

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, February 20, 2023
6:00 P.M.

1. **CALL TO ORDER**
2. **ROLL CALL**
INVOCATION Reverend Thack Dyson, St. Paul's Episcopal Church
PLEDGE OF ALLEGIANCE
3. **APPROVE MINUTES:** February 6, 2023 regular meeting.
4. **REPORTS OF STANDING COMMITTEES**
 - A. **FINANCE COMMITTEE** – Goodlin
 - B. **BUILDINGS & PROPERTY COMMITTEE** – Coleman
Review the minutes from the January 2023 meeting and the January 2023 new Construction and Building Reports.
Certificates of Occupancy: 33
Permits Issues: 152
New Residential Home Permits: 2
Total Fees: \$33,804.54
 - C. **PUBLIC SAFETY COMMITTEE** – Hughes
 - D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** – Olen
 - E. **PUBLIC WORKS COMMITTEE** – Conaway
Review the minutes from the January 3rd meeting.
5. **REPORTS OF SPECIAL BOARDS & COMMISSIONS**
 - A. **BOARD OF ZONING ADJUSTMENTS** – Adrienne Jones
 - B. **DOWNTOWN REDEVELOPMENT AUTHORITY** – Conaway
 - C. **INDUSTRIAL DEVELOPMENT BOARD** – Scott
 - D. **LIBRARY BOARD** – Goodlin
 - E. **PLANNING COMMISSION** – Olen
 - F. **RECREATION BOARD** – Hughes
 - G. **UTILITY BOARD** – Phillips
6. **PUBLIC PARTICIPATION**
7. **MAYOR'S REPORT**
8. **CITY ATTORNEY REPORT**
9. **DEPARTMENT HEAD REPORTS**
10. **CITY CLERK'S REPORT**

MOTION to approve Miles for Missions 5k and Fun Run on January 27, 2024 from 8:00am – 12:00pm.

City Council Agenda – February 20, 2023

MOTION to approve the road closure for a private event on June 10, 2023 from 6:00pm – 10:00pm on Magnolia Avenue.

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2023 – 07 – 2023-F-Fence Installation for Football-Soccer Fields at Trione Sports Complex – Bid Award

2023 -08 – Declare Certain Property Surplus and Authorize the Mayor to Dispose – Chevy Tahoe, Ford Expedition, Ford F450 Truck, Flatbed Dumpbody and Freightliner

B. 2nd 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 – 09 – Adopting the Rules of Procedure in all Instances for Meetings of the City Council

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

C. 1ST READ ORDINANCES:

2023 – 12 – Additional Appropriation: Lake Shore Drive Drainage Improvements Project - \$117,516

2023 – 13 – Ordinance to Amend Section 6.1 of the City’s Employee Handbook

12. COUNCIL COMMENTS

13. ADJOURN

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

1. **CALL TO ORDER:**

There being a quorum present Council President Angie Phillips called the meeting to order at 6:00pm.

2. **ROLL CALL:**

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

COUNCIL MEMBERS ABSENT: Benjamin Hughes

Also Present: Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; Mayor LeJeune; Chief Brian Gulsby, Police; Troy Strunk, City Development; Captain Hayes, Fire; Tonja Young, Library; Vickie Hinman, HR; Kelli Reid, Finance; Adrienne Jones, Planning; Jackson Perhaes, Junior City Councilmember; Gracie Robinson, Junior City Councilmember; Daniel Hill, Junior City Councilmember; Abby English, Junior City Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Councilman Ron Scott.

PUBLIC HEARING: Adrienne Jones presented on the proposed amendments to the Land Use and Development Ordinance, amending Articles 31 and 35.

Public hearing opened at 6:10pm.

Victoria Phelps, Lake Forest POA, asked questions regarding the short-term rental zonings including if POAs could restrict short term rentals. Ms. Jones said the POAs would need to amend their covenants to reflect their rules.

Public hearing closed at 6:13pm.

3. **APPROVAL OF MINUTES:**

The minutes from the January 17, 2023 regular meeting were approved.

4. **REPORT OF STANDING COMMITTEES:**

A. FINANCE COMMITTEE

Councilman Goodlin said the minutes from the January 17th meeting are in the packet. He 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; Excess Reserve Balance - \$14,023,708; Debt Summary for December 2022: Warrants - \$26,950,794; Capital Leases - \$2,053,772; General Fund - \$970,005; Enterprise Fund - \$1,083,767.

MOTION by Councilman Goodlin 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. No second was needed.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Goodlin to authorize the Mayor to enter into the Intergovernmental Service Agreement with Baldwin County for the extension of the Corte Road to Friendship Road. No second was needed.

MOTION CARRIED UNANIMOUSLY.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Coleman said the next meeting is February 13th at 5:15pm.

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6:00 P.M.**

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes was absent. Council President Phillips said the minutes from the January 9th meeting were in the packet.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Olen said the Committee met earlier and the next meeting is March 6th at 4:30pm.

E. PUBLIC WORKS COMMITTEE

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

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said the Board will have a meeting in March.

**MOTION by Councilman Scott to appoint Tasha Quinnelly to the Board of Zoning Adjustments, replacing Willie Robinson, with her term expiring November 2025. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

B. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting is February 16th at 5:30pm.

C. Industrial Development Board

Councilman Scott said the next meeting is to be determined.

D. Library Board

Councilman Goodlin said the next meeting is the second Thursday in March at 4:30pm.

E. Planning Commission

Councilman Olen said the next meeting is February 23rd at 5:00pm.

F. Recreation Board

Councilman Hughes was absent.

G. Utility Board

Councilwoman Phillips said the minutes from the November 30, 2022 meeting were in the packet and the meetings are the fourth Wednesday of every month.

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:19pm. No one came forward to speak.

Public Participation closed at 6:20pm.

7. MAYOR'S REPORT:

Mayor LeJeune said Mardi Gras season is here and there are many upcoming parades. He shared about the upcoming pet adoption event.

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8. **CITY ATTORNEY REPORT:**

City Attorney said there were two first read ordinances that he asked if the Council might consider suspending the rules in order to consider adoption of Ordinance 2023-08 and 2023-10.

9. **DEPARTMENT HEAD COMMENTS:**

Chief Gulsby, Police, shared about upcoming Mardi Gras parades and that Lt. Ardis will be taking over as Field Operations Captain.

Captain Hayes, Fire, said the Fire Department sends condolences to retired Fire Chief White on the recent passing of his mother. He shared that driver's testing was last week.

Tonja Young, Library, said the Library is preparing for Mardi Gras and Valentine's events.

Charlie McDavid, Recreation, said pickleball courts are open. He said Spring sports teams are up and running.

Troy Strunk, City Development, said May Day Park will be closed for repairs and updates starting February 13th. He said Daphne Boat Launch should reopen March 1st.

Josh Newman, City Engineer, gave an update on the transportation improvement plan.

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

MOTION by Councilman Coleman 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. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

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

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to approve the Daphmont Community Mardi Gras Parade on February 18, 2023 from 2:00 – 3:00pm. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY.

City Clerk announced that all committee meetings held before the Council meetings will be in the Jubilee Conference Room starting Monday, February 13th.

11. **RESOLUTIONS & ORDINANCES:**

A. **RESOLUTIONS:**

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

2023 – 06 – RFQ – Daphne Transportation Improvements Plan

MOTION by Councilman Scott to waive the reading of Resolutions 2023-05 and 2023-06. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2023-05. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.

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**MOTION by Councilman Scott to adopt Resolution 2023-06. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

ORDINANCES:

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. - \$1,980,000

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

MOTION by Councilman Scott to suspend the rules in order to consider the adoption of Ordinance 2023-08. Seconded by Councilman Olen.

City Clerk called roll

Councilwoman Conaway Aye

Councilman Olen Aye

Councilman Coleman Aye

Councilman Goodlin Aye

Councilman Scott Aye

Council President Phillips Aye

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to waive the reading of Ordinance 2023-08. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

**MOTION by Councilman Scott to adopt Ordinance 2023-08. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

MOTION by Councilman Scott to suspend the rules in order to consider the adoption of Ordinance 2023-10. Seconded by Councilwoman Conaway.

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City Clerk called roll
Councilwoman Conaway Aye
Councilman Olen Aye
Councilman Coleman Aye
Councilman Goodlin Aye
Councilman Scott Aye
Council President Phillips Aye
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to waive the reading of Ordinance 2023-10. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2023-10 reflecting the corrected amount of \$1,980,000. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

12. **COUNCIL COMMENTS:**

Councilwoman Conaway congratulated Junior Councilmember Abby English on being selected for Dogwood Trail.

Councilman Olen shared condolences to retired Fire Chief White. He recognized Daphne Beautification Committee on all their hours of volunteering, over 2,000 hours.

Councilman Coleman congratulated Junior Councilmembers Abby English and Reese Barker for their recent involvement with the Dogwood Trail competition. He said he would be cheering his daughter on with her cheer team in Orlando soon.

Councilman Goodlin said Mayor LeJeune had great news on his health report and commended Junior Councilmember Daniel Hill on his recent achievements.

Councilman Scott echoed the comments on Mayor LeJeune and credited Councilman Coleman for all his work in bringing the Junior Councilmembers to fruition.

Mayor LeJeune thanked the Council, family, citizens and staff for their support as he underwent treatments and shared he is cancer free. He said there are many openings in City Committees and for anyone interested to contact the City Clerk's office. He congratulated Abby English and wished good luck to Councilman Coleman's daughter.

Council President Phillips echoed the great health report for the Mayor.

13. **ADJOURN:**

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 6:53 PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, CMC, City Clerk

Angie Phillips, Council President

BUILDINGS & PROPERTY COMMITTEE MEETING

January 9, 2023, 5:15 p.m.

City Hall, Council Chambers

1705 Main Street, Daphne, AL 36526

MEETING MINUTES

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

MEMBERS ABSENT: Councilman Scott

ALSO PRESENT: Mayor LeJeune; Patrick Dungan, City Attorney; Suzanne Henson, Finance; Troy Strunk, City Development; Vickie Hinman, Human Resources; Kelli Reid, Finance; Ange Baggett, Marketing; Ronnie Huskey, Public Works; Cody Ledet, Environmental Programs; Eric Butler, Building Inspection; Tralise Pounds, Junior City Councilmember; and Candace Antinarella, City Clerk.

1) CALL MEETING TO ORDER / ROLL CALL

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

2) MINUTES

Councilman Coleman reviewed the minutes from the November meeting.

3) PUBLIC PARTICIPATION

3) BUILDING INSPECTION REPORT

There was no report.

4) CIVIC CENTER & BAYFRONT PAVILION REPORT

Ange Baggett gave the Civic Center report as well as the Tourism report.

5) RECREATION REPORT

Charlie McDavid gave the Recreation Report.

6) LIBRARY REPORT

There was no report.

7) VILLAGE POINT BAYFRONT PROPERTIES REPORT

There was no report.

8) FACILITIES REPORT

Ronnie Huskey reviewed the facilities report. Councilman Goodlin asked about the painting of the metal poles. Mr. Huskey updated the Council on the drainage on County Road.

9) OLD BUSINESS

10) NEW BUSINESS

Troy Strunk presented on the CSpire GFRC Right-of-Way Agreement.

MOTION by Councilwoman Phillips to recommend to Council to authorize the Mayor to execute the CSpire Right of Way Easement Agreement. Seconded by Councilman Goodlin. MOTION CARRIED UNANIMOUSLY.

Kelli Reid presented on the John Deere Equipment Lease. Councilwoman Phillips asked what was budgeted for these lease renewals. Mrs. Reid said it was overlooked and left out of the budget.

**MOTION by Councilwoman Phillips to recommend to Council to authorize the Mayor to enter into two leases for John Deere Equipment. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

Troy Strunk introduced the new Environmental Programs Manager, Cody Ledet.

Troy Strunk asked if the Council would be interested in selling the old fire station property behind City Hall. Committee had no problem with moving forward with an appraisal.

11) ANY OTHER BUILDINGS AND PROPERTY BUSINESS

12) NEXT MEETING

The next meeting is scheduled for Monday, February 13, 2023 at 5:15 p.m.

13) ADJOURN

There being no further business to discuss, the Council adjourned at 5:47pm.

City of Daphne Building Department

2019 / 2020 / 2021 / 2022 / 2023 Comparison Report

	Fees Collected					Permits Issued					CO's Issued				
	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023
Oct	\$41,508.58	\$93,181.87	\$94,131.53	\$84,303.63	\$47,086.96	141	215	357	308	192	23	11	31	40	28
Nov	\$30,939.41	\$62,198.00	\$109,387.14	\$91,672.49	\$50,279.03	106	223	378	351	286	18	26	30	30	36
Dec	\$28,050.20	\$233,529.32	\$101,471.36	\$128,605.99	\$57,070.59	108	252	383	296	216	23	33	43	53	36
Jan	\$54,262.58	\$118,498.03	\$132,049.79	\$259,810.62	\$33,804.54	180	270	372	350	152	21	14	24	36	33
Feb	\$65,020.99	\$140,560.44	\$97,396.64	\$129,315.56		225	308	350	292		17	33	32	32	
Mar	\$66,919.78	\$77,067.98	\$95,472.42	\$116,358.20		204	362	391	431		20	45	52	84	
Apr	\$62,429.27	\$94,394.17	\$80,088.89	\$60,816.35		228	272	373	324		23	32	40	42	
May	\$76,949.69	\$95,010.56	\$101,848.37	\$65,454.25		247	294	380	306		18	39	42	48	
June	\$57,871.17	\$179,966.08	\$100,508.32	\$147,395.66		223	399	394	355		24	49	50	34	
July	\$69,166.73	\$77,442.81	\$78,547.74	\$87,733.72		239	323	408	305		10	45	29	23	
Aug	\$119,198.28	\$105,147.77	\$59,376.50	\$61,504.63		272	307	309	299		44	34	30	19	
Sept	\$76,320.28	\$71,226.36	\$93,879.09	\$140,065.18		303	352	442	328		21	35	48	40	
Total	\$748,636.96	\$1,348,223.39	\$1,144,157.79	\$1,373,036.28	\$188,241.12	2476	3577	4537	3945	846	262	396	451	481	133
Percent	NA	80.09%	-15.14%	20.00%		NA	44.47%	26.84%	-13.05%		NA	51.15%	13.89%	6.65%	

January FY2023 Notes

Building Inspections-

152 Permits issued, 33 Certificate Of Occupancies issued, and 2 New home permits issued

PERMITS ISSUED BY (01/01/2023 TO 01/31/2023) FOR CITY OF DAPHNE

Building Permit (Residential)

Work Class New Construction (Residential)

BLDR-014084-2023 **Type:** Building Permit (Residential) **District:** **Main Address:** 1313 Lovette Ln
Status: Issued **Workclass:** New Construction (Residential) **Project:** Old Town Daphne Area **Parcel:** Daphne, AL 36526
Application Date: 01/04/2023 **Issue Date:** 01/13/2023 **Expiration:** 07/17/2023 **Last Inspection:** 01/17/2023 **Finalized Date:**
Zone: **Sq Ft:** 0 **Valuation:** \$722,869.67 **Fee Total:** \$3,815.00 **Assigned To:**
Additional Info:
Heated and Cooled Valuation: 640443 **Number of Stories:** 0 **Heated and Cooled Square Feet:** 4245 **Non-Heated and Cooled Square Feet:** 1364 **Non-Heated and Cooled Valuation:** 82426.5
IRC Residential Building Code Year: 2018

Description: REBUILD OF HOUSE THAT WAS DEMO

Contractor: CHRIS MILLER PO BOX 1015 MONTROSE, AL 36559 cmcoffcemgr@gmail.com

BLDR-014123-2023 **Type:** Building Permit (Residential) **District:** **Main Address:** 927 Caroline Ave
Status: Issued **Workclass:** New Construction (Residential) **Project:** **Parcel:** Daphne, AL 36526
Application Date: 01/10/2023 **Issue Date:** 01/25/2023 **Expiration:** 07/24/2023 **Last Inspection:** **Finalized Date:**
Zone: **Sq Ft:** 0 **Valuation:** \$245,957.05 **Fee Total:** \$1,430.00 **Assigned To:**
Additional Info:
Heated and Cooled Valuation: 217253 **Number of Stories:** 0 **Heated and Cooled Square Feet:** 1440 **Non-Heated and Cooled Square Feet:** 475 **Non-Heated and Cooled Valuation:** 28704.3
IRC Residential Building Code Year: 2018 **Subdivision:** WHISPERING PINES **Lot Number:** 129 **Watershed:** Tiawasee **Flood Zone:** X

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

Value total for Work Class New Construction (Residential): **Fee total for Work Class New Construction (Residential):**

Value total for Permit Type Building Permit (Residential): \$968,826.72 **Fee total for Permit Type Building Permit (Residential): \$5,245.00** **PERMITS ISSUED for Permit Type:** **2**

GRAND TOTAL VALUE: \$968,826.72 **GRAND TOTAL FEES: \$5,245.00** **GRAND TOTAL OF PERMITS:** **2**



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
January 3rd, 2023 - 5:15 P.M.
DAPHNE CITY HALL

I. CALL TO ORDER

II. COMMITTEE MEMBERS PRESENT:

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

Others Present: Ronnie Huskey, Public Works Director; Jay Ross, City Attorney; Troy Strunk, Executive Director, City Development; Candace Antinarella, City Clerk; Josh Newman, City Engineer; Kelli Reid, Finance Director; Selena Vaughn, Daphne Beautification

III. PUBLIC PARTICIPATION & CORRESPONDENCE

Correspondence and Public Participation— David Dietz from 2398 Old County Road spoke about his concerns with drainage in his area. He stated there is flooding on the corner of Old County Road and Santa Rosa Ave. He asked if there was a plan in place to remedy this public safety problem. Ronnie Huskey stated that Public Works went out and looked at the situation in June 2022. He stated that maintenance was done in the area, including cleaning the drainage pipes, and it was forwarded to Josh Newman to set up a capital project to get the area fixed. Mr. Huskey continued by saying William Eringman went out the last week to inspect the area and found a piece of timber that was lodged into the inlet box, which was also cleaned out. He continued by saying this may need to be a capital project to replace the pipe down the road, but right now it is a maintenance issue. Mayor LeJeune also stated that the City is aware of the situation and Public Works has also been working on a drainage project down the road. Mr. Dietz stated that he has been dealing with this issue for six years and states that all the fixes that have taken place have been “band-aide fixes” and that the City has never been able to fix the real issue. Mayor LeJeune stated that the pipe fix (the “band-aide” fix) was taken care of and they have been moving up to continue to fix the issue. Councilman Coleman asked Mr. Dietz how long he had lived at his residence, and Mr. Dietz answered seven years. Councilman Coleman also asked Mr. Dietz what he thinks made the drainage situation worse. Mr. Dietz replied that he believes the water is coming from the school yard and is flooding the ditch on Santa Rosa Ave, which then floods his yard. Mayor LeJeune stated the pipe was fixed a few weeks ago to help the situation. Mr. Dietz stated that fix was a ¼ mile down the road. Mayor LeJeune reiterated that they have to start the fixes down the road and work their way to the issue. The Council and Mr. Dietz continued to discuss the fixes and the drainage issue.

IV. OLD BUSINESS

Approval of Minutes – December 5th, 2022—Minutes were reviewed and approved by the



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
January 3rd, 2023 - 5:15 P.M.
DAPHNE CITY HALL

committee.

V. NEW BUSINESS

There was no new business at this time.

VI. City Engineer's Report (Separate Handout)

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

Mr. Newman discussed 21-03 D'Olive Bay Boat Launch that the project is now over 50% completed and paving will start soon.

Mr. Newman discussed 21-04 Drainage Improvements at North Main Street at Fire Station No. 2 that there is still a lot of work to do, but they are making progress.

Mr. Newman discussed 21-05 Drainage Improvements at Lakeshore Drive that there have been a few issues but they are still making progress. The completion is over 50%.

Mr. Newman discussed 21-06 US-98 Sidewalk Improvements TAP that they are over half way done grading the sidewalks.

Mr. Newman discussed 21-08 Public Works Storage Building that all the footers are complete.

Mr. Newman discussed 21-15 Bayfront Streetscapes that all the clearing has been completed for this project.

Mr. Newman discussed 22-08 Pickleball Courts that construction is currently at 55%.

Councilman Hughes inquired about 21-11 Resurfacing on CR-64 from US-98 as to when the project will be completed. Mr. Newman stated they are 85% on plans and are waiting on one more item to submit to ALDOT which the City is waiting to receive. Mayor LeJeune stated that paving will most likely not start for another year because improvements to the intersection need to be completed first.



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
January 3rd, 2023 - 5:15 P.M.
DAPHNE CITY HALL

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

Ronnie Huskey stated the reports provided in the Public Works packet have not had much movement because of the holidays we have had. He stated that there were 30 new customers for Solid Waste for the month of November and he does not expect the number to be very high for the month of December.

Councilman Goodlin asked why there is such a number difference between FY2022 and FY2023 for the Vehicle Maintenance report (\$43,142.19 for FY2022 and \$73,487.56 for FY2023). Mr. Huskey stated that there has been inflation and a lot of it had to do with the Public Safety vehicles and there were some issues with the garbage trucks. He continued by saying that a lot of the equipment was being heavily used and they are now having an opportunity to do some work on them.

Mr. Huskey spoke about the drainage situation on Old County Road that was brought up during Public Participation. He stated that at the north end of Old County Road, there was a 24 inch metal corrugated pipe that had the bottom rusted out, which caused a blowout. Public Works did the repairs of the pipe that was roughly 22 feet deep. The Team recently add a 32 inch PVC pipe and they raised the elevation of it in the ground so it was not so deep to help with the safety aspect of not having to use a trench box. The Team replaced 52 feet of the pipe between a junction box and an inlet box. He stated the junction box sits roughly 32 feet deep below the road edge and there is an inlet box downstream that sits roughly 48-50 feet below the road edge. Continuing down the stream is another junction box that sits 60 feet below the road edge which then goes down to a retaining wall. Mr. Huskey stated if they were to go up and first fix the issue for the resident, it would increase pressure and water on those pipes so that is one of the reasons they started downhill and worked up. As the Team worked up the stream, they found an inlet box full of sediment near the residence of the gentleman who spoke earlier, which they cleaned out. Councilwoman Phillips asked if the residents are being made aware of the construction, to which Mr. Huskey stated he could not speak for Mr. Newman, but through Public Works the residents are being made aware. Councilman Goodlin asked if there is land at Daphne Elementary School North where a retention pond could be constructed. Troy Strunk stated he believes that the school is working on a solution for the drainage issue in their area. Councilman Goodlin asked if the land use ordinance, that states storm water needs to be kept on a property, applies to the school. Mayor LeJeune stated they are exempt from that ordinance. The Council further discussed the issues of how the school's storm water drainage is effecting local residents. Mayor LeJeune discussed that he recently started having bi-monthly meetings with the School Board so the City can be in the loop of what is going on with the local schools. Councilman Hughes asked if there are areas on Old County Road or Santa Rosa Ave that could have deeper ditches which may be able to help with the drainage. Mr. Huskey responded that they have been trying to swipe ditches to clean and correct the elevation for proper water flow. He continued by saying there are ditches on those mentioned roads that need to be



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
January 3rd, 2023 - 5:15 P.M.
DAPHNE CITY HALL

addressed. Mr. Huskey also stated that the Mowing Department will clean inlets and ditches when it is raining and they cannot mow. The Council and Mr. Huskey discussed various streets in Daphne that have drainage issues and have been worked on.

- A. Work Request Report – November 2021 & November 2022
The Public Works Department completed 491 work orders in November 2022.
- B. Vehicle/Equipment Maintenance Reports – FY2022-2023 YTD
- C. Public Works Related Overtime Report — 27.17% of the year used; \$36,817.53 Used YTD as of December 28th, 2022.
- D. Street Sweeper Report — 424.315 Miles Traveled; 154.284 Miles Swept

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

- A. Monthly Recycle Tonnage Report (Tonnage Comparison) — No Report
- B. Solid Waste New Customer Report – September 2022— 30 new residential; 0 new commercial
- C. Tallent Lane Facility Report – November 2022- 345.96 SW Total Tonnage, 74.14 Other Depts. Total Tonnage

IX. MOSQUITO CONTROL SERVICES

- A. Mosquito Report— Week 48, November 2022 Report

X. MUSEUM COMMITTEE

- A. Minutes – November 14th, 2022

XI. BEAUTIFICATION COMMITTEE

- A. Minutes – No Report

XII. ENVIRONMENTAL ADVISORY COMMITTEE

- A. Minutes – No Report

XIII. FUTURE BUSINESS

- A. Next Meeting – **Monday, February 6th, 2023**



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
January 3rd, 2023 - 5:15 P.M.
DAPHNE CITY HALL

XIV. ADJOURNMENT

Jay Ross stated that back in June 2022, the City passed a resolution that accepted some land from 68 Ventures known as Oakside Village (across from Loma Alta Towers) which is about 4-5 acres. Mr. Ross had a call from 68 Ventures where they asked the City to pay for the closing fees and title insurance of \$3,537. Mr. Ross stated that neither he nor the Mayor could make that call, so 68 Ventures donated the closing fees cost. 68 Ventures asked Mr. Ross if he could ask the Council if they could be reimbursed for the cost of the closing fees. Councilman Olen stated no. The Council and Mr. Ross broke down the various expenses included under the closing cost “umbrella”. Councilman Scott stated he would be open to reimbursing some of those closing costs (\$1,767 for the title insurance cost). Councilman Olen stated he is adamantly opposed to reimbursement. Councilman Olen continued by saying that 68 Ventures offered to donate the property and said nothing about the City paying costs. He continued by asking Kelli Reid if something like this has happened in the past where the City had to pay costs, and Ms. Reid stated she was not aware of any. Councilman Olen also stated that it is an awful precedent to set and 68 Ventures should not be coming in 6 months later asking for reimbursement costs of a property they donated. Councilman Scott stated that his district appreciates that the land was donated instead of being built on, and even though he agrees with Councilman Olen that 68 Ventures should have notified the Council of the closing fees, that there may be some land in the future they would like to donate, and for a relatively small amount of money, he isn’t sure they should aggravate that relationship with 68 Ventures.

MOTION by Councilman Scott to recommend to Council to reimburse 68 Ventures for the title insurance for the amount of \$1,767.

Seconded by Councilwoman Phillips

Aye – Conaway, Phillips, Scott, Coleman, Hughes, Goodlin

Nay - Olen

MOTION CARRIED.

Councilwoman Phillips stated that 68 Ventures should know that the Council would love for the continued donation of property, but if the Council will be paying any type of fees that it will need to be discussed ahead of time. Mayor LeJeune stated that the City will be using 68 Ventures title company in the future for donated property from them. Councilman Hughes reiterated what Councilwoman Phillips stated that the City is happy to accept land donations, but terms need to be discussed prior to acceptance.

Motion by Tommie Conaway, seconded by Angie Phillips to adjourn. Meeting adjourned at 5:52 p.m.



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 INFORMATIONORGANIZATION NAME: Eastern Shore Baptist ChurchAPPLICANT NAME: Marsha ScarboroughSTREET: 6847 Park Dr.CITY, STATE, ZIP: Daphne, AL 36526CONTACT PHONE: 251-533-6689EMAIL: marsha@myesbc.net"ON SITE" CONTACT PERSON DAY OF EVENT: Chris Turner or Marsha ScarboroughCELL PHONE: Chris-318-290-4176, Marsha-251-533-6689EMAIL: chris@myesbc.net**EVENT INFORMATION**EVENT NAME: Miles for Missions 5KTYPE OF/PURPOSE OF EVENT: 5K Run & 1 mile Fun Run to raise funds for 2024 Youth Choir Tour/Mission TripEVENT DATE: January 27, 2024TIME (START- END): 8:00 a.m. — NoonASSEMBLY TIME: 6:30 a.m.# PARTICIPANTS/VEHICLES: 100+EVENT LOCATION: Certified 5K course ending at City Hall, 1-mile fun run from city hall to Whit's and backFULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE): Tents/tables for registration/water/refreshments,P/A system (provided by church), race timers

SPECIAL REQUESTS

ROAD CLOSURE(S) REQUESTS: ☒ Yes* ☐ No *If Yes, please indicate which City Route is requested: 5K Certified

WILL YOUR EVENT REQUIRE BARRICADES: ☒ Yes* ☐ No *If Yes, please indicate quantity & location: _____
5K Route AND 1-mile fun run

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: We would like to have the 1-mile fun run start at City Hall and turn around at Whit's
all on Main Street.

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: MRS

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: Daphne Utilities Food Truck

REVENUE/BUSINESS LICENSE

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

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

INDEMNITY & HOLD HARMLESS AGREEMENT

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

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

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

APPLICANT SIGNATURE:

Marsha Scarborough

DATE:

Feb. 6, 2023

INTERNAL USE ONLY

DATE REC'D:

2/6/23

CITY CLERK:

FIRE DEPT:

Lu

APPROVED ROUTE:

POLICE DEPT:

[Signature]

ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS:

SPORTS & RECREATION:

EVENT FEE: ☐ Paid \$ _____ CHK# _____

MARKETING & EVENTS:

☐ Waived

REVENUE:

PROOF OF INSURANCE REC'D: ☐ Yes ☐ No



City of Daphne

Event Permit Application

TYPE OF PERMIT:

- ☐ Special Event/Fundraiser ☐ Parade/Run (Streets Use) ☐ Walk (Sidewalks Only)
☐ Athletic Complex/Sporting Event ☒ Other: Wedding Reception

APPLICANT & ORGANIZATION INFORMATION

ORGANIZATION NAME: Simmons Family

APPLICANT NAME: Leslie Simmons

STREET: 702 Magnolia Avenue CITY, STATE, ZIP: Daphne, AL 36526

CONTACT PHONE: 251-591-5999 EMAIL: lapsimmons3@gmail.com

"ON SITE" CONTACT PERSON DAY OF EVENT: Leslie Simmons

CELL PHONE: 251-591-5999 EMAIL: lapsimmons3@gmail.com

EVENT INFORMATION

EVENT NAME: Wedding Reception

TYPE OF/PURPOSE OF EVENT: Wedding Reception for my daughter

EVENT DATE: Saturday, June 10th, 2023 TIME (START- END): 6-10pm

ASSEMBLY TIME: 4-6pm # PARTICIPANTS/VEHICLES: 100 people; 0 cars

EVENT LOCATION: 702 Magnolia Avenue

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

SPECIAL REQUESTS

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

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: _____

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:

Facebook.com?	☐ Yes	☒ No	Instagram?	☐ Yes	☒ No	www.daphneal.com?	☐ 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.

INDEMNITY & HOLD HARMLESS AGREEMENT

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

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

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

APPLICANT SIGNATURE: _____

Joshua P. Shumway

DATE: _____

1/12/23

INTERNAL USE ONLY

DATE REC'D: *1-12-2023*

CITY CLERK: _____

FIRE DEPT: *L. G. Taylor*

APPROVED ROUTE: _____

POLICE DEPT: *[Signature]*

ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS: *[Signature]*

SPORTS & RECREATION: *CM [Signature]*

EVENT FEE: ☐ Paid \$ _____ CHK# _____

MARKETING & EVENTS: _____

☐ Waived: _____

**REVENUE IF:

PROOF OF INSURANCE REC'D: ☐ Yes ☐ No

** recommendation to ONLY barricade in front of resident's property on Magnolia Ave. during requested time period.*

SIMMONS WEDDING RECEPTION

Saturday, June 10th, 2023

We live at 702 Magnolia Avenue, located on the southeast corner of the intersection at Magnolia Avenue and Sixth Street in Olde Town Daphne. My daughter is getting married Saturday, June 10th and we would like to have her reception at our home.

She will invite approximately 150 people and we anticipate 100 in attendance. We are requesting that the intersection of Magnolia and Sixth be closed 4-10pm the day of the event. The only driveway that will be affected is mine. Closure of the intersection should not affect citizens' ability to move through Olde Daphne, nor prevent them from accessing Main Street.

Attendees will be dropped off at our house; therefore, parking will not be an issue. Regarding barricades, we would only need enough to block off the four streets at the intersection. We will not use tents. We will provide our own staging, tables, chairs, and garbage cans.

We will hire a band and we understand that there is a 10pm sound ordinance that we will adhere to. We will also provide our own extension cords for the band. We will hire a food truck and will confirm that they have a Daphne Business License.

I can be reached at 251-591-5999 and am happy to answer any additional questions you may have.

We appreciate your consideration.

-Leslie Simmons

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2023-07**

**2023-F-FENCE INSTALLATION FOR FOOTBALL-SOCCER FIELDS AT
TRIONE SPORTS COMPLEX**

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

WHEREAS, The City of Daphne acknowledges that the cost for the Fence Installation for Football-Soccer Fields at Trione Sports Complex will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the Fence Installation for Football-Soccer Fields at Trione Sports Complex and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the Fence Installation for Football-Soccer Fields at Trione Sports Complex be awarded to the low bidder Gulf Coast Fence Co., Inc. in the amount of \$70,156; and

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City hereby accept the bid of Gulf Coast Fence Co., Inc. in the amount of \$70,156 as specified in BID SPECIFICATION NO. 2023-F-Fence Installation for Football-Soccer Fields at Trione Sports Complex.

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 - 08**

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

EQ/VEH/#	DESCRIPTION	VIN/SN
115	2015 CHEVY TAHOE	1GNLC2EC8FR282001
411	2011 CHEVY TAHOE	1GNLC2E01BR370842
1070	2007 FORD EXPEDITION	1FMFU15517LA24174
1137	2005 FORD F450 TRUCK	1FDXF46P05ED25889
17	2000 FORD F450 FLATBED DUMPBODY	1FDXW46S8YED81779
1710	2019 Freightliner M2106-16CY Side Load Garb Tk	1FVACYFE8KHKF6596

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

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

SECTION 1. 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
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

SECTION VI: SUBMISSION OF COUNCIL MEETING MATERIAL

- 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.

SECTION VII: COMMENTS BY COUNCILMEMBERS

- A. Comments by Councilmembers and Mayor. 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. Number of comments by Councilmember on a subject. 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.

SECTION XXI:

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 2023-11**

**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
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- (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	

SECTION 3. 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 4. 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 5. 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

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2023- 12**

**ADDITIONAL APPROPRIATION: LAKESHORE DRIVE DRAINAGE
IMPROVEMENTS PROJECT**

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, Lakeshore Drive Drainage Improvements Project has been previously bid with a total construction cost of \$969,376 (Construction - \$923,215 and Contingency \$46,161) and funds appropriated in Ordinance 2022-40; and

WHEREAS, additional funds in the amount of \$117,516 are needed for unexpected additional work and repairs needing to be done by the contractor on the project; 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 **\$117,516** 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 2023-13**

AN ORDINANCE TO AMEND SECTION 6.1 OF THE CITY'S EMPLOYEE HANDBOOK

WHEREAS, the City Council of the City of Daphne, after due consideration, believes it appropriate to amend a section of the City of Daphne Employee Handbook for the proper administration of said Handbook and the policy contained therein;

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

That Section 6.1 of the Employee Handbook be and is hereby revised as follows:

6.1 GENERAL PROVISIONS

Processing Separations. At the time of separation all records, assets, and other items of City property in the employee's custody will be returned to City control. The employee and the Department Head or Human Resources must certify return of City property. A copy of such certification will be filed in the Human Resources Department. Any indebtedness owed the City by the individual will be withheld from final compensation, unless waived by the Mayor. At separation, the Human Resources Department will inform the employee of any rights and/or benefits for which the employee may be eligible.

SECTION II: REPEALER

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

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