTION BY Mr . Hughes to recommend to Council to adopt the Ordinance amending the budget to appropriate $55,000 for the Wastewater Treatment Facility Culvert from Covid 19 Relief Fund. Seconded by Mrs. Conaway.
MOTION CARRIED UNANIMOUSLY

B. Engineering – Phase I of Main Street Renovation – 848,525
Mrs. Reid discussed options for funding the $848,525 for the engineering for Phase I of Main Street Renovation. Discussion was made on the funding coming from the occupancy fee collections. Mrs. Reid noted that occupancy fee collections will be collected and reported on next month and noted these collections will be included in Lodging Tax fund.

MOTION BY Mr. Coleman to recommend to Council to adopt an ordinance to appropriate $848,525 out of the occupancy fee collections in the Lodging Tax Fund and to authorize the Mayor to enter into the agreement with Jade Consulting for engineering services for Phase I of Main Street Renovation project. Seconded by Mr. Olen.
MOTION CARRIED UNANIMOUSLY

X. SURPLUS

There were no surplus items discussed.

XI. NEW BUSINESS

A. Easement – Daphne Utilities Board Animal Shelter
Mr. Strunk discussed the Daphne Utilities requirements for an easement for the Animal Shelter project.

MOTION BY Mrs. Conaway to recommend to Council to authorize the Mayor to enter into an easement agreement with Daphne Utilities for the Animal Shelter project. Seconded by Mr. Hughes.
MOTION CARRIED UNANIMOUSLY

B. Library Expansion project
Mr. Goodlin noted he would like to discuss the Library expansion at the next Building and Property meeting.

XII. OLD BUSINESS

A. Intergovernmental Service Agreement with Baldwin County – Extension of Corte Road to Friendship Road
The information included in the packet was discussed. Mr. Strunk stated this project would be bid out soon by a private contractor and no appropriation would be needed. Mr.Coleman noted the City would have some input since the City is contributing to the project and asked if this was the standard agreement the County requires. Mr. Dungan answered yes and he would make corrections to the agreement as discussed.

MOTION BY Mr. Coleman to recommend to Council to authorize the Mayor to enter into the Intergovernmental Service Agreement with Baldwin County for the extension of Corte Road to Friendship Road. Seconded by Mr. Hughes.

MOTION CARRIED UNANIMOUSLY

XIII. ADJOURN The meeting adjourned at 5:56 p.m.

INTERGOVERNMENTAL SERVICE AGREEMENT

This Intergovernmental Service Agreement ("Agreement") is entered into by and between the Baldwin County Commission (hereinafter "County") and the City of Daphne, Alabama (hereinafter "City"), as follows:

R E C I T A L S

WHEREAS, County is the duly formed governing body in and for Baldwin County, Alabama, and City is an incorporated municipality of the State of Alabama; and

WHEREAS, County and City are authorized under Alabama law to control, manage, supervise, regulate, repair, maintain, and improve (hereinafter collectively "control") certain public roads or rights-of-way inside their respective jurisdictions; and

WHEREAS, Friendship Road, from County Road 64 south approximately 7,255 feet, is a right-of-way that abuts the corporate limits of the City of Daphne (hereinafter "Friendship Road"); and

WHEREAS, County and City wish to construct an extension of Corte Road from County Road 13 to Friendship Road (hereinafter "Project") as shown in Exhibit A; and

WHEREAS, County agrees to donate County employee time and resources to facilitate designing the Project, letting the Project out for public bid; coordinate utility relocations; coordinate right-of-way acquisition; and facilitate construction, engineering, and inspection (hereinafter "CE&I") for Project construction; and

WHEREAS, The Project has an estimated cost of $2,500,000; and

WHEREAS, County and City agree to provide funding for the Project. City agrees to provide $250,000 for the Project and County agrees to fund the remainder; and

WHEREAS, City agrees to be responsible for maintenance of the Project and Friendship Road after completion of the Project; and

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the sufficiency of which being hereby acknowledged, County and City do hereby agree as follows:

1. **Recitals:** The recitals set out above are incorporated into this Agreement, as though the same were set out in full in this paragraph.

2. **Purpose:** The parties acknowledge and agree that the purpose of this Agreement is to establish the County's and City's responsibility to provide funding for design, permitting, right-of-way acquisition, utility relocation, construction, and CE&I; establish the County's responsibility to donate County employee time and resources to

design the Project, let the Project out for public bid; coordinate utility relocations; coordinate right-of-way acquisition; and provide CE&I; and establish the City's responsibility for the maintenance of the Project and Friendship Road once the Project is complete.

3. **<u>County Remains Owner of Right-of-Way until Completion of the Project:</u>** The County, at all times including during the effective term of this Agreement, shall retain exclusive responsibility for and control over Friendship Road and Corte Road within the Project limits. The City obtains no rights, responsibilities or control for Friendship Road or the Project and rights-of-way as a result of the duties and/or obligations contained anywhere herein either during or following the effective term of this Agreement; except that the City will have exclusive responsibility for and control over Friendship Road and the Project, upon completion of the Project and receipt of Quitclaim Deeds from the County.

4. **<u>Maintenance:</u>** Upon completion of the Project and receipt of Quitclaim Deeds, the City shall retain exclusive maintenance responsibilities for Friendship Road and the Project.

5. **<u>No Joint Ownership of Property:</u>** The parties acknowledge and agree that they will not jointly acquire, own, or otherwise come into joint or common possession of any property as a result of or in relation to this Agreement.

6. **<u>Financing and Budgeting:</u>** The parties shall be responsible for financing the obligations undertaken by that party hereunder and shall not be responsible for financing, or in any other manner contributing to, the actual costs or expenses of the obligations undertaken by the other party unless expressly identified herein.

7. **<u>Approval and Effective Date:</u>** This Agreement shall become effective upon the date of full execution by both parties ("Effective Date").

8. **<u>Term:</u>** The term of this Agreement shall be for thirty-six (36) months from its effective date. This document may be amended only upon written approval by the Parties hereto, and any such amendment shall be approved by the same method by which this original Agreement has been approved by the Parties. The City's maintenance responsibilities for Friendship Road and the Project shall be indefinite, or until a separate agreement is reached transferring maintenance responsibilities or unless such maintenance responsibilities are otherwise transferred or extinguished under Alabama law.

9. **<u>Services to be Performed by County</u>**

    A. Comply with all necessary local, State and Federal rules, regulations and laws applicable to this Agreement.

    B. Utilize in-kind employee time and services to facilitate the acquisition of all rights-of-way necessary to complete the Project.

C. Utilize in-kind employee time and services to facilitate the completion of design and environmental permitting necessary for the Project.

D. Utilize in-kind employee time and services to facilitate letting the Project to bid including advertising the Project for public bid, awarding the Project to the lowest responsible and responsive bidder (hereinafter "Contractor"), and entering into a Construction Contract for the construction of the Project.

E. Utilize in-kind employee time and services to facilitate utility relocations for the Project.

F. Utilize in-kind employee time and services to facilitate material testing and construction, engineering, and inspection (hereinafter "CE&I") for Project.

G. Send an invoice to the City for $250,000 to help fund the Project.

H. Prepare and execute a Quitclaim Deed to the City conveying all rights, title and interest to any right-of-way for Friendship Road and the Project.

I. Prepare and Execute a resolution consenting to the annexation of all rights-of-way made a part of Friendship Road and the Project, including without limitation those portions of said rights-of-way that are not already the responsibility of the City of Daphne that have been County maintained streets for a period of one (1) year, those portions of said rights-of-way that are located within the City of Daphne but responsibility is vested in the County, and those portions of said rights-of-way that will be initially acquired by the County pursuant to this Agreement.

10. **Services to be Performed by City:**

A. Upon receipt of an invoice from the County, City shall issue reimbursement to the County within thirty (30) days of the invoice date.

B. Upon receipt of the resolution referenced in paragraph 9. I. above, execute an ordinance approving the annexation of all rights-of-way made a part of Friendship Road and the Project, including without limitation those portions of said rights-of-way that are not already the responsibility of the City of Daphne that have been County maintained streets for a period of one (1) year, those portions of said rights-of-way that are located within the City of Daphne but responsibility is vested in the County, and those portions of said rights-of-way that will be initially acquired by the County pursuant to this Agreement. Such ordinance will be in a form similar to the draft ordinance attached hereto as Exhibit B.

C. Upon receipt of Quitclaim deeds, take all necessary actions to take over maintenance of the Project and Friendship Road, including, but not limited to, the passage of any necessary ordinances accepting maintenance and annexation of the rights-of-way.

11. **Termination and Notice:** Notwithstanding the foregoing, the County may terminate this Agreement, with reasonable cause, upon written notice to the City. The County's said notice shall be deemed effective, and the Agreement deemed terminated, thirty (30) days after the date such notice is mailed by certified mail to the City. In the event of termination by the County, the respective Parties shall be responsible for all actual costs incurred as set forth in this Agreement, through the date of receipt of the requisite termination notice. All notices provided for herein shall be sent as follows:

To City:	City of Daphne PO Box 400 Daphne, AL 36526
To County:	Baldwin County Commission 312 Courthouse Square, Suite 12 Bay Minette, Alabama 36507

12. **Indemnity:** To the fullest extent allowed by law, City shall indemnify, defend and hold the County and its Commissioners, departments, department heads, affiliates, employees, agents, and representatives (collectively referred to in this section as "County") harmless from and against any and all claims, demands, liabilities, damages, losses, judgments, costs, and expenses including, without limitations, attorneys' fees and costs, for any and all personal injury (including death) and property damage (including condemnation or inverse condemnation) of any kind or nature whatsoever, incurred by, asserted against, or imposed upon the County, as a result of or in any manner related to the work or services performed by the County and City pursuant to this Agreement or in any way related to the work or services performed by the County or City pursuant to this Agreement, excluding those which arise from an alleged injury to a County employee. This indemnification provision shall survive the expiration or termination of this Agreement.

    City accepts the improvement, work, property, product, funds and services of the County as a result of the Project in its "WHERE IS", "AS IS", condition and acknowledges that the County has made no representation or warranty to City as to, and has no obligation for the condition of, the improvements, work, property, product, funds and services of the County. City assumes the risk of any latent or patent defects or problems that are or may be contained in the improvements, work, property, product, funds and services of the County or City. City agrees that the County shall not be liable for any injury, loss or damage on account of any such defects or problems. City for itself and City Representatives waive and release the County from any claims for injury to persons (other than County employees) or damage to the personal property by reason of the condition of the improvements, work, property, product, funds and services of the County or otherwise.

    All guarantees, duties, representations, assurances, without limitation, contained within this Agreement shall survive and exist beyond the date of termination or expiration of this Agreement, and time, or the lapse thereof, shall not be used for, or argued as a defense by, the City against the same.

Nothing contained herein shall be construed to limit or modify the laws of Alabama as the same may apply to the County or City related to any immunity, absolute or qualified, to which the County and City are otherwise entitled by law.

13. **Entire Agreement:** This Agreement represents the entire and integrated agreement between County and City and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by the parties.

14. **Both Parties Contributed Equally to the Agreement:** This Agreement shall not be construed more strictly against one party than against the other merely by virtue of the fact that it may have been prepared by counsel for one of the parties, it being recognized that both County and City have contributed substantially and materially to the preparation of this Agreement.

15. **Failure to Strictly Enforce Performance:** The failure of either party to insist upon the strict performance of any of the terms, covenants, agreements and conditions of this Agreement shall not constitute a default or be construed as a waiver or relinquishment of the right of a party to thereafter enforce any such term, covenant, agreement, or condition, but the same shall continue in full force and effect.

16. **Assignment:** Neither this Agreement nor any interest herein shall be assigned, transferred or otherwise encumbered without a prior written agreement providing for such assignment, transfer, or other encumbrance, signed by the parties.

17. **Choice of Law:** The parties acknowledge and agree that this Agreement shall in all respects be governed by the laws of the State of Alabama, including without limitation all issues relating to capacity, formation, interpretation, and available remedies, without regard to Alabama conflict of law principles.

[*Signatures Follow*]

IN WITNESS WHEREOF, the parties have executed this Agreement by and through their duly authorized representatives as of the date of full execution below.

COUNTY: BALDWIN COUNTY	**ATTEST:**
BY:__________________________/_____ Charles F. (Skip) Gruber /Date Chairman	___________________________/__________ Ronald J Cink / Date Budget Director

State of Alabama)
County of Baldwin)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Charles F. (Skip) Gruber, as Chairman of the Baldwin County Commission, and Ronald J. Cink, as Budget Director of the Baldwin County Commission, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the Agreement, they, as such officers and with full authority, executed the same voluntarily for and as the act of said Baldwin County Commission.

Given under my hand and official seal, this the ____ day of ____________, 2023.

____
Notary Public
My Commission Expires: _____________

CITY:
THE CITY OF DAPHNE

ATTEST:

BY:____________________/______
ROBIN LEJEUNE /Date
Mayor

__________________________ /______
CANDACE G. ANTINARELLA /Date
City Clerk

State of Alabama)
County of Baldwin)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Robin LeJeune, whose name as Mayor of the City of Daphne, and Candace G. Antinarella, whose name as City Clerk of the City of Daphne, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the Agreement, they, as such officers and with full authority, executed the same voluntarily for and as the act of said City of Daphne.

Given under my hand and official seal, this the ____ day of ____________, 2023.

____
Notary Public
My Commission Expires: _____________

EXHIBIT A
Depiction of the Project

(attached)

Corte Rd Ext. (FKA Glover Ln)

A part of the Southeast Quarter of Section 21, Township 5 South, Range 2 East; A part of Northeast Quarter of Section 28, Township 5 South, Range 2 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the City of Daphne, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Corte Road Ext (formerly known as Glover Lane), beginning at the intersection of Glover Lane and the west right-of-way line of County Road 13, thence running west approximately 2,650 feet to the east right-of-way line of Friendship Rd. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, etc. Said right-of-way being Quitclaimed is part of property conveyed in Real Property Book 414 page 1826, Real Property Book 414 page 1825, Real Property Book 406 page 0348, Real Property Book 408 page 1404, Real Property Book 408 page 1954 and Real Property Book 88 page 855. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

Friendship Road from CR 64 to the end of maintenance

A part of the East Half of the Northwest Quarter, A part of the East Half of the Southwest Quarter, A part of the West Half of the Northeast Quarter and a part of the West Half of the Southeast Quarter of Section 21, Township 5 South, Range 2 East; A part of the East Half Northwest Quarter and the West Half Northeast Quarter of Section 28, Township 5 South, Range 2 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the City of Daphne, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Friendship Road beginning at the south right-of-way line of County Road 64, thence running south approximately 6,605 feet, more or less, thence running west approximately 650 feet, more or less, at the terminus of the right-of-way. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, etc. Said right-of-way being Quitclaimed is part of property conveyed in Deed Book 25 page 172, Real Property Book 88 page 848, Real Property Book 88 page 849, Real Property Book 88 page 850, Real Property Book 88 page 851, Real Property Book 88 page 852, Real Property Book 88 page 853, Real Property Book 88 page 854, Real Property Book 88 page 856, Real Property Book 88 page 857, Real Property Book 88 page 858, Real Property Book 88 page 859, portion of Real Property Book 88 page 860, Real Property Book 112 page 518, Real Property Book 112 page 519, Real Property Book 112 page 520, Real Property Book 112 page 521, Real Property Book 112 page 522, Real Property Book 112 page 523, Real Property Book 546 page 1618, Real Property Book 546 page 1619 and Real Property Book 546 page 1620. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

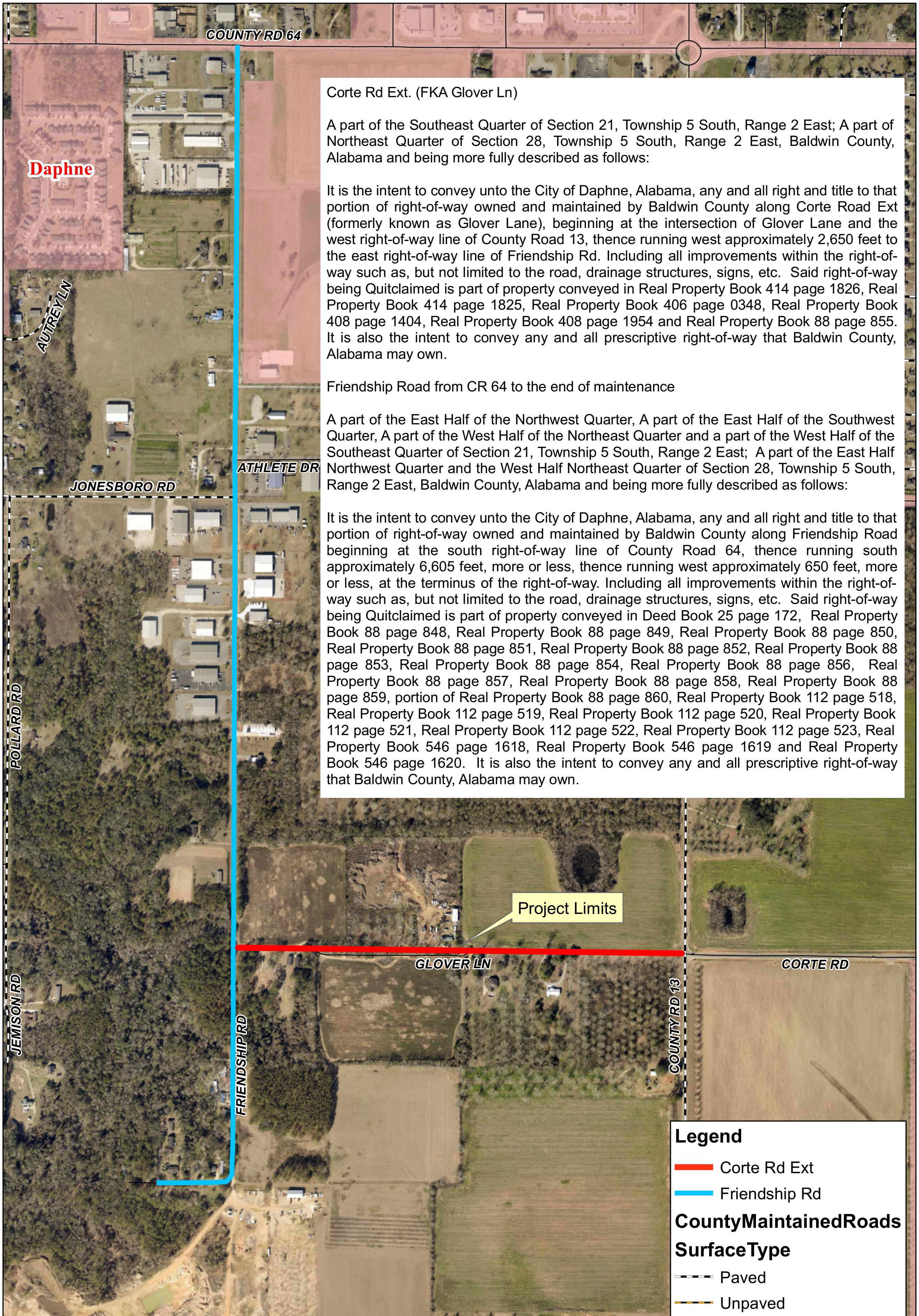


Exhibit A - Corte Rd Ext & Friendship Rd

0 0.065 0.13 0.195 0.26 Miles

N W E S

EXHIBIT B
Form of City Ordinance

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. __________

AN ORDINANCE TO APPROVE THE ANNEXATION OF TERRITORY WITHIN THE CITY LIMITS OF THE CITY OF DAPHNE, ALABAMA (BALDWIN COUNTY COMMISSION)

WHEREAS, the Baldwin County Commission and the City of Daphne are pursuing a project to extend Corte Road from County Road 13 to Friendship Road (hereinafter "Corte Road Ext"); and

WHEREAS, Friendship Road, from County Road 64 south approximately 7,255 feet, is a right-of-way that abuts the corporate limits of the City of Daphne (hereinafter "Friendship Road"); and

WHEREAS, an accurate description of Corte Road Ext and Friendship Road, together with a map thereof showing their relationship to the corporate limits of the City of Daphne, is attached hereto as Exhibit A and incorporated herein; and

WHEREAS, Corte Road Ext and Friendship Road include all improvements within the right-of-way including, but not limited to, the road, drainage structures, signs, etc.; and

WHEREAS, those portions, if any, of Corte Road Ext and Friendship Road that are not already the responsibility of the City of Daphne have been County-maintained streets for a period of at least one (1) year prior to the effective date of this instrument, or will be constructed with the Corte Road Ext project; and

WHEREAS, the City of Daphne desires to annex and assume responsibility for Corte Road Ext and Friendship Road, to the extent it is not already maintaining portions thereof, in order to facilitate the orderly development and maintenance of this area and its corporate limits; and

WHEREAS, in order to accomplish the City of Daphne's desire to annex and assume responsibility for Corte Road Ext and Friendship Road in accordance with *Code of Alabama*, § 11-49-80(b), (c) and (d), the Baldwin County Commission passed a resolution on _____________, 20___, authorizing the annexation and transfer of responsibility for Corte Road Ext and Friendship Road to the City of Daphne, a copy of which is attached hereto as Exhibit B; and

WHEREAS, said resolution did petition the City of Daphne for annexation and contained the signature of the owner of the described territory and a map of Corte Road Ext and Friendship Road showing their relationship to the corporate limits of the City of Daphne; and

WHEREAS, the City Council of the City of Daphne has determined that it is in the public interest that Corte Road Ext and Friendship Road be annexed into the City of Daphne and that all legal requirements for annexing Corte Road Ext and Friendship Road have been met pursuant to *Code of Alabama*, §§ 11-42-20 to 24.

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

Section 1. The City Council of the City of Daphne, Alabama, finds and declares as the legislative body thereof that it is in the best interest of the citizens of the City, and the citizens of the affected area, to annex and bring the territory described herein as Corte Road Ext and Friendship Road into the corporate limits of the City of Daphne, and to assume responsibility for those portions of Corte Road Ext and Friendship Road, if any, that are already within the corporate limits of the City of Daphne pursuant to *Code of Alabama*, §§ 11-49-80(b), (c) and (d), and 11-42-20 to 24.

Section 2. The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Daphne, Alabama, and in addition thereto the following described territory, to-wit:

Corte Road Ext. (FKA Glover Ln)

A part of the Southeast Quarter of Section 21, Township 5 South, Range 2 East; A part of Northeast Quarter of Section 28, Township 5 South, Range 2 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the City of Daphne, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Corte Road Ext (formerly known as Glover Lane), beginning at the intersection of Glover Lane and the west right-of-way line of County Road 13, thence running west approximately 2,650 feet to the east right-of-way line of Friendship Road. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, etc. Said right-of-way being Quitclaimed is part of property conveyed in Real Property Book 414 page 1826, Real Property Book 414 page 1825, Real Property Book 406 page 0348, Real Property Book 408 page 1404, Real Property Book 408 page 1954 and Real Property Book 88 page 855. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

Friendship Road from CR 64 to the end of maintenance

A part of the East Half of the Northwest Quarter, A part of the East Half of the Southwest Quarter, A part of the West Half of the Northeast Quarter and a part of the West Half of the Southeast Quarter of Section 21, Township 5 South, Range 2 East; A part of the East Half Northwest Quarter and the West Half Northeast Quarter of Section 28, Township 5 South, Range 2 East, Baldwin County, Alabama and being more fully described as follows:

It is the intent to convey unto the City of Daphne, Alabama, any and all right and title to that portion of right-of-way owned and maintained by Baldwin County along Friendship Road beginning at the south right-of-way line of County Road 64, thence running south approximately 6,605 feet, more or less, thence running west approximately 650 feet, more or less, at the terminus of the right-of-way. Including all improvements within the right-of-way such as, but not limited to the road, drainage structures, signs, etc. Said right-of-way being Quitclaimed is part of property conveyed in Deed Book 25 page 172, Real Property Book 88 page 848, Real Property Book 88 page 849, Real Property Book 88 page 850, Real Property Book 88 page 851, Real Property Book 88 page 852, Real Property Book 88 page 853, Real Property Book 88 page 854, Real Property Book 88 page 856, Real Property Book 88 page 857, Real Property Book 88 page 858, Real Property Book 88 page 859, portion of Real Property Book 88 page 860, Real Property Book 112 page 518, Real Property Book 112 page 519, Real Property Book 112 page 520, Real Property Book 112 page 521, Real Property Book 112 page 522, Real Property Book 112 page 523, Real Property Book 546 page 1618, Real Property Book 546 page 1619 and Real Property Book 546 page 1620. It is also the intent to convey any and all prescriptive right-of-way that Baldwin County, Alabama may own.

Subject to any reservations, restrictions, exceptions, and encumbrances of record.

Section 3. The territory described in this ordinance shall become a part of and lie within the corporate limits of the City of Daphne, Alabama, upon publication of this ordinance.

Section 4. To the extent that portions of Corte Road Ext and Friendship Road, if any, are already within the corporate limits of the City of Daphne, but responsibility is vested in the County, the City of Daphne hereby assumes responsibility of said portions of Corte Road Ext and Friendship Road pursuant to *Code of Alabama*, § 11-49-80(b), in addition to their annexation or re-annexation as described herein. In accordance with *Code of Alabama*, § 11-49-81, the City of Daphne's assumption of responsibility for Corte Road Ext and Friendship Road is in exchange for the County agreeing that the City shall provide funding in the amount of $250,000 and the County shall fund the remaining cost of the project. The Baldwin County Commission and the City of Daphne agree that said consideration is a reasonable charge for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of the road described herein.

Section 5. This ordinance shall be published as provided by law, and a certified copy of the same, together with a certified copy of the resolution and petition of the Baldwin County Commission, shall be filed with the Probate Judge of Baldwin County, Alabama.

Section 6. If any part, section or subdivision of this ordinance shall be held to be illegal, invalid, or unenforceable for any reason, such holding shall not be construed to invalidate or impair the remaining provisions of this ordinance, which shall continue in full force and effect notwithstanding such holding.

ADOPTED THIS THE _____ DAY OF _____________________, 20___.

____
ROBIN LEJEUNE
Mayor

Attest:

____
CANDACE G. ANTINARELLA
CMC, City Clerk

CERTIFICATION OF POSTING

I, CANDACE G. ANTINARELLA, City Clerk of the City of Daphne, Alabama, hereby certify that the above noted ordinance was published by posting copies thereof in the _____________________,___________________________and__________________________, beginning the ___ day of ________________, 20____, and took effect five (5) days thereafter.

____
CANDACE G. ANTINARELLA
CMC, City Clerk

1. **CALL TO ORDER:**

There being a quorum present, Councilman Hughes called the meeting to order at 4:30pm.

2. **ROLL CALL:**

COUNCIL MEMBERS PRESENT: Council President Angie Phillips (4:40 arrival), Councilmen Steve Olen, Joel Coleman, Ron Scott, Benjamin Hughes, and Doug Goodlin.

ABSENT: Mayor LeJeune and Councilwoman Tommie Conaway

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

3. **PUBLIC PARTICIPATION:**

Curt Fonger- 1443 Randall Ave. New Police uniforms discussed.

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

Minutes from December 12, 2022 Public Safety meeting were approved as presented.

5. **POLICE DEPARTMENT**

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

New Business: New uniform wear tests being conducted by some of the patrol officers. Hopefully by the summer time to have new uniforms. At this time to get started, they should not have to approach council for funds.
Fentanyl traffic arrest over the weekend. Ten candidates took the written test, six individuals passed. They have been invited to the PT test. Promotional tests being conducted next week.

6. **FIRE DEPARTMENT:**

Old Business: Chief Tacon provided yearly stats. Mini pumper hopefully ready this week. No changes with Medstar.

New Business: Written portion of the driver test given last week. Hope to have those test results back soon. Those who pass will go on to the practice course.

7. **OTHER BUSINESS –** None

4:43 p.m. **ADJOURNMENT**

COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM

Daphne
ALABAMA

DATE: January 30, 2023

TO: Candace Antinarella, City Clerk

FROM: Adrienne Jones, Director Community Development

SUBJECT: BZA Appointments

The Board of Zoning Adjustment requests the following be placed on the February 6, 2023 Council agenda: Appoint Tasha Quinnelly, currently a Supernumerary member, as a Regular Board Member to replace Mr. Willie Robinson, whose term ended in November 2022. Mrs. Quinnelly's term would expire in November 2025.

COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM

Daphne
ALABAMA

DATE: January 30, 2023

TO: Office of the City Clerk

FROM: Adrienne Jones, AICP, Director of Community Development AJ

SUBJECT: Planning Commission Minutes and Report

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of December 15, 2022 and the report of the regular meeting of January 26, 2023 for placement on the February 6, 2023 City Council agenda for review.

Should you have any questions or comments in this regard, please do not hesitate to call.

ADJ/jv

The City of Daphne
Planning Commission Minutes
Regular Meeting of December 15, 2022
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

Chairwoman called the regular meeting of the City of Daphne Planning Commission to order at 5:07 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs
John Peterson, Secretary
Marybeth Bergin, Chairwoman
Nathan Jones
Ronnie Huskey
Steve Olen

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development
Joshua Newman, City Engineer
Cody Ledet, Environmental Programs Manager

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

Chairwoman asked for questions, comments or corrections to the minutes ***of the regular meeting of November 17, 2022. There being none, minutes are approved as submitted.***

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

An introductory presentation was given by Jason Wooten, Wooten Engineering, requesting master plan review of South Branch, a three-phase, one hundred and fifty-six lot residential subdivision located on the east side of Pollard Road immediately north of Creekside Subdivision. He stated that the developer is seeking a modification to the wetland buffer and preliminary plat review of phase one, a twenty-four point seven acre parcel consisting of forty-seven lots. He advised there have been some minor revisions to the plans, an update to the traffic impact study, reconfiguration of the common area and lots to save trees, and the relocation of the wetland buffer to address commission and staff comments. The plan revisions also include the required improvements to Pollard Road, and the relocation of the sanitary sewer line to lessen the impact to the wetland buffer.

Mr. Wooten commented regarding the traffic impact study that the developer prefers to design and construct the turn lane in phase two.

Mr. Olen expressed his concern about the request because phase two may never be constructed.

Mr. Wooten stated that the traffic impact study advised that a turn lane would be warranted with the construction of phase two of the development.

Mr. Newman confirmed that plans are needed but with Phase two.

Chairwoman asked the timeline for the development of phase one. Mr. Wooten responded next year.

Chairwoman asked for Commission questions or comments. There being none, she opened the floor to public participation.

Bill Lees, 27430 Creekwood Drive, spoke in opposition with concerns regarding: traffic, wetlands, green space, the quality of life of the citizens, and requested a thirty to fifty-foot greenbelt and/or buffer zone along the south property line.

Dustyn Adams, 8125 Soldier Court, spoke in opposition with concerns regarding: wetland preservation, environmental hazards and BMPs.

Albert Savage, 8650 Danube Court, spoke in opposition and expressed concerns regarding: stormwater and the quality of life of the citizens.

Harold Kerkhoff, 8651 Danube Court, spoke in opposition and expressed concerns regarding connectivity.

Dirk/Beth Navarro, 27675 Rhone Drive, spoke in opposition and expressed concerns regarding: wetlands, wildlife, natural beauty and a buffer.

John Baker, 8049 Creekside Drive, spoke in opposition and expressed concerns regarding: commercial and residential traffic on Pollard Road.

Nicholas Segers, 27811 Rhone Drive, spoke in opposition and expressed concerns regarding: privacy and maintaining a separation between the neighborhoods.

Carol Dean, 27789 Rhone Drive, spoke in opposition and expressed concerns regarding: privacy, traffic and plantings and/or a buffer.

James Kacmarzyk, 27615 Rhone Drive, spoke in opposition and expressed concerns regarding: property values and maintenance of streets.

Carla Freeman, 27976 Paynes Gray Lane, spoke in opposition and expressed concerns regarding: property values and existing problem with on-street parking on thoroughfares.

Kimmie Miller, property owner in the Retreat at Tiawasee, spoke in opposition and expressed concerns regarding: lot sizes and the means of ingress/egress.

David Sawrie, 8647 Daintree Court, spoke in opposition and expressed concerns regarding: traffic, safety and the quality of life.

Jessica Brewer, 8161 Soldier Court, spoke in opposition and expressed concerns regarding: traffic, phasing and turn lanes.

During rebuttal, Mr. Wooten stated phase one has been designed in accordance with the regulations and lot sizes are allowed by right; there is no requirement for a perimeter buffer; there is no increased impact to the wetlands; the modification request has been changed to lessen the impact to the buffer; the traffic impact study update states that a turn lane is warranted at the time of the development of phase 2; and, all state, local and federal laws that apply to the preservation of the wetlands will be observed during construction.

Chairwoman questioned detention identified in future phases. Mr. Wooten responded that the detention areas and public street connections are shown on the master plan for reference, but have not been designed.

Chairwoman asked about staff's recommendation for the connectivity of the neighborhoods. Ms. Jones advised connectivity is recommended within and among subdivisions. She also noted that all existing roads that would connect to this development are public and maintained by the city.

Chairwoman commented that she is a resident of Tiawasee Trace, and due to past experience, understands and sympathizes with those who have come in opposition.

Chairwoman asked for Commission questions or comments. Mr. Olen questioned the developer's financial obligation and stated that any talks of postponing the turn lane installation should be a contingency with written documentation from the developer.

Mr. Peterson commented on the traffic plan and the master plan where the wetland buffer encroaches on several lots. Ms. Jones stated wetlands shown on the master plan are representative of the proposed development, but will not be located within the lot lines at the time of the presentation of the preliminary subdivision plat for phases two and three. She said a revision to shift lots out of the wetland would be appropriate for the master plan to be revised as a contingency of approval.

Chairwoman closed public participation and asked for a motion for the associated applications.

A **Motion** was made by Mr. Spriggs and **Seconded** by Mr. Peterson ***to approve the master plan for South Branch Subdivision with contingencies as follows: requirement to install turn lanes as identified in the traffic study; and, revise the master plan to remove wetland buffer encroachments currently shown in future phases. There was no discussion on the motion. The Motion carried. Mr. Olen dissented.***

A **Motion** was made by Mr. Spriggs and **Seconded** by Mr. Peterson ***to approve the modification to the wetland buffer. There was no discussion on the motion. The Motion carried. Mr. Olen dissented.***

A **Motion** was made by Mr. Peterson and **Seconded** by Mr. Spriggs ***to approve South Branch, Phase One preliminary subdivision plat. There was no discussion on the motion. Mr. Olen dissented. The Motion failed due the lack of a supermajority vote.***

The next order of business is a site plan review for Marino 98 Development.

An introductory presentation was given by Ron Horn, C. Roberds Contracting, requesting site plan review for the demolition of the Teak House, the reconfiguration of Rama Imports, and parking modification to allow the staggered development of retail shops and a restaurant located southwest of U.S. Highway 98 and Daphne Avenue.

Chairwoman asked for staff comments. Mr. Newman had none but Mr. Ledet said his comments about the ADEM permit, dust control, and phasing have not been addressed.

Nancy Hardy, owner of 1809 Main Street, spoke to express her concern about ALDOT requiring the elimination of multiple access points and retention of only one shared access point for Rama Imports and Daphne Antique Galleria.

Montchai Marino, owner of Daphne Antique Galleria which abuts the subject property to the south, shared his concerns about parking, access and deliveries and restrictions during construction.

Chairwoman asked for further comments from the commission and/or staff.

Mr. Spriggs stated concerns about the elimination of the access points and the effect it will have on parking, as well as, internal access to the businesses and U.S. Highway 98.

Ms. Jones stated that the businesses are required to present a cross-access easement agreement and it should be a condition of approval. Mr. Dungan responded that the agreement must be reviewed by the City Attorney.

A **Motion** was made by Ms. Bergin and **Seconded** by Mr. Olen ***to approve Marino 98 Development site plan subject to the following conditions: provide a cross-access agreement for the properties to the north and south; and, address outstanding requirements as identified by city staff. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is preliminary/final plat review for M G Klein.

An introductory presentation was given by Dennis Hansen, Johan, L.L.C., requesting preliminary/final plat review of a three lot subdivision consisting of one point four nine acres located between Beall and Schieffelin Lane.

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

David Green, 315 Beall Lane, expressed his concerns about: preservation of the zoning requirements in the general area and access to Schieffelin Lane.

Ms. Jones noted that there is a letter from a citizen in the packet. She stated that the subject property is zoned R-1 and meets the applicable regulations.

Skip Jones, Johan, L.L.C., advised all of the lots will have access to Beall Lane.

Chairwoman closed public participation and asked for a motion.

A **Motion** was made by Ms. Bergin and **Seconded** by Mr. Olen ***to approve M G Klein preliminary/final subdivision plat with the condition to add a note to the plan stating that "road frontage for each lot shall be along Beall Lane". There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is public participation.

Chairwoman asked for public participation.

None presented.

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

Mr. Dungan had no report.

The next order of business is commissioner's comments.

Merry Christmas!

The next order of business is director's comments.

Merry Christmas!

There being no further business, the meeting was adjourned at 6:49 p.m.

Respectfully submitted by:

Jan Vallecillo

Jan Vallecillo, Planning Coordinator

Approved: January 26, 2023

Mary E Bergin

Marybeth Bergin, Chairwoman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JANUARY 26, 2023 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

AG

1. **CALL TO ORDER 5:02 PM**

2. **CALL OF ROLL Bergin, Spriggs, Olen, Peterson, Jones, Prescott, Huskey, Manning**

3. **APPROVAL OF MINUTES**: December 15, 2022 meeting. **APPROVED**

4. **OLD BUSINESS:**

   A. **BOOTHE STORAGE PLANNING APPROVAL AND SITE PLAN REVIEW: APPROVED**

      1. **Planning Commission approval of a warehouse and/storage facility in a B-2 zone. (PUBLIC HEARING)**

      2. **File SP22-23:**

         Site: **Boothe Storage**

         Zoning: ***B-2, General Business***

         Location: North of the intersection of Rand Avenue and Capital Drive
         Area: 2.97 Acres ±
         Owner: Metal Manufacturing Solutions, L.L.C. - Vince Boothe
         Developer: Jim Boothe Contracting - Vince Boothe
         Engineer: S.E. Civil - Larry Smith

5. **NEW BUSINESS:**

   A. **CHIPOTLE/STARBUCKS PRELIMINARY/FINAL PLAT AND SITE PLAN REVIEW:**

      1. **File SDPF23-01:** **(PUBLIC HEARING) TABLED UNTIL 02/23/23**

         Subdivision: **Bradley - Cina**

         Zoning: **B-2, *General Business***

         Location: Southwest of the intersection of U.S. Highway 98 and Van Avenue
         Area: 1.40 Acres ±, (2) lots
         Owner: Aileron Daphne, L.L.C - Chris Salemi
         Agent: Bowman Consulting. - Sharon Kimbrough
         Surveyor: Fabre Engineering & Surveying - Frank Fabre

      2. **File SP23-01:** **(Tabled by staff until the regular meeting of February 23, 2023)**

         Site: **Chipotle/Starbucks**

         Zoning: ***B-2, General Business***

         Location: Southwest intersection of U.S. Highway 98 and Van Avenue
         Area: 1.40 Acres ±
         Owner: Aileron Daphne, L.L.C - Chris Salemi
         Engineer: Bowman Consulting. - Sharon Kimbrough

B. SOUTH BRANCH, PHASE ONE PRELIMINARY PLAT:

1. **File SDP23-01:** **(PUBLIC HEARING) TABLED UNITL 02/23/23**

   Subdivision: **South Branch, Phase One**

   Zoning*:** ***R-3, High Density Single Family Residential

   Location: East side of Pollard Road, north of Creekside Subdivision
   Area: 33.06 Acres ±, (47) lots
   Owner(s): S. Hickory, Inc. - Charles K. Breland, Jr.
   Engineer: Wooten Engineering - Jason Wooten

C. OTHER BUSINESS: Details to be provided within the January 26th Meeting Minutes.

6. **PUBLIC PARTICIPATION:** Details to be provided within the January 26th Meeting Minutes.

7. **ATTORNEY'S REPORT** **N/A**

8. **COMMISSIONER'S COMMENTS** **N/A**

9. **DIRECTOR'S COMMENTS** February 15th Site Preview Meeting and February 23rd Regular Meeting

10. **ADJOURNMENT** 6:26 pm

Accepted by:

Selena Vaughn

Chairman, Daphne Utilities

DAPHNE UTILITIES

WATER • NATURAL GAS • SEWER

APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ◈ November 30, 2022 ◈ 5:00 p.m.

I. Call to Order

The regular November 2022 Board meeting for the Utilities Board of the City of Daphne was held on November 30, 2022, in the Council Chambers at Daphne City Hall and called to order at 5:00 p.m. by Chairwoman Selena Vaughn, followed by the Roll Call:

II. Roll Call

Members Present: Selena Vaughn, Chairwoman
Tim Patton, Vice Chairman
Billy Mayhand, Secretary/Treasurer
Mayor Robin LeJeune, Board Member
Councilman Joel Coleman, Board Member

Members Absent:

Others Present: Jerry Speegle – Board Attorney
Scott Polk – General Manager
Bobby Purvis – Operations Manager
Teresa Logiotatos – Finance Manager
Drew Klumpp – Administrative Services Manager
Samantha Coppels – Communications Manager
Lori Wilson – Executive Assistant

Others Absent: Lexus Carlee – Finance Specialist

III. Pledge of Allegiance

The Chairwoman led the Board and meeting attendees in the Pledge of Allegiance.

IV. Approval of Minutes

Utilities Board Meeting Minutes October 26, 2022

The Chairwoman requested any additions, corrections, or deletions for the submitted minutes of the October 2022 Daphne Utilities Board meeting.

With no additions, deletions, or corrections, the Chairwoman declared that the submitted October 26th, 2022 minutes would stand approved.

V. OLD BUSINESS - Items in Abeyance:

Recommendation for Bid Award for: GOMESA – Windscape L.S. Force Main Extension
(Volkert Project No. 408252 DU GL 1835 **(Board Action – MOTION)** ~~To accommodate for bidder participation, the bid date was postponed to Tuesday, October 25th; therefore, the bid tabulation and recommendation will be delayed and distributed as soon as it is available.~~ **TABLED FOR A LATER DATE**

VI. NEW BUSINESS –

A. **Authorization for Sale** of Trucks, Equipment and Miscellaneous items on GovDeals (Board Action: MOTION)

Buyer Marinda Turner informed the Board that the items submitted for surplus have been used beyond repair value and have also been budgeted for replacement Mr. Bobby Purvis answered questions from Board members regarding equipment replacement.

MOTION by Tim Patton to declare these two items [Ditch Witch RT45 and Truck 08-05 2008 Ford F250] as surplus property and sell them as noted [on GovDeals.com]; Motion was Seconded by Mayor Robin LeJeune.

AYE: ***Coleman, LeJeune, Mayhand, Patton, Vaughn*** NAY: ABSENT: ABSTAIN: **MOTION CARRIED**

B. Emergency Declaration for pump failure at Well #12

Marinda Turner explained that the submitted declaration along with subsequent Alabama State Code documentation was presented to the Board to be included in the minutes because the repair was an emergency and was not announced for bid due to the urgency of affecting public health.

MOTION by Tim Patton to declare the urgent repair of the pump failure at Well #12 an emergency under the competitive bid law; Motion was Seconded by Mayor Robin LeJeune.

General Manager Scott Polk answered questions from the Board pertaining to: Well #12 location – behind the Central Services Facilities; and the selection of the contractor – Griner Drilling Service is typically the "on-call" response for any pumping or electrical issues and was prepared to handle additional emergencies with this repair. Furthermore, Mr. Jerry Speegle referred to the submitted letter as the factual basis for declaring this situation an emergency repair.

MOTION by Tim Patton to declare the urgent repair of the pump failure at Well #12 an emergency under the competitive bid law; Motion was Seconded by Mayor Robin LeJeune.

AYE: ***Coleman, LeJeune, Mayhand, Patton, Vaughn*** NAY: ABSENT: ABSTAIN: **MOTION CARRIED**

C. Tap Fees related to Tonsmeire Summer Oaks Development

Mayor Robin LeJeune addressed the members recalling this issue that had been unresolved for quite some time and suggested coming to a resolution on this subject. He recollected the facts involved 63 sewer tap fees that Tonsmeire and the Summer Oaks Development felt they were still owed from years ago from performing some sewer work however, there is not a written record about this except for a sense that something was done and something was possibly owed. Mayor LeJeune stated that he felt there was enough information for the Board to at least make a good-faith offer of about 25 [sewer] tap fees, for which he suggested to make a Motion to allow them up to 25 tap fees related to the Summer Oaks Development indicating a timeframe for these fees to be used, such as five years for this type of development, for Tonsmeire to decide to develop or not and at that time, the offer of the 25 tap fees be waived at that point. He reiterated making a Motion of granting 25 [sewer] tap fees to the Tonsmeire Summer Oaks Development in a five-year window.

MOTION by Mayor Robin LeJeune to grant 25 [sewer] tap fees to the Tonsmeire Summer Oaks Development in a five-year window; Motion was Seconded by Tim Patton for further discussion.

Mayor LeJeune stated his discussion point was that while there is no written record of the request, there were some statements made on both sides acknowledging this topic leading him to move this forward for the Board to make a decision on this subject.

Chairwoman Vaughn requested information from Mr. Larry Chason regarding the timeframe of the fees in question. Mr. Chason recalled this occurred in the mid-1980's whereby approximately one mile of the sewer infrastructure was installed and explained that back then, it was common for people to extend service lines in exchange for taps in the future. He clarified that the records Tonsmeire had relating to this issue were lost in a flood (of an office building) and the City wouldn't have had the records because they did not perform the work. He answered the question as to why the delay all these years in coming forward regarding this issue was the fact that Tonsmeire was not developing in that area at that time but had an overall plan that had been approved some time ago, and also clarified that there was originally 130 taps and an email that was received from Daphne Utilities [prior to their building being flooded] indicated that 50% of the taps had been used leaving a total of 64 taps remaining.

Chairwoman Vaughn reiterated that there is no record of this agreement and asked how this number of taps was determined, to which Mr. Chason replied that when the question is asked about how many [sewer] taps we had, they already knew the answer, as had been discussed in the past and there would had been a correlation between the cost of extending the line and the number of taps. Mayor LeJeune noted that he factored the suggested number of 25 tap fees now compared to the cost and value of the tap fees so many years ago. Chairwoman Vaughn questioned the actual number of tap fees Mr. Tonsmeire is requesting. Mr. Chason confirmed that number would be 30.

Councilman Coleman asked if the request is tied to the approved units on a master plan. Mr. Chason explained that the process is very different now, stating that now approval is given for a certain amount and expires within a given timeframe whereas when this verbal agreement took place, there was no expiration; he further commented that he surmised that it had more to do with the cost of extending the [sewer] line and the value of the taps than it did with how many units he had. Councilman Coleman clarified that in that case, 31 tap fee waivers would be needed and questioned if 31 is needed and granted then the 64 would be irrelevant and cancelled. Mr. Chason acknowledged that the Board is familiar with Mr. Tonsmeire and that he understands this situation and would look at this as a compromise. Councilman Coleman admitted that he knows the players involved and has respect for them, but as a Board member reviewing this situation, there is no documentation and does not want to set a precedent; with that explanation, he proposed making a motion to amend the motion on the floor to [reflect] 31 and conclude this issue.

MOTION by Councilman Joel Coleman to amend the Motion on the floor to 31.

Chairwoman Vaughn asked what the value of 31 [sewer] tap fee waivers would be; Finance Manager Teresa Logiotatos answered $86,800. Mr. Polk responded to the Chairwoman's question that typically a subdivision developer installs the infrastructure and we inspect it before accepting it into our system.

Chairwoman Vaughn articulated her respect for Mr. Chason and Mr. Tonsmeire and their contribution to the Daphne community; she emphasized that her responsibility and frugality as a member of the Utility Board to the Daphne community drives her decisions on issues that come before the Board, as well as the advice of our legal counsel regarding giving anything away.

Councilman Coleman remarked that he would add to his motion the reasoning is that 64 [taps] is what is being argued, and 50% of that would be a compromise.

Mr. Tim Patton requested from legal if there are any claims for future tap fees of which we are not aware that we will not fulfill. Mr. Speegle recalled a couple of previous legal utility cases involving extensive documentation of arrangements with different people but did not recall any document that evidences an agreement to waive any tap fees then for this development.

Chairwoman Vaughn noted that it appears this situation is more than just a motion and a second and would need to be a written agreement with the several details, as previously mentioned, before the Board could consider making a motion and voting.

Mr. Speegle commented that if a motion was preferred, it could be approved with stipulated factors such as: a certain number of sewer tap fees, restriction of time frame, restriction to this development to single-family residences, to this only owner – not assignable, subject to approval of a final draft of an agreement, noting the Board could give parameters if they prefer to approve a settlement of this with those factors that would allow him to draft a settlement agreement.

Councilman Coleman stated he would amend his amended motion to those 5 factors as previously outlined and centered on allowing the preparation of the document that includes those conditions.

MOTION by Councilman Joel Coleman to amend his amended motion to those 5 factors as previously outlined and centered on allowing the preparation of the document that includes those conditions; Motion was Seconded by Mayor Robin LeJeune.

Mr. Chason stated that he could not speak for Mr. Tonsmeire but of the 5 factors Mr. Speegle mentioned, 4 of those would not be a problem but one that might be an issue is that he, with Mr. Tonsmeire being older than himself in this day and age, is not sure that Mr. Tonsmeire would be the developer even though the project and concept are his and it would not go forward without Mr. Tonsmeire's approval but it may not be Mr. Tonsmeire that would actually pull the permit. Councilman Coleman noted that he really did not have an issue with that if the time period is stated. Mr. Chason agreed that the 5 years was fair.

Mayor LeJeune also agreed provided he [Mr. Tonsmeire] still owned the property. Chairwoman Vaughn clarified that the transfer of property title is what was implied as not assignable. Mr. Speegle pointed out, under that scenario for it to be assignable, he would assign or sell the property to someone else who would then develop it therefore getting the benefit of this deal, is what the proposal is and as was pointed out, it's $87,000 worth of sewer fees, not water. Councilman Coleman stated that he was fine with that. Mr. Speegle noted that it would still be collected. Mayor LeJeune agreed and noted that he had seconded the amendment.

Mr. Tim Patton noted that there are 62 lots that are part of the plan and asked if there is plan to do all of those lots or [just] what is approved here. Mr. Chason stated that he is taking one issue at a time, but that the 62 lots on the plat was approved.

Mr. Speegle noted that if the Board is looking to collect capacity fees on water as part of defraying this cost and giving some kind of economic benefit plus the benefit of 61 houses using Daphne Utilities' services, he suggested adding verbiage to grant 1 waiver for every 2 houses built to ensure that there is a build-out and collect water capacity fees for the whole 61.

Mr. Chason was unsure of this suggestion, not being certain of who may own or be in charge the project; however, he stated the 31 would be satisfactory. Mr. Patton clarified that it would be a tap per home than a lot, to which Mr. Chason confirmed.

Mr. Speegle remarked that the Board could possibly, in their deliberations, assume that this project is going to be sold, and in devising it consider that Mr. Tonsmeire intends to sell it to a developer and that this is part of the deal, noting that this is what it sounds as if they are planning.

Mayor LeJeune disagreed and stated that they agreed that Mr. Tonsmeire would be the owner of the property but that it might be developed by someone else; he continued that he understood that if Mr. Tonsmeire were to sell the property, this would be void. Mr. Speegle stated that this is not what he understood the gentlemen to be saying. Councilman Coleman clarified his understanding that if the property were to be sold, these 31 sewer tap fees would run with the sale of the property to a period of 5 years. Mr. Speegle noted that he was trying to clarify because he was hearing different comments, to which Mayor LeJeune commented that was why he asked if he [Mr. Tonsmeire] was going to be the owner of the property.

Mr. Chason responded that it reverts back to that there is no documentation of this arrangement but, as previously established, this was a common practice and in his [Mr. Tonsmeire] mind he paid for 130 and he immediately used 60 of them and there appears to be no record of this, leaving him a credit which he is now willing to reduce that total obligation for exactly the point the Mayor made, understanding today the tap fees have increased to $2800 [per sewer residential tap fee] whereas in the past the fees were less. Mr. Chason stated that Mr. Tonsmeire began this inquiry because he paid for the taps and made an arrangement.

Mr. Speegle pointed out that the problem is that Mr. Tonsmeire made a deal with a different corporation who sold assets and this company [Daphne Utilities] agreed to accept certain liabilities and in that agreement, this arrangement was not one of those liabilities; in essence, the deal he [Mr. Tonsmeier] made was with the Lake Forest Water and Sewer and not with Daphne Utilities. He continued stating that when Daphne Utilities bought, they did not buy the corporation; they bought certain assets and assumed certain liabilities and existing contracts and we were unable to find where this was one that was assumed; he clarified this as the legal issue. Mr. Speegle noted his comments were made due to hearing different people stating different things about whether this was assignable to someone other than Mr. Tonsmeire and if he sold the property, is it terminated or not and the Board should decide if this is one of the terms to be considered.

Councilman Coleman stated if the Board is against it, then deny his motion; however, his motion was to have it transferrable up to a period of five years; Mayor LeJeune agreed he was also hearing two different things and was still okay with the motion as long as the term limit remained applicable.

Chairwoman Vaughn voiced her hesitancy with making it transferrable because the Board is attempting to make good on a deal that Daphne Utilities was not part of on behalf of Mr. Tonsmeire and if he's going to be able to transfer this deal with someone, she expressed this as problematic for her and suggested the 5-year, non-transferrable factor.

Mayor LeJeune pointed out that there was an amended motion on the floor first that will need to be voted on and if voted down, it can then be brought back up as a different amended motion but since there is a second on this amended motion, it requires voting first.

Mr. Speegle announced that as he understands Robert's Rules, when the Mayor made the motion, if someone wants to amend it, they can make that request of the Mayor who would allow it or disallow the amendment and if the Mayor allows it, then it needs to be seconded but the Mayor could not second his own motion.

Mr. Tim Patton seconded the amended motion.

MOTION by Councilman Joel Coleman to amend his amended motion to those 5 factors as previously outlined and centered on allowing the preparation of the document that includes those conditions; Amended Motion was Seconded by Mr. Tim Patton.

Mayor LeJeune stated he would make the formal, referring to 31 sewer taps, not water, for a duration of 5 years starting construction within 5 years, it is assignable, and it is based on 31 living units. Mr. Patton asked if he meant payable within 5 years, instead of starting construction; Mayor LeJeune asked for clarification from him. Mr. Patton explained that the tap fees should be paid within 5 years instead of staring construction because construction can begin and not really come in and pay the tap fees until later, so it should be payable in 5 years; Mayor LeJeune agreed.

A discussion took place to clarify the details of a proposed agreement; Mr. Speegle recapped for clarity that it should be payable in 5 years meaning, payment is to be received within the 5 years, but asked if payments are not received on those within 5 years, then it expires.

Mr. Scott Polk explained that before the City issues a building permit, they require all capacity fees to be paid. Mr. Speegle proposed to put some wording in it if it's approved.

Mr. Speegle then asked for interpretation of a living unit, whether it is considered a single-family-residential, an apartment, or duplex. A discussion took place to consider this issue.

Mr. Billy Mayhand commented that he'd been listening to this discussion ongoing for several months and he is of the opinion that Daphne Utilities is not responsible because when the agreement with Lake Forest was signed, this project was not included in it. He stated that this concerns about $86,000 of taxpayers' money, basically giving it away without the legal proof that Daphne Utilities owes it, not saying Lake Forest didn't owe it, but questioned if Daphne Utilities owes it.

Chairwoman Vaughn asked for any other comments.

Mayor LeJeune commented that it's not "taxpayer money" because Daphne Utilities is a private business and not run by the City, so it would be rate payers, stating that he just wanted to make the clarification that this is a private company and not a public entity like the City. Mr. Speegle corrected that this is a public corporation according to the statute, not a private company as it does not have private shareholders and it is a public corporation created under the statutes of the State of Alabama, just for clarification.

Chairwoman Vaughn called for a vote:

MOTION by Councilman Joel Coleman to amend his amended motion to those 5 factors as previously outlined and clarified and based on to allow the preparation of the document that includes those conditions; Motion was Seconded by Tim Patton.

AYE: ***Coleman,LeJeune,Patton*** **NAY:** ***Mayhand, Vaughn*** **ABSENT:** **ABSTAIN:** **MOTION CARRIED**

VII. BOARD ATTORNEY'S REPORT

Mr. Jerry Speegle announced some changes [to the agreement for the Animal Shelter property] to make as he understood with the placement of our easement on City property and he is working with Patrick Dungan, once finalized the City will then approve the granting of that and grant that to Daphne Utilities. He noted that Daphne Utilities had already approved the transfer of property to be finalized, the City is approved through ordinance and the deed can be prepared at the same time as the ordinance.

VIII. FINANCIAL REPORT

Finance Manager Teresa Logiotatos reviewed for the Board the financials for the first month in the 22/23 fiscal year: the revenue, expenses, net income and budgeted end-of-year income, noting that this is the first financials of the implemented rate increases; graphs, income statement, cash flow statement and the check history report.

IX. GENERAL MANAGER'S REPORT

A. GM Report

General Manager Scott Polk updated the Board on: the production water well at Diamante; continuing work on Well #15 to become the primary well for the Olde Town Treatment Plant replacing Well #13 which will go to standby; bids for the GOMESA grant project to extend the force main along North Main Street came in too high, will rebid in the coming months to try to attract more bidders and/or reasonable bids; doors delivered for the admin office remodel, awaiting cabinetry and countertops; preconstruction meeting for the Grit Removal System project to discuss timeline unpredictability due to delivery of equipment; Culture Club initiated as part of the 5-year strategic plan aimed at employees input about the organization; sufficient nominations received to be voted for the Best of Baldwin in the "best utility" and "best place to work" categories, voting as closed and awaiting results.

B. Operations Report

Mr. Bobby Purvis briefed the Board on: two sso's - one at Yancy Branch involving heavy rains and the other at Spanish Fort involving rags; successful natural gas installation for the 2 generators at 2 of our water plants; the contractor is nearing completion of the second phase of natural gas at Diamanté.

Samantha Coppels shared with the Board a new wastewater treatment video

Mr. Bobby Purvis updated his submitted report involving Well #12's shut down, a leak at the WRF in the existing concrete, moving forward on the rehabs on lift stations and the new employee hired for the natural gas department.

C. Engineering & Consulting Reports – nothing further was added to the submitted reports.

X. BOARD ACTION – Previously addressed.

Lori Wilson announced: the upcoming board meeting schedule for the year, noting that the next meeting will take place on January 25 and the February meeting will be pushed back to March 1; the 2023 Daphne Utilities recognized holidays; and a last reminder of the upcoming Alabama Rural Water Decisionmaker training invitation deadline.

XI. PUBLIC PARTICIPATION – Chairwoman Vaughn invited any public participants at 6:04pm to address the Board and with no participants, closed Public Participation at 6:04pm.

XII. BOARD COMMENTS –

Councilman Joel Coleman had no comment.
Mr. Billy Mayhand had no comment.
Mr. Tim Patton wished everyone a merry Christmas.
Mayor LeJeune expressed excitement and appreciation for the continued Daphne Utilities participation in the City upcoming events and wished everyone a merry Christmas

Mr. Billy Mayhand clarified his response to the earlier vote.

XIII. ADJOURNMENT

With no further discussions, the Chairwoman called for adjournment at 6:06pm.

MOTION by Billy Mayhand to adourn; Motion was Seconded by Tim Patton.

AYE: ***Coleman, LeJeune, Mayhand, Patton, Vaughn*** NAY: ABSENT: ABSTAIN: **MOTION CARRIED**

The meeting adjourned at 6:06pm.

Preceding minutes submitted to the Daphne Utilities Board by:

Lori Wilson

Lori Wilson, Executive Assistant, Daphne Utilities

Mr. Speegle recapped for clarity: payable in 5 years meaning, payment is to be received within the 5 years, if payments are not received on those within 5 years, it expires?

Mayor: would it be an application for the sewer tap fee, how does that work

Scott: before the City issues a building permit they require all capacity fees be paid

Speegle: I'll put some wording in it if it's approved.

Vaughn: Tim had seconded the amendment.

Speegle: Is a living unit a SFR, an apartment, duplex?

Mayor, I think we're giving it a little bit of broadness, theyre calling it a living unit, some might be SF, some might be a duplex.

Speegle: apartment? A 30-unit apartment complex?

Coleman: the planning department is going to have to approve whatever, I agree, I think it's a living unit

Mayor: the planning commission will have to approve what that is

Scott: the value of the tap fees change based on the size of that tap.

Speegle: apartment complex is a different animal for us than SFR

Mayor: I think we have a value here $86,800 SF.

Coleman: you could say up to a limit of that amount

Speegle: I might suggest it be single family or duplex, how are those treated Scott

Scott: it depends on if the meter is assigned to each individual living address or if its assigned to the building as a whole, some buildings actually have 1 meter servicing 2 units,

Coleman: however that's why you say living units, they're using 1

Scott: if the living unit is defined as s single family

Patton: that's why I would say 31 single family units

Scott: a duplex would typically have 2 water taps 2 sewer taps

Mayor: I think when we're talking about a living unit, we're talking about a duplex that's 2 on that, a tap for each one.

Coleman: if it's a 12-unit apartment complex, that's 12 living units

Scott: that's what we're trying to clarify.

Billy Mayhand: I've been listening to this discussion for several months now and I am of the opinion that DU is not responsible because Lake Forest when we signed the agreement, that was not included in it. So we're talking about $86,000 of taxpayers' money, basically, saying we're going to give away without the legal proof that Daphne Utilities owes it, I'm not saying Lake Forest didn't owe, but do we owe it. And that's my take on it.

Vaughn: any other comments

Mayor: I will say one thing to that, it's not "taxpayer money" because we are private business, we are not run by the City, so it would be rate payers, I just want to make the clarification that this is a private company and not a public entity like the City.
Speegle: I would have to correct you, this is a public corporation according to the statute, this is not a private company, it does not have private shareholders it is a public corporate created under the statutes of the State of Alabama, just for clarification

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20230124091526613

Type License: 140 - SPECIAL EVENTS RETAIL **State:** $150.00 **County:** $233.00
Type License: **State:** **County:**
Trade Name: ANNUAL SAINT PATRICKS DAY **Filing Fee:** $50.00
Applicant: MANCIS ANTIQUE LLC **Transfer Fee:**
Location Address: 704 BELROSE AVE DAPHNE, AL 36526
Mailing Address: 704 BELROSE AVE DAPHNE, AL 36526
County: BALDWIN **Tobacco sales:** NO **Tobacco Vending Machines:**
Product Type: **Type Ownership:** LLC
Book, Page, or Document info: 1498258
Do you sell Draft Beer?:
Date Incorporated: 2/10/2015 **State incorporated:** AL **County Incorporated:**
Date of Authority:
Federal Tax ID: 47-3077005 **Alabama State Sales Tax ID:** R009132071

Name:	Title:	Date and Place of Birth:	Residence Address:
JOHN THOMPSON 4671906 - AL	MEMBER	11/6/1962 ALABAMA	261 LEVERT ST MOBILE, AL 36607
GARRETT DELUCA 7547130 - AL	MEMBER	1/19/1990 ALABAMA	199 RIDGEWOOD DR DAPHNE, AL 36526
HARRY JOHNSON 2769374 - AL	MEMBER	12/6/1950 ALABAMA	901 CAPTAIN ONEAL DAPHNE, AL 36526

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
Does ABC have any actions pending against the current licensee? NO
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: GARRETT DELUCA
Business Phone: 251-421-0279
Fax:
Home Phone: 251-421-0279
Cell Phone:
E-mail: GARRETT.DELUCA@GMAIL.COM

PREVIOUS LICENSE INFORMATION:
Trade Name:
Applicant:

Previous License Number(s)
License 1:
License 2:

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20230124091526613

If applicant is leasing the property, is a copy of the lease agreement attached? YES
Name of Property owner/lessor and phone number: MANCI ENTERPRISES LLC 251-415-1000
What is lessors primary business? PHYSICIAN
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: 2400 Display Square Footage:
Building seating capacity: 20 Does Licensed premises include a patio area? NO
License Structure: ONE STORY License covers: OTHER
Number of licenses in the vicinity: Nearest:
Nearest school: Nearest church: Nearest residence: 1 blocks
Location is within: CITY LIMITS Police protection: CITY

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

Name:	Violation & Date:	Arresting Agency:	Disposition:

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20230124091526613

Initial each | **Signature page**

GD	In reference to law violations, I attest to the truthfulness of the responses given within the application.
GD	In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.
GD	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.
GD	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.
XX	In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.
GD	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.
GD	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.
GD	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): GARRETT DELUCA

Signature of Applicant: GD

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:**

CASE NO 2023-2

ABC LICENSE ROUTING

		(initial)
DATE RECEIVED BY REVENUE DIV.	1/24/23	CAC
DATE FORWARDED TO POLICE DEPT.		
DATE RECEIVED BY POLICE DEPT.	1/25/23	SR

DATE: 1-26-23 APPROVED X DISAPPROVED ____

POLICE DEPT SIGNATURE R. Ardis

DATE RETURNED TO REVENUE DIV.	1-26-23	SR
DATE FORWARDED TO CITY CLERK	1/27/23	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
Event Permit Application

TYPE OF PERMIT:
- [x] Special Event/Fundraiser
- [x] Parade/Run (Streets Use)
- [ ] Walk (Sidewalks Only)
- [ ] Athletic Complex/Sporting Event
- [ ] Other: ______

APPLICANT & ORGANIZATION INFORMATION

ORGANIZATION NAME: 68 Ventures / Baller Dream Foundation

APPLICANT NAME: Casey Porter

STREET: 707 Belrose Ave. CITY, STATE, ZIP: Daphne, AL 36526

CONTACT PHONE: 251-510-9863 EMAIL: cporter@68ventures.com

"ON SITE" CONTACT PERSON DAY OF EVENT: Casey Porter

CELL PHONE: 251-510-9863 EMAIL: cporter@68ventures.com

EVENT INFORMATION

EVENT NAME: Ballin' on Belrose

TYPE OF/PURPOSE OF EVENT: Fundraiser - Run/Walk Challenge

EVENT DATE: 4/22/23 TIME (START- END): 8:00am - 12:00pm

ASSEMBLY TIME: 6:30 am # PARTICIPANTS/VEHICLES: 200-300

EVENT LOCATION: Belrose Ave. from 68 Ventures to the bay

FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE): Portolets - bottom of Belrose + top near gravel parking area / city hall. Stage / band near 68V building.

SPECIAL REQUESTS

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

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: CRP

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: Same as above CONTACT PHONE: "

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.

Ballin' Belrose - Baller Dream Foundation

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: Casey P Porter DATE: 1/25/23

INTERNAL USE ONLY

DATE REC'D: 1-25-2023 CITY CLERK: ______

FIRE DEPT: ______ APPROVED ROUTE: ______

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

PUBLIC WORKS: ______

SPORTS & RECREATION: CMcL EVENT FEE: ☐ Paid $______ CHK# ______

MARKETING & EVENTS: ______ ☐ Waived: ______

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

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: Daphmont Mardi Gras Group

APPLICANT NAME: Rev. Bryant Faust

STREET: 1003 Picket Avenue CITY, STATE, ZIP: Daphne, AL

CONTACT PHONE: 251-463-7090 EMAIL: jbldaphal@aol.com

"ON SITE" CONTACT PERSON DAY OF EVENT: Rev. Bryant Faust

CELL PHONE: 251-463-7090 EMAIL: ____________

EVENT INFORMATION

EVENT NAME: Daphmont Community Mardi Gras Parade

TYPE OF/PURPOSE OF EVENT: Parade

EVENT DATE: February 18, 2023 TIME (START- END): 2:00 - 3:30pm

ASSEMBLY TIME: 11:00am # PARTICIPANTS/VEHICLES: 20 floats/trucks/trailers

EVENT LOCATION: Daphne Community

FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE): ____________

SPECIAL REQUESTS

ROAD CLOSURE(S) REQUESTS: ■ Yes* ☐ No *If Yes, please indicate which City Route is requested: Streets in Daphmont

WILL YOUR EVENT REQUIRE BARRICADES: ■ Yes* ☐ No *If Yes, please indicate quantity & location:
2 barricades at Picket Avenue and Highway 98

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: ________

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: ________ CONTACT PHONE: ________

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.

Daphmont Mardi Gras Parade

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: ______________________ DATE: 1-15-2023

INTERNAL USE ONLY

DATE REC'D: 01-15-2023

CITY CLERK: ______________________

FIRE DEPT: ______________________

APPROVED ROUTE: ______________________

POLICE DEPT: ______________________

ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS: ______________________

SPORTS & RECREATION: CMcA______

EVENT FEE: ☐ Paid $________ CHK# ________

MARKETING & EVENTS: ______________________

☐ Waived: ______________________

** REVENUE: ______________________

PROOF OF INSURANCE REC'D: ☐ Yes ☐ No

CITY OF DAPHNE, ALABAMA
RESOLUTION 2023-05

2023-A–MAY DAY PARK PIER REPAIR-NEGOTIATED

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

WHEREAS, the City of Daphne acknowledges that the May Day Park Pier Repair project will exceed $50,000; and

WHEREAS, one bid was received and therefore can be negotiated; and

WHEREAS, staff recommends the negotiated bid for the 2023-A–May Day Park Pier Repair bid be awarded to Blade Contracting LLC.

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 negotiated bid from Blade Contracting LLC. in the amount of **$133,805** for the Base bid ($117,305) and Additive Alternate ($16,500) as specified in BID SPECIFICATION NO. 2023-A–May Day Park Pier Repair project.

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
RESOLUTION 2023-06

FY2023-RFQ-DAPHNE TRANSPORTATION IMPROVEMENT PLAN

WHEREAS, the City of Daphne plans to implement a Daphne Transportation Improvement Plan and

WHEREAS, the City is seeking a qualified consultant to provide engineering services for the Daphne Transportation Improvement Plan; and

WHEREAS, the City of Daphne developed and advertised a request for Qualifications (RFQ) to seek a qualified consultant to provide professional engineering services to develop the Daphne Transportation Improvement Plan; and

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

WHEREAS, staff recommends the RFQ be awarded to Neel-Schaffer, Inc.

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

1. The Request For Qualifications (RFQ) for engineering services for the Daphne Transportation Improvement Plan be awarded to Neel-Schaffer, Inc..
2. The Mayor is hereby authorized to enter into a contract with Neel-Schaffer, Inc. for project engineering services and sign all related documents.

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 2023-04

AMENDMENT TO ORDINANCE NO. 2004-11 (BUSINESS LICENSE ORDINANCE) TO INCLUDE SHORT-TERM RENTALS

WHEREAS, the City of Daphne, after due consideration, believes that certain revisions to the City of Daphne's Business License Ordinance are necessary to account for the growing short-term rental industry; and

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

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

<u>SECTION 1</u>. AMENDMENT TO ORDINANCE 2004-11 - SHORT-TERM RENTALS

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

ARTICLE XVI: SHORT TERM RENTALS

Section 13-351 - Definitions

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

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

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

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

Section 13-351 - License required

(A) No person shall engage in the business of offering or operating a short-term residential rental without first obtaining and thereafter maintaining a valid unexpired business license pursuant to this Chapter for short-term residential rental.

(B) If a short-term residential unit is managed by a person other than the licensee or a principal of the licensee for that unit, that person must also possess a valid license from the City of Daphne to manage property.

(C) The holder of a license under this Chapter is the person primarily responsible for compliance with the obligations that are imposed on an operator by this Chapter, whether or not that person owns the real property on which the short-term residential rental is located. In the case of a short-term residential rental whose affiliated licensee is not the property owner, the property owner is secondarily responsible for compliance.

(D) The NAICS code to be used for licensing of Short-Term Residential Rental is NAICS # 721119 – All Other Traveler Accommodation, and the fee schedule for licensing is Schedule D.

Section 13-353 - Permit Fees

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

Section 13-354 - Application for a Permit

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

(A) The name, signature, address and telephone number of the owner of the residential rental unit to be associated with the license.

(B) The name, address and telephone number of any property manager or property management firm that will be operating the short-term residential rental.

(C) The name, address and telephone number (including a telephone number that provides for communication twenty-four hours a day) of the local contact person who will respond to complaints regarding the condition, operation, or conduct of the occupants of the short-term residential rental unit.

(D) The address of the residential rental unit proposed to be used as a short-term residential rental.

(E) A list of all hosting platforms that the applicant proposes to use to market, advertise, offer, solicit customers for, or make available for commercial use the short-term residential rental applied for.

(F) An affidavit attesting that there are no delinquent lodging tax liabilities or liens regarding the property to be used as a short-term residential rental.

(G) Approval from the City's fire official for the first year of operation and a signed affidavit of continuing safety regulations each year thereafter. Each unit shall be inspected every three years.

Section 13-355 - Additional conditions

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

Section 13-356 – Compliance

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

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

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

Section 13-357 - Safety precautions

(A) An evacuation map and list of procedures shall be placed within each guest room used for sleeping. Maps and lists of procedures shall be mounted on a wall or door in a horizontal position, either made of a durable material or encased within a durable frame or enclosure. Each map and list shall have a minimum size of ten inches by eight inches, with the color of text contrasting to the background. Maps shall have a "you are here" star with a directional arrow to the nearest exit, and shall also indicate the location of all available fire extinguishers.

(B) At a minimum, there must be at least one fire extinguisher:

(1) In the kitchen area, mounted, both visible and accessible;
(2) In any garage, mounted on the wall no higher than sixty inches above the finished floor; and
(3) Located on each floor level of the short-term residential rental unit, to the extent not otherwise covered by Paragraphs (1) and (2) of this Subsection (B).

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

(C) All sleeping rooms shall be equipped with smoke alarms, and the smoke alarms shall be installed in accordance with applicable codes. A record of monthly testing and battery replacement shall be available for verification by the Fire Department.

(D) Carbon monoxide alarms shall be installed in accordance with applicable codes.

(E) Each short-term residential rental shall be maintained in accordance with all applicable provisions of City building-related and technical codes adopted by the City of Daphne.

Section 13-358 - Miscellaneous provisions

(A) The operator shall post a copy of the permit in a conspicuous place within the short-term residential rental unit.

(B) All occupant vehicles shall be parked on site, and shall not be parked in the adjacent public right-of-way. No commercial vehicles shall be permitted on the short-term residential rental unit property or parked in the adjacent public right-of-way, except where otherwise permitted in commercial zoning districts.

(C) Notwithstanding the provisions of any other ordinance of the City of Daphne, the use of any radio receiver, stereo, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound shall take place only within an enclosed short-term residential rental unit. The property owner or operator of a short-term residential rental unit shall use reasonably prudent business practices to ensure that the occupants or guests of the rental unit do not create unreasonable noise or disturbances.

(D) The operator shall make available a local twenty-four-hour phone number that provides the capability of producing a response within 15 (fifteen) minutes to complaints regarding the condition, operation, or conduct of the occupants of the short-term residential rental unit. Failure of the operator or an employee or agent to respond to the complainant within 15 (fifteen) minutes shall constitute a violation of this Chapter.

(E) A placard shall be displayed on the interior of each short-term residential rental unit listing the information set forth above in Subsection (D). The placard shall be in plain view of the renters at all times the short-term residential rental unit is occupied and shall be a minimum of eight and one-half inches by eleven inches in size. Displayed on the placard shall be the twenty-four-hour contact information required by Subsection (D) of this Section. The information required by the preceding sentence must be in a minimum legible font of seventy-two-point or a minimum of one and one-half inches in height. The required contact information shall include a full name and telephone number of the contact.

(F) Trash and refuse shall not be left or stored in public view, except in proper containers for the purpose of collection in accordance with the requirements of City of Daphne Ordinances. The owner of the property or manager of the short-term residential rental unit shall be responsible for notifying occupants of trash disposal procedures and for maintaining compliance with the requirements of City of Daphne Ordinances.

(G) Consistent with and as a reflection of the definition of the term "short-term residential rental" set forth in this Chapter, no short-term residential rental unit may be rented for the purpose of holding weddings, parties, receptions or similar events that typically are held at a banquet facility or other facility that is made available for the holding of events on a commercial basis. Any use of the short-term residential rental unit is limited to activities that are incidental to its use for dwelling, lodging or sleeping purposes.

Section 13-359 - Notification of change in ownership

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

Section 13-360 - Suspension—Revocation

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

Section 13-361 - Enforcement

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

Section 13-363 - Quarterly Reports

(A) Each operator must submit to the City of Daphne Revenue Department a quarterly report that includes the information set forth in Subsection (B) of this Section.

(B) Each report required by Subsections (A) and (B) of this Section must state, for the quarter being reported and with respect to short-term residential rentals within the City Jurisdiction:

(1) The number of bookings, listings, and operators;
(2) The average number of bookings per listing;
(3) Current year-to-date booking value;
(4) Current year-to-date revenue collected from all short-term residential rentals through the hosting platform, separated by operator; and
(5) The average length of a short-term residential rental.

SECTION 3. AMENDMENT TO LICENSE CLASSIFICATIONS

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

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

SECTION 4. CONFLICT WITH OTHER ORDINANCES

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

SECTION 5. SEVERABILITY

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

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law, with an effective date of January 1, 2023.

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

____
Robin L. LeJeune, Mayor

ATTEST:

____
Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-05

MAY DAY PARK PIER REPAIR

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, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for Bayfront grounds/property improvements; and

WHEREAS, the May Day Park pier has visible damage and for safety purposes a professional inspection was performed and pier repair plans and specifications to correct the deficiencies noted in the inspection were provided by Neel-Schaffer; and

WHEREAS, the May Day Pier Repair Project has been bid with a total project cost of $171,805 (Construction - $133,805; Engineering - $16,000; Handicap Ramp - $12,000; Contingency - $10,000); and

WHEREAS, an appropriation is needed in the amount of $171,805 to complete the May Day Park Pier Repair Project.

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

1) Funds in the amount of **$171,805** from the **Lodging Tax Fund** are hereby appropriated and made a part of the Fiscal Year 2023 Budget for the May Day Park Pier Repair Project.
2) The Mayor is hereby authorized to execute any and all documents required in relation to the May Day Park Pier Repair Project.

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 2023-06

APPROPRIATION: WASTEWATER TREATMENT FACILITY CULVERT REPLACEMENT

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

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

WHEREAS, the culvert under the road crossing at the Wastewater Treatment facility is failing and in need of replacement; and

WHEREAS, quotes have been received from multiple contractors to replace the culvert and the total cost of the project is expected to be $55,000 (Construction - $46,080; Design Engineering - $5,000; Contingency - $3,920); and

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

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

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

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

1. Funds in the amount of **$55,000** from the **COVID-19 Relief Fund** are appropriated and made a part of the Fiscal Year 2023 budget for the City's portion of the project herein described.

2. The Mayor is hereby authorized to execute all documents required in order for the City of Daphne to participate in such project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this ______ day of ___________, 2023.

____
Robin LeJeune, Mayor

ATTEST:

____
Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-07

APPROPRIATION: ENGINEERING – MAIN STREET REVITALIZATION PHASE 1

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 has previously engaged Jade Consulting to provide a master plan for Main Street in Olde Towne Daphne; and

WHEREAS, a proposal has been received from Jade Consulting for $848,525 to provide professional services for Civil Design and Construction Document Preparation for Phase 1 of the Main Street Revitalization from Potters Mill Avenue to Lott Park; and

WHEREAS, Ordinance 2022-56 provides for an occupancy fee to be deposited into the Lodging Tax Fund that can be appropriated by the City Council pursuant to applicable law; and

WHEREAS, the City Council wishes to use the occupancy fee proceeds to fund the professional services agreement with Jade Consulting in the amount of $848,525 for Phase I of the Main Street Revitalization.

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

1. Funds in the amount of **$848,525** from the **Lodging Tax Fund** are appropriated and made a part of the Fiscal Year 2023 budget for professional services for the Civil Design and Construction Document Preparation of Phase 1 of the Main Street Revitalization.

2. The Mayor is hereby authorized to execute any and all documents necessary for the City of Daphne to participate in such project.

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

____
Robin LeJeune, Mayor

ATTEST:

____
Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-08

AN ORDINANCE AUTHORIZING THE EXECUTION OF A PERMANENT UTILITY EASEMENT TO DAPHNE UTILITIES

WHEREAS, the Utilities Board of the City of Daphne, a public corporation ("Daphne Utilities"), has requested a permanent utility easement from the City of Daphne (the "City") for (1) ingress, (2) egress, (3) placing, locating, replacing, relocating, constructing, operating, inspecting, repairing and maintaining its equipment, lines, utilities, anodes, and appurtenances thereto, (4) storage of equipment and materials related to placing, locating, replacing, relocating, constructing, operating, inspecting, repairing and maintaining said equipment, anodes, lines, utilities and appurtenances thereto, and (5) any other use necessary for the operation of GRANTEE'S utilities and anodes, on, over, under and across the soil of a strip of land running across a parcel of land lying and being in the County of Baldwin, State of Alabama, being more particularly described as follows:

> COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, LODEE ESTATES, AS RECORDED AT SLIDE 2094-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN S89°40'44"E, ALONG THE SOUTH LINE OF SAID LOT 1 AND ALONG THE NORTH LINE OF TAX PARCEL # 05-43-04-20-3-000-051.000, 163.49 FEET TO THE POINT OF BEGINNING; THENCE RUN N56°10'42"E, LEAVING SAID NORTH LINE, 56.05 FEET TO A POINT; THENCE RUN N89°02'43"E, 362.64 FEET TO A POINT; THENCE RUN S00°57'17"E, 15.00 FEET TO A POINT; THENCE RUN S89°02'43"W, 358.22 FEET TO A POINT; THENCE RUN S56°10'42"W, 74.17 FEET TO A POINT; THENCE RUN S00°19'16"W, 14.38 FEET TO A POINT; THENCE RUN N89°40'44"W, 22.00 FEET TO A POINT; THENCE RUN N00°19'16"E, 17.58 FEET TO A POINT; THENCE RUN N56°10'42"E, 38.96 FEET TO THE POINT OF BEGINNING, CONTAINING 7,026 SQ. FT.±

(hereinafter referred to as the "Easement"); and

WHEREAS, the City Council of the City has determined that the granting of the Easement to Daphne Utilities will serve a public purpose.

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

1. The Mayor and Clerk of the City are each hereby authorized to execute the Easement to Daphne Utilities, in substantially the form attached hereto as Exhibit A.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _______ DAY OF _____________, 2023.

____
Robin LeJeune, Mayor

ATTEST:

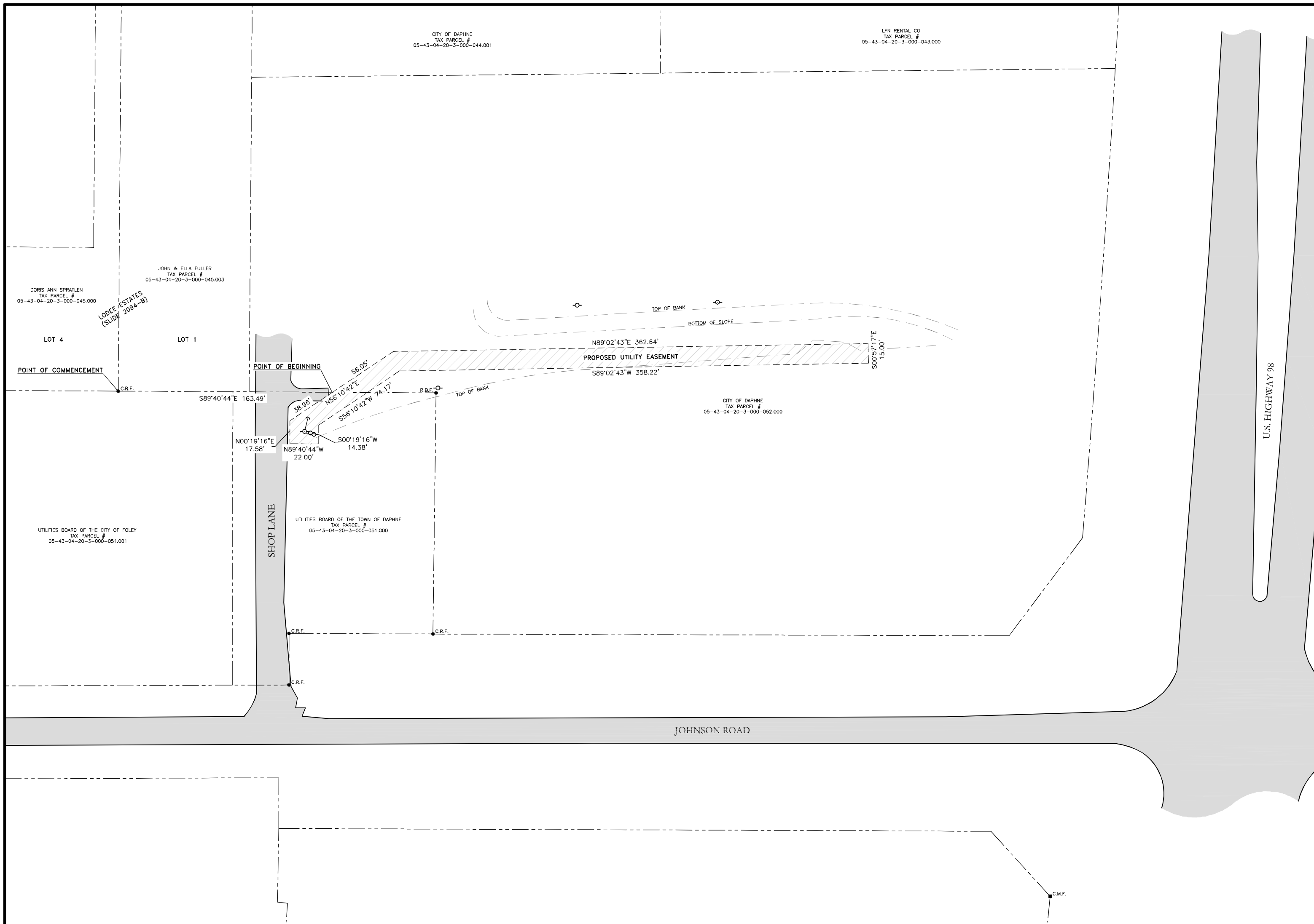
____
Candace G. Antinarella, CMC, City Clerk

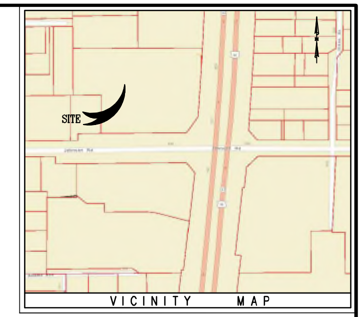
EXHIBIT A

Easement to Daphne Utilities

(attached)

EXHIBIT A





N

LEGEND

- PROPERTY LINE
- R.B.F. REBAR FOUND
- C.R.F. CAPPED REBAR FOUND
- C.M.F. CONCRETE MONUMENT FOUND
- POWER POLE
- GUY WIRE

GENERAL SURVEYORS NOTES:

- SOURCES OF INFORMATION USED TO FACILITATE THIS SURVEY WERE PREVIOUS SURVEYS BY THIS FIRM, SURVEYS BY OTHER FIRMS AND INFORMATION FURNISHED BY CLIENT. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY THIS FIRM. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS OF RECORD WHICH COULD AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT TIME OF SURVEY.
- ALL BEARINGS ARE BASED ON THE GRID NORTH AS DETERMINED BY RTK GPS AND REFERENCED TO NAD83, ALABAMA WEST STATE PLANE COORDINATES.
- FIELD WORK FOR THIS SURVEY WAS PERFORMED SEPTEMBER 2022.

DESCRIPTION OF EASEMENT:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, LODEE ESTATES, AS RECORDED AT SLIDE 2094-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN S89°40'44"E, ALONG THE SOUTH LINE OF SAID LOT 1 AND ALONG THE NORTH LINE OF TAX PARCEL # 05-43-04-20-3-000-051.000, 163.49 FEET TO THE POINT OF BEGINNING; THENCE RUN N56°10'42"E, LEAVING SAID NORTH LINE, 56.05 FEET TO A POINT; THENCE RUN N89°02'43"E, 362.64 FEET TO A POINT; THENCE RUN S00°57'17"E, 15.00 FEET TO A POINT; THENCE RUN S89°02'43"W, 358.22 FEET TO A POINT; THENCE RUN S56°10'42"W, 74.17 FEET TO A POINT; THENCE RUN S00°19'16"W, 14.38 FEET TO A POINT; THENCE RUN N89°40'44"W, 22.00 FEET TO A POINT; THENCE RUN N00°19'16"E, 17.58 FEET TO A POINT; THENCE RUN N56°10'42"E, 38.96 FEET TO THE POINT OF BEGINNING, CONTAINING 7,026 SQ. FT.±

NUMBER:	REVISION:	DATE:

Sawgrass
ENGINEERING - SURVEYING - CONSTRUCTION MANAGEMENT
30673 Sgt. E. I. "Boots" Thomas Drive, Spanish Fort, AL 36527 Phone: (251) 544-7900

GRAPHIC SCALE
40 0 40
(IN FEET)
1 inch = 40 ft.

PROPOSED UTILITY EASEMENT
7145 JOHNSON RD, DAPHNE, AL
DAPHNE UTILITIES

SCALE:	1"=40'
DATE:	DECEMBER 7, 2022
DRAWN BY:	QM
CHECKED BY:	
SHEET:	1 OF 1

STATE OF ALABAMA }

EASEMENT

COUNTY OF BALDWIN }

KNOW ALL MEN BY THESE PRESENTS, that **THE CITY OF DAPHNE**, a municipality in the State of Alabama, (hereinafter collectively referred to as “GRANTOR”), for and in consideration of the amount of One and No/100 ($1.00) Dollars and other good and valuable consideration in hand paid to the GRANTOR by **THE UTILITIES BOARD OF THE CITY OF DAPHNE**, a public corporation of Alabama, (hereinafter referred to as “GRANTEE”), the receipt and sufficiency whereof is hereby acknowledged by the said GRANTOR, and for the further consideration of the general benefit which will accrue to the public and the benefit which may accrue to the GRANTOR by reason of the utilities installed, does hereby, subject to terms hereinafter contained, **GRANT, BARGAIN, SELL AND CONVEY** unto the said GRANTEE, its successors or assigns, a right and easement for (1) ingress, (2) egress, (3) placing, locating, replacing, relocating, constructing, operating, inspecting, repairing and maintaining its equipment, lines, utilities, anodes, and appurtenances thereto, (4) storage of equipment and materials related to placing, locating, replacing, relocating, constructing, operating, inspecting, repairing and maintaining said equipment, anodes, lines, utilities and appurtenances thereto, and (5) any other use necessary for the operation of GRANTEE’S utilities and anodes, on, over, under and across the soil of a strip of land running across a parcel of land lying and being in the County of Baldwin, State of Alabama, being more particularly described as follows:

> COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, LODEE ESTATES, AS RECORDED AT SLIDE 2094-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN S89°40'44"E, ALONG THE SOUTH LINE OF SAID LOT 1 AND ALONG THE NORTH LINE OF TAX PARCEL # 05-43-04-20-3-000-051.000, 163.49 FEET TO THE POINT OF BEGINNING; THENCE RUN N56°10'42"E, LEAVING SAID NORTH LINE, 56.05 FEET TO A POINT; THENCE RUN N89°02'43"E, 362.64 FEET TO A POINT; THENCE RUN S00°57'17"E, 15.00 FEET TO A POINT; THENCE RUN S89°02'43"W, 358.22 FEET TO A POINT; THENCE RUN S56°10'42"W, 74.17 FEET TO A POINT; THENCE RUN S00°19'16"W, 14.38 FEET TO A POINT; THENCE RUN N89°40'44"W, 22.00 FEET TO A POINT; THENCE RUN N00°19'16"E, 17.58 FEET TO A POINT; THENCE RUN N56°10'42"E, 38.96 FEET TO THE POINT OF BEGINNING, CONTAINING 7,026 SQ. FT.±

(hereinafter referred to as the “EASEMENT”). The EASEMENT is further described on the Sawgrass Consulting, LLC survey dated December 7, 2022 and attached hereto as Exhibit A.

TO HAVE AND TO HOLD the above described EASEMENT unto the said GRANTEE, its successors and assigns, forever.

The said GRANTOR, for itself, its successors and assigns, does hereby covenant with the GRANTEE, its successors and assigns, that the GRANTOR is seized of an indefeasible estate in fee simple in said EASEMENT, and that the GRANTOR does hereby warrant and will forever defend the above described easement and rights unto the GRANTEE, its successors and assigns, against the lawful claims of all persons.

GRANTEE does hereby obtain all rights and privileges necessary or convenient, as determined in the sole discretion of GRANTEE, for the full enjoyment and use of said easement, including the right to place, locate, replace, relocate, construct, operate, inspect, repair and maintain its lines, mains, manholes, utilities, and appurtenances, and any other use necessary for operation of its utility system and the right of necessary and reasonable ingress and egress by the agents, employees, and equipment of GRANTEE, its successors and assigns, over and across EASEMENT. GRANTOR, its successors and assigns further grant to GRANTEE reasonable ingress and egress over the real property subject to said EASEMENT as may be reasonably required to access such EASEMENT.

The GRANTOR, its successors and assigns, reserve the right to use and enjoy the surface of said easement subject to the following: GRANTOR, its successors and assign shall not excavate, construct or permit to be constructed on, over or under said Easement, any structure, plantings, fencing, utilities or other improvement without written approval from said GRANTEE, said approval to be given at GRANTEE'S sole discretion.

IN WITNESS WHEREOF, this instrument is executed this the ______ day of February, 2023.

____

ROBIN LEJEUNE, MAYOR

STATE OF ALABAMA }
COUNTY OF BALDWIN }

I hereby certify, that on this day, before me, a Notary Public, duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Robin LeJeune, as mayor of the City of Daphne, to me known to be person described in and who executed the foregoing instrument and acknowledged before me that, being informed of the content of the same, voluntarily signed and delivered the within and foregoing instrument on the day and year therein mentioned, by and for the City of Daphne.

Given under my hand and official seal, this ______ day of ________________, 2023.

____
Notary Public
My Commission Expires: ______________

GRANTOR:	GRANTEE:
CITY OF DAPHNE	THE UTILITIES BOARD OF THE CITY OF DAPHNE
ATTN: MAYOR ROBIN LEJEUNE	ATTN: SCOTT POLK
1705 MAIN STREET	900 DAPHNE AVENUE
DAPHNE, AL 36526	DAPHNE, AL 36526

THIS INSTRUMENT WAS PREPARED BY:
Speegle, Hoffman, Holman & Holifield, LLC
P.O. Box 11
Mobile, AL 36601
without the benefit of a title search, survey, or inspection, and who makes no representation regarding the status of title or condition of the property that would otherwise be discoverable by an inspection, a survey, a title search, or other inquiry, and who makes no representation regarding any other legal or other consequence that may result upon this conveyance.

CITY OF DAPHNE
ORDINANCE 2023-09

AN ORDINANCE ADOPTING THE RULES OF PROCEDURE IN ALL INSTANCES FOR MEETINGS OF THE CITY COUNCIL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the Order Procedure in All Instances for Meetings of the City Council shall be as follows:

SECTION I: GOVERNING RULES

The Rules of Procedure herein contained shall govern the deliberations and meetings of all of the Council of the City of Daphne, Alabama.

A. Amending the Council Rules of Procedure. The rules of the Council may be amended in the same manner as any other ordinance of general or permanent nature.

B. Suspension of the Rules of Procedure. The Rules of the Council may be temporarily suspended by unanimous roll call vote of all members present.

SECTION II: COUNCIL MEETING TIME

The regular meetings of the City Council shall be held on the first and third Mondays of each month, which meeting shall convene at 6:00 p.m. in the Council Chambers at City Hall. All meetings, regular and special, shall be opened to the public, except when the Council meets in executive session as authorized by State law. The regularly scheduled work session will be held on the second Monday of each month at 6:00 p.m. in the Council Chambers at City Hall. Any meeting that is scheduled to meet on a Monday that is observed by the City as a holiday shall instead meet on the Tuesday after the holiday at the regularly scheduled time.

SECTION III: SPECIAL CALLED MEETINGS

All special meetings may be held as provided by Section 11-43-50, Code of Alabama (1975) (as amended). Special meetings may be held at the call of the presiding officer by serving notice on each member of the Council not less than twenty-four (24) hours before the time set for such special called meeting. The presiding officer shall call special meetings whenever any two (2) Councilmembers or the Mayor request the presiding officer in writing to call a meeting. Upon the failure or refusal of the presiding officer to call a special meeting when requested, the two (2) Councilmembers or the Mayor making the request shall have the right to call the meeting. Notice of all special meetings shall be posted on the Council-approved bulletin board and the City's website, and appropriate customary media shall be notified, and such notice shall be accessible to the public at least twenty-four (24) hours prior to such scheduled meeting.

SECTION IV: QUORUM

A Quorum shall be determined as provided by Section 11-43-40, Code of Alabama (1975) (as amended).

SECTION V: ORDER OF BUSINESS

That the order of business of each council meeting shall be as follows:

1. Call to Order

2. Roll Call/Invocation/Pledge of Allegiance

3. Approval of the Minutes of the Previous Meeting(s)

4. Reports of Standing Committees:
   - Finance Committee
   - Building/Property Committee
   - Code Enforcement/Ordinance Committee
   - Public Safety
   - Public Works/Solid Waste Committee

5. Reports of Special Boards and Commissions
   - Board of Zoning Adjustment
   - Downtown Redevelopment Authority
   - Industrial Development Board
   - Library Board
   - Planning Commission
   - Recreation Board
   - Utility Board

6. Public Participation

7. Report of Mayor

8. Report of City Attorney

9. Report by Department Heads

10. City Clerk's Report

11. Resolution, Ordinances and Other Business

12. Council Comments

13. Adjournment

<u>SECTION VI</u>: <u>SUBMISSION OF COUNCIL MEETING MATERIAL</u>

A. It is desired that information be supplied to the City Clerk in time to be made part of the Council meeting or work session packet. Any item to be placed on Council meeting and work session agenda must be turned in to the City Clerk with all background materials by 12:00 p.m. on the Monday before the Council meeting or work session (or, if the Council meeting or work session is not scheduled for a Monday, by 12:00 p.m. seven (7) days before the Council meeting or work session). The Council President retains the authority to add or remove items to the agenda. However, any item may be placed upon the agenda if two Councilmembers submit a written request to the City Clerk prior to the above mentioned deadline. The Council meeting packet will be sent to the full City Council by 5:00 p.m. Friday before the City Council meeting or work session, and posted on the City website Friday before a Council meeting or work session.

B. All motions, resolutions, ordinances or other business required to be in writing shall be prepared and supplied to all Councilmembers by noon one full City work day before the Council meeting in which it is to be presented. (E.g., if City offices are not open the Friday before the Monday Council meeting, then the writings and documentation shall be supplied to each Councilmember by email and by placing a printed copy in each member's mailbox at City Hall by noon Thursday.)

C. When a work session is called or scheduled between two Council meetings, all motions, resolutions, ordinances or other business required to be in writing shall be presented in substantially the same form as that which is required for presentation at Council meeting.

D. In the event of an emergency, subsections A. and B., hereinabove, shall not apply. An emergency exists if a failure to act would result in an immediate and irrefutable harm to the City or any of its citizens or otherwise it is physically impossible to comply with notice requirements set forth herein. The presiding officer of the Council at the earliest meeting dealing with said emergency shall have final say over interpretations of this section.

<u>SECTION VII</u>: <u>COMMENTS BY COUNCILMEMBERS</u>

A. <u>Comments by Councilmembers and Mayor</u>. Any comments or discussion by Councilmembers or the Mayor shall be with permission of the presiding officer, and for not more than three (3) minutes. The presiding officer may grant additional comments after all other Councilmembers have had the opportunity to speak.

B. <u>Number of comments by Councilmember on a subject.</u> No member shall speak more than twice on the same subject without permission of the presiding officer. The presiding officer may grant the Councilmember additional comments after all other Councilmembers have had the opportunity to speak.

SECTION VIII: PUBLIC PARTICIPATION / PRESENTATIONS

A. Public Participation. At the designated time in the order of business, any member of the public may address the City Council concerning any item that a participant wishes to address to the Council. Discussion on a subject scheduled for a public hearing shall be limited to that public hearing. No individual who is not a member of the City Council or the Mayor shall be allowed to address the same while in session without permission of the presiding officer and for not more than three (3) minutes, unless approved by the presiding officer.

B. Presentations to Council. An individual wishing to make a presentation to the council with permission of the Council President or Presiding Officer may be allowed ten (10) minutes. The individual must provide in writing a synopsis of the topic to be discussed to the City Clerk by the Wednesday before the council meeting at 5:00 p.m.

SECTION IX: MOTIONS

A. Discuss any Motion. The City Council may have the ability to have a discussion on any motion.

B. Seconding Motions. Any motion coming from a committee does not require a second.

C. Reconsider a Motion. Any motion to reconsider must be made by a Councilmember who voted with the majority at the same or next succeeding meeting of the Council.

D. Recording of "Ayes" and Nays" / Division on any Question. Whenever it shall be required by one or more members, the "ayes" and the "nays" shall be recorded and any member may call for a division on any question.

E. Order of Motions. Motions to lay any matter on the table shall be first in order, and on all questions, the last amendment, the most distant day, and the largest financial sum shall be first put.

SECTION X: QUESTIONS OF ORDER

All questions of order shall be decided by the presiding officer of the Council with the right of appeal to the full Council.

SECTION XI: PROCEDURE FOR CHAIRMAN TO ADDRESS THE COUNCIL

The presiding officer of the Council may call any members to take the chair to allow him or her to address the Council or make a motion or discuss any other matter at issue.

SECTION XII: EXECUTIVE SESSION

The Council may meet in executive session only for purposes authorized by State law and only after the City Attorney certifies the stated purposes for the executive session are authorized by state law. When a Councilmember makes a motion for executive session for an enumerated purpose, the presiding officer shall put the motion to a roll call vote. The estimated length of the executive session shall be stated prior to the roll call vote. The City Attorney shall then certify that the reason stated to enter into executive session is legal according to the Open Meetings Act. If the majority of the Council shall vote in favor of the motion for executive session, the body shall move into executive session for discussion of the matter for which executive session was called. Prior to calling the executive session into order, the presiding officer shall state whether the Council will reconvene after the executive session and, if so, the approximate time the Council expects to reconvene. No action may be taken in an executive session. When the discussion has been completed, the Council shall either resume its deliberations in public or stand adjourned.

SECTION XIII: MOTION FOR ADJOURNMENT

A motion for adjournment shall always be in order.

SECTION XIV: COMMITTEES / BOARDS

A. The chair of each respective committee, or the Councilmember acting for him or her, shall submit and make report to the Council when so requested by the presiding officer or any member of the Council.

B. Each Councilmember shall be a member of the following committees: Public Safety Committee, Public Works Committee, Finance Committee, Code Enforcement/Ordinance Committee and Buildings and Property Committee. Each of these committees shall consist of the seven (7) members of the City Council. Should a Councilmember leave the office of City Council, such member shall also forfeit membership in the aforementioned committees. Once any vacancy in the City Council is filled, the individual filling the vacancy shall become a member of each of the aforesaid committees upon taking the office of City Council.

C. A chairperson shall be elected for each committee or board by the members of each such committee or board.

D. No Councilmember shall serve as chairperson of more than one (1) committee or board as referenced in subsection "B" of this Section.

E. The Council President shall not chair a committee or board.

F. Committee or board meeting agendas shall be set by the respective committee or board chairperson.

G. The Mayor may add any item to any committee or board agenda with notification to the chairperson of such committee or board.

H. The Mayor shall not delete any item from a committee or board agenda, other than an agenda item previously added by the Mayor, without approval from the committee or board chairperson.

SECTION XV: ORDINANCES OF PERMANENT OPERATION

All ordinances, resolutions, or propositions submitted to the Council that are intended to be of permanent operation shall lie over until the next Council meeting; provided that such ordinance, resolution, or proposition may be considered earlier by unanimous consent of the Councilmembers present at such meeting by roll call vote and, provided further, that this rule shall not apply to (i) amendments to a previously adopted budget ordinance, (ii) the current expenses of the City, (iii) contracts previously made with the City, (iv) regular salaries of officers of the City, or (v) wages of employees of the City.

SECTION XVI: ATTENDANCE REQUIREMENT

The City Clerk, Treasurer, City Attorney, Chief of Police, Fire Chief, Finance Director, Public Works Director, Human Resources Director, Building Departments Director, Community Development Director, Parks and Recreation Director, Library Director, Civic Center Director and such other department heads or their designated employee shall attend all meetings of the City Council, and shall remain at the council meeting after Reports of Department Heads when they have items pertaining to their department on the agenda. Department Heads shall attend Council work sessions when items on the agenda pertain to their department and when requested by the Mayor.

SECTION XVII: ROBERTS RULES OF ORDER

That Roberts Rules of Order 11th edition be and is hereby adopted as the rules of procedure for this Council in those situations which cannot be resolved by the rules set forth in this Ordinance.

SECTION XVIII: PUBLIC HEARINGS

The City Council will set all public hearings by a majority vote. At all public hearings, after the initial presentation, all questions and comments shall be limited to three (3) minutes per speaker, unless additional time is allowed by the presiding officer. Whenever a member of the public appears for a public hearing to address the Council as a spokesperson for a group of citizens, the presiding officer may, in his or her discretion, allow such spokesperson additional time to address the Council.

SECTION XIX: REPEALER

That Ordinance 2021-10 be and is hereby repealed in its entirety and that other ordinances, parts of ordinances or resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent that they conflict.

SECTION XX: SEVERABILITY

That the provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect or impair the remainder of this Ordinance, it being the legislative intent of the Council to ordain and act each provision section, paragraph, sentence, and part thereof separately and independently of each other.

<u>SECTION XXI</u>:

This Ordinance shall take effect and be enforced beginning March 1, 2023, following approval by the City Council and upon publication as required by law.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ON THIS THE _______ DAY OF ____________, 2023.

CITY OF DAPHNE,
AN ALABAMA MUNICIPAL CORPORATION

____
Robin LeJeune, Mayor

ATTEST:

____
Candace G. Antinarella, CMC, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-10

Appropriation: Purchase of Real Property from Gulf Health Hospitals, Inc.

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, pursuant to Ordinance 2022-67, the City has agreed to purchase approximately 10.5 acres of real property in the City of Daphne that will serve a public purpose for a net purchase price of $6,000,000, of which $4,000,000 is being funded by a GOMESA grant pursuant to a grant agreement, as amended, between the City and the Alabama Department of Conservation and Natural Resources; and

WHEREAS, the City Council previously appropriated and deposited the sum of $30,000 as earnest money to be held in escrow and applied to the purchase price due at closing, and closing costs are anticipated to be approximately $6,785.50; and

WHEREAS, an appropriation in the amount of $1,976,786 is needed to pay the City's portion of the purchase price and related closing costs.

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

1. Funds in the amount of $1,976,786 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2023 Budget for the acquisition of real property as authorized by Ordinance 2022-67; and
2. The Mayor is authorized to execute, and the City Clerk is authorized to attest, any and all documents required in relation to closing on the acquisition of real property authorized by Ordinance 2022-67.

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 2023-11

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 XXXI, HOME OCCUPATIONS, AUTOMOBILE SERVICE STATIONS, CEMETERIES, BED & BREAKFAST ESTABLISHMENTS, EXTENDED STAY HOTEL FACILITIES

ARTICLE XXXV, TABLE OF PERMITTED USES

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 November 17, 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 February 6, 2023.

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

SECTION 1. ARTICLE XXXI, HOME OCCUPATIONS, AUTOMOBILE SERVICE STATIONS, CEMETERIES, BED & BREAKFAST ESTABLISHMENTS, EXTENDED STAY HOTEL FACILITIES

(A) The title of Article XXXI is hereby amended to be "**HOME OCCUPATIONS, AUTOMOBILE SERVICE STATIONS, CEMETERIES, BED & BREAKFAST ESTABLISHMENTS, EXTENDED STAY HOTEL FACILITIES, MINI WAREHOUSES**".

(B) Article XXXI of the Land Use and Development Ordinance is hereby amended by inserting the following language as Section 31-6:

31-6 MINI-WAREHOUSE AND STORAGE FACILITIES

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

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

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

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

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

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

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

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

SECTION 2. **ARTICLE XXXV, TABLE OF PERMITTED USES**

(A) Section 35-3 of Article XXXV of the Land Use and Development Ordinance is hereby amended by inserting the following row to the Table of Permitted Uses immediately below the row described as "Air conditioning sales and service":

All other traveler accommodations, short term rentals, etc., provided such use may also be allowed in the Olde Towne and Village Overlay districts where residential uses are permitted	By Right R-1, R-2, R-3, R-4, R-5, MU

(B) Section 35-3 of Article XXXV of the Land Use and Development Ordinance is hereby amended by repealing the following row from the Table of Permitted Uses:

	[By Right]	**[Planning Commission Approval]**	**[Special Exception BZA Approval]**
Drug Store	B-1, B-1(a) B-2, B-2(a)		

… and replacing it with the following:

	[By Right]	**[Planning Commission Approval]**	**[Special Exception BZA Approval]**
Drug Store, Pharmacy	B-1, B-1(a) B-2, B-2(a)		

(C) Section 35-3 of Article XXXV of the Land Use and Development Ordinance is hereby amended by repealing the following row from the Table of Permitted Uses:

	[By Right]	**[Planning Commission Approval]**	**[Special Exception BZA Approval]**
Warehouse and storage		B-2, B-2(a), C/I	

facilities, minor; mini-type do-it-yourself storage facilities			

… and replacing it with the following:

	[By Right]	[Planning Commission Approval]	[Special Exception BZA Approval]
Warehouse and storage facilities, minor; mini-type do-it-yourself storage facilities	C/I	B-2	

<u>SECTION 3</u>. 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.

<u>SECTION 4</u>. 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.

<u>SECTION 5</u>. 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 _______________, 2023.

ATTEST:

____

Robin LeJeune, Mayor

____

Candace G. Antinarella, CMC, City Clerk