

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

1. CALL TO ORDER

2. ROLL CALL

INVOCATION

Pastor Jeff Gardner, Daphne Baptist Church

PLEDGE OF ALLEGIANCE

PRESENTATION: Daphne Fire Department Promotions Badge Ceremony – Apparatus Engineers

3. APPROVE MINUTES: February 20, 2023 regular meeting.

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Goodlin

Review the minutes from the February 20th meeting.

Treasurer's Report for January 2023: Unrestricted Fund Balance - \$30,322,703;

- Total Cash Balance - \$47,264,165

Sales Tax for December 2022: \$2,645,542; Lodging Tax for December 2022: \$97,826

Excess Reserve Balance - \$16,559,869

Debt Summary – January 2023: Warrants - \$26,410,794

- Capital Leases: General Fund - \$920,437; Enterprise Fund - \$969,782

MOTION to reject the 2023-D-Jail Locking System bid and rebid since the bid received was over budget.

MOTION to authorize the Mayor to sign the Lease Agreement for a 2023 Caterpillar 305-070CR Excavator.

MOTION to include the Cyber policy with 2023 AMIC insurance renewal policy with the \$5,000 deductible without the extended reporting period in the amount of \$2,145.

B. BUILDINGS & PROPERTY COMMITTEE – Coleman

C. PUBLIC SAFETY COMMITTEE – Hughes

Review the minutes from the February meeting.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Olen

E. PUBLIC WORKS COMMITTEE – Conaway

MOTION to reimburse 68 Ventures for the title insurance in the amount of \$1,767.

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

Review the minutes from the December 15, 2022 meeting and the report from the January 26, 2023 meeting.

City Council Agenda – March 6, 2023

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 appoint Mayor LeJeune as voting delegate and Councilman Goodlin as first alternate for Alabama League of Municipalities Annual Business Meeting on May 12, 2023.

MOTION to approve the Mancini’s St. Pat’s Block Party road closure at the corner of Belrose Avenue and Main Street on March 18, 2023 from 5:00pm – 10:00pm.

MOTION to authorize the Mayor to enter into an agreement with Nextstage Design for Bayfront Park.

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2023 – 09 – 2023-B-Street Resurfacing-Asphalt Services Inc.-Negotiated: Bid Award

2023 – 10 – 2023-H-Traffic Signal Poles with Mast Arms for Lavender Lane and Hwy 98 – Southern Lighting and Traffic Systems

2023 – 11 – K-Crew Cab Truck – Negotiated: Bid Award

B. 2nd READ ORDINANCES:

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

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

1ST READ ORDINANCES:

2023 – 14 – Council Rules and Procedures

2023 – 15 – Appropriation: Infirmary Building Improvements - \$85,050

12. COUNCIL COMMENTS

13. ADJOURN

**February 20, 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, Benjamin Hughes, Joel Coleman, Ron Scott, and Angie Phillips

COUNCIL MEMBERS ABSENT: Doug Goodlin

Also Present: Patrick Dungan, City Attorney; Mayor LeJeune; Chief Brian Gulsby, Police; Troy Strunk, City Development; Chief Tacon, Fire; Ronnie Huskey, Public Works; Josh Newman, City Engineer; Ange Baggett, Marketing; Kelli Reid, Finance; Adrienne Jones, Planning (arrived 6:05pm); Sunny Blackwood, Junior City Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Reverend Thack Dyson, St. Paul's Episcopal Church.

3. APPROVAL OF MINUTES:

The minutes from the February 6, 2023 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilman Goodlin was absent. Council President Phillips said the Committee met earlier and the report will be given at the next Council meeting.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Coleman said the minutes from the January 2023 meeting and the January 2023 new Construction and Building Reports are in the packet. He said the next meeting is February 13th at 5:15pm.

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the next meeting is March 13th at 4:30pm.

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 minutes from the January 3rd meeting are in the packet and 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 on March 2nd and they are seeking one individual to fill the alternate position.

B. Downtown Redevelopment Authority

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

C. Industrial Development Board

Councilman Scott said the meeting tentatively scheduled for tomorrow is cancelled due to lack of quorum.

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D. Library Board

Councilman Goodlin was absent. Council President Phillips said the next meeting is March 9th.

E. Planning Commission

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

F. Recreation Board

Councilman Hughes said the next meeting March 8th at 6:00pm.

G. Utility Board

Councilwoman Phillips said the next meeting March 1st at 6:00pm.

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:08pm.

John Lake, 110 Paige Circle, said he represents Lake Forest POA. He said the POA is concerned about the new Short-Term Rental Ordinance and what it means to the community.

Patrick Collins, 7051 Professional Place, expressed concerns about the short-term rental ordinance concerning Lake Forest POA and other communities that were under HOA or POA covenants.

Public Participation closed at 6:14pm.

7. MAYOR'S REPORT:

Mayor LeJeune said it was a great Mardi Gras season. He commended the Finance Department for receiving another Certificate of Excellence in Financial Reporting.

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, said Mardi Gras went well and said they are looking into an abbreviated hiring process.

Chief Tacon, Fire, said the mini-pumper will arrive Thursday and that the Fire Department has an opening for a fire medic.

Ange Baggett, Marketing, said Mardi Gras went well and shared upcoming events at the Civic Center.

Ronnie Huskey, Public Works, updated the Council on the City Hall roof project as well as the Highway 98 Lighting Project. Councilman Scott asked if there were any plans for the road in front of the hotels. Mr. Huskey said they were looking at plans.

Kellie Reid, Finance, shared that the upcoming weekend is tax free for all severe weather related items.

Josh Newman, City Engineer, gave an update on the May Day park as well as the D'Olive Boat Launch.

10. CITY CLERK'S REPORT:

**MOTION by Councilman Scott to approve the Miles for Missions 5k and Fun Run on January 27, 2024 from 8:00am – 12:00pm. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

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MOTION by Councilman Scott to approve the road closure for a private event on June 10, 2023 from 6:00pm – 10:00pm on Magnolia Avenue per recommendations from City Staff. Seconded by Councilman Olen. Councilman Olen asked about the recommendations presented by staff regarding the road closure. Council President Phillips explained that it had been discussed with the Mayor, City Staff and the applicant that it was safer to close the road in front of the resident’s property only.
MOTION CARRIED UNANIMOUSLY.

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

MOTION by Councilwoman Conaway to waive the reading of Resolutions 2023-07 and 2023-08.
Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Resolution 2023-07. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Resolution 2023-08. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

ORDINANCES:

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

MOTION by Councilman Scott to waive the reading of Ordinances 2023-04, 2023-05, 2023-06, 2023-07, 2023-09 and 2023-11. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2023-11. Seconded by Councilman Coleman.

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**MOTION by Councilman Scott to amend Ordinance 2023-11 to strike Section 2-A and send that section back to Planning Commission to reword the parking requirements. Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2023-11 as amended. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

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

**MOTION by Councilman Scott to adopt Ordinance 2023-06. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2023-07. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Olen to table Ordinance 2023-11 until the next Council meeting. Seconded by Councilman Hughes. Councilman Olen shared he felt there should be some changes previously discussed concerning Executive Session.
MOTION CARRIED UNANIMOUSLY.**

Council President Phillips asked for Ordinance 2023-11 to be on the next Ordinance Committee Agenda.

**MOTION by Councilman Olen to adopt Ordinance 2023-04. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

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:

Councilwoman Conaway congratulated Kelli Reid and the Finance Department for their achievement. She shared that the Daphne Public School Committee will meet February 27th at 7:00pm.

Councilman Olen thanked all those involved with Mardi Gras. He said he wants to remind individuals that the Lake Forest Property Owners' Board doesn't represent the members of the community.

Councilman Coleman congratulated Mrs. Reid and the Finance Department.

Councilman Scott said it was a great parade Saturday evening and he enjoyed attending the recent Junior City Council Meeting.

Councilman Hughes congratulated the Finance Department.

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Mayor LeJeune asked everyone to keep Victoria Phelps in their thoughts and prayers on the recent passing of her mother.

Council President Phillips recognized Junior Council Member Sunny Blackwood at the meeting and thanked the City Employees for all their work.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 6:49 PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, CMC, City Clerk

Angie Phillips, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
FEBRUARY 20, 2023
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

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

Present were:

Chairwoman Mrs. Angie Phillips

Councilwoman Mrs. Tommie Conaway

Councilman Mr. Steve Olen

Councilman Mr. Joel Coleman

Councilman Mr. Ron Scott

Councilman Mr. Ben Hughes

Also Present: Mayor Robin LeJeune, Finance Director Mrs. Kelli Reid, Finance Deputy Director Lisa White, Accountant III Mrs. Suzanne 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, Community Development Director Adrienne Jones, and City Attorney Mr. Patrick Dungan.

Mrs. Reid introduced Mrs. Lisa White, the new Finance Deputy Director.

II. PUBLIC PARTICIPATION

There was no public participation.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resources Report:

- Posted/Reposted Positions – 9
- Reviewing/Testing/Interviewing/Background check - 11
- Promotion/Internal Transfer - 18
- New Hires – 6

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

- Safety Committee: Next Safety Committee meeting February 22, 2023. Reviewing sections of Safety Manual for any revisions needed. Developing City Hall Building Evacuation Plan.

Other HR Projects/Meetings/Events:

- CDL Courses in partnership with Coastal Alabama Community College
- Testing employees for bi-lingual
- Reviewing Pre-Employment Skills Testing Options (Microsoft)
- Worker's Comp Open Case Review

Mr. Scott asked about the GIS position. Mrs. Hinman reviewed the different publications they were advertising in. Discussion continued on the difficulty of filling that position.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – January, 2023

Mrs. Koptis reviewed the following reports and information:

- Code enforcement issued 3 warnings resulting in businesses becoming compliant and \$372 in revenue.
- New Businesses with a physical location in Daphne - 17
- Simplified Sellers Use Tax collections - \$182,184.28 and YTD collections - \$627,086.58
- Total Business Licenses issued were 61 new and 2,526 renewals for a total of 2,587 in January, 2023

Mrs. Reid noted the large increase in licenses for this January over the prior year was due to the quicker processing. The licenses for February will be down over the prior year. Mrs. Koptis noted that next month she would start including the delinquent report again.

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: December, 2022

Mrs. Henson reviewed the Sales & Use Tax Reports: \$2,645,542.10 was collected for December, 2022 which was up \$260,187.03 from December 2021's collections:

- YTD Variance over Budget - \$788,980.67

B. Lodging Tax Collections, December, 2022

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for December, 2022 were \$97,825.65 which is down (\$5,293.95) from December, 2021's collections.

- YTD Variance over Budget - (\$7,664.52)

C. Lodging Tax Analysis Report, January, 2023

Mrs. Reid reviewed the Lodging Tax Analysis report for January, 2023 and noted this is the new format discussed at the last Finance Committee meeting. Mrs. Reid asked the committee to let her know any changes they wanted made to the report.

- Recreation for related purchases - \$439,914.20
- Unreserved balance for Bayfront related purchases - \$2,805,031.83

Discussion was made on the IDB and the DISC project debt.

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: January, 2023

Mrs. Reid reviewed the Treasurer's Report:

TREASURER'S REPORT As of January 31, 2023					
Account Type/Title	1/31/2023	12/31/2022	Increase (Decrease) from last Month	1/31/2022	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	\$ 20,028,283	\$ 15,826,683	\$ 4,201,599	\$ 14,669,585	\$ 5,358,698
INVESTMENT FUND	10,294,420	10,134,856	159,564	10,879,660	\$ (585,240)
CREDIT CARD ACCOUNT	-	-	-	172,255	\$ (172,255)
Total Unrestricted Cash Balance	30,322,703	25,961,540	4,361,163	25,721,500	4,601,203
SPECIAL REVENUE FUNDS					
4 CENT GAS TAX	228,362	223,185	5,177	166,435	61,927
7 CENT GAS TAX	187,703	189,302	(1,599)	209,345	(21,642)
10 CENT GAS TAX	170,610	153,876	16,734	317,514	(146,904)
TREE & FLOWER	22,660	22,660	-	22,660	-
COVID RELIEF FUND	2,518,719	2,780,088	(261,370)	1,482,002	1,036,717
ANIMAL SHELTER FUND	801,154	801,154	-	1,088,730	(287,576)
FEDERAL DRUG FORFEITURES	196,225	196,225	-	169,271	26,954
LOCAL DRUG FORFEITURES	79,175	79,175	-	75,915	3,260
LIBRARY	19,818	26,688	(6,870)	28,066	(8,248)
COURT TRAINING & EQUIPMENT	43,385	43,596	(211)	45,189	(1,804)
COURT CORRECTION	556,126	545,937	10,189	508,752	47,374
LODGING TAX	3,244,946	3,231,155	13,791	3,666,553	(421,607)
AGENCY FUNDS					
SELF INSURANCE	229,909	223,160	6,749	233,052	(3,143)
FLEX SPENDING	24,109	27,267	(3,158)	22,403	1,706
OPEB TRUST INVESTMENT FUND	1,207,004	913,118	293,887	1,042,823	164,181
	9,529,905	9,456,586	73,319	9,078,710	451,195
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	6,781,345	7,618,684	(837,339)	4,946,748	1,834,597
	6,781,345	7,618,684	(837,339)	4,946,748	1,834,597
DEBT SERVICE FUNDS					
DEBT SERVICE	630,212	1,103,167	(472,955)	598,891	31,321
Total Restricted Cash Balance	16,941,462	18,178,437	(1,236,975)	14,624,349	2,317,113
Total City Cash Balance	\$ 47,264,165	\$ 44,139,977	\$ 3,124,188	\$ 40,345,849	\$ 6,918,316
Encumbrance Total as of			1/31/2023	\$ 366,832.03	

The Treasurer's Report as of January, 2023 Total Unrestricted Cash Balance - \$30,322,703 and Total City Cash Balance - \$47,264,165 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance - \$366,832 as of January, 2023.

Mrs. Reid reviewed the Encumbrance Report and noted that January was a big month for spending down the encumbered monies due to the payment made for the PD Chevy Tahoes that were finally delivered. Discussion was made on other pending projects including the I-10 Entrance Sign.

3. Outstanding Appropriations

Mrs. Reid reviewed the Outstanding Appropriations report and noted the Well Road drainage improvements bid will open on March 15, 2023. Mrs. Reid reviewed the large number of projects under the Capital Reserve Fund. Mr. Strunk noted that the Bayfront Streetscape project is looking good.

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

Mrs. Reid reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), January, 2023

Monthly Financial Statements – December 2022 Financial Highlights

General Fund:

	<u>FY 2023</u>	<u>FY 2022</u>	<u>Change</u>
• YTD Budgetary Net Income:	\$3,248,821	\$ 1,525,278	\$1,723,543

- Total sales tax collected year to date is approximately \$789,000 over budgeted income and \$435,000 over prior year to date income
- Unassigned Fund Balance: \$27,997,675
- Outstanding Encumbrances: \$743,227

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of December 31, 2022: \$26,950,794
- Outstanding Capital Lease Balance as of December 31, 2022:
 - o General Fund: \$970,005
 - o 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 –
 - o Bayfront Unreserved Fund Balance: \$2,886,226
 - o Recreation Unreserved Fund Balance: \$435,975
 - o Total lodging tax collected was approximately \$7,700 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:

	<u>FY 2023</u>	<u>FY 2022</u>	<u>Change</u>
Solid Waste Fund	\$79,651	\$ -0-	\$ 79,561
Civic Center Fund	\$35,806	\$ 47,301	\$(11,495)

5. Summary of Budgetary Amendments

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

- Total Appropriations Year to Date – (\$2,684,965)
- Adjusted Expenses over Revenue – (\$2,677,878)

6. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary.

B. Bills Paid Reports – January, 2023

The Bills Paid Report was previously presented electronically. Mr. Olen asked about the larger repairs to equipment and vehicles in Public Works. Mr. Huskey reviewed the largest repairs made.

VIII. BIDS (Resolution)

A. 2023-B-Street Resurfacing

Mrs. Reid reviewed the option to award the bid excluding base bid streets: Eisenhower Way, Jason Circle, Cheshire Lane, and Windsor Drive but including the Additive Alternate 1 and noted this option would stay within the current budget. Mrs. Reid reviewed the option to award all streets listed in the bid specification and noted that an additional appropriation in the amount of \$162,957.26 would need to be made. Discussion continued on the streets that would be paved. Mrs. Phillips and Mr. Olen noted with the City's current project list they recommended removing the suggested roads and awarding the bid within budget.

MOTION BY Mr. Scott to recommend to Council to award the 2023-B-Street Resurfacing bid to Asphalt Services Inc. in the amount of \$1,169,187 for the base bid excluding streets (Eisenhower Way, Jason Circle, Cheshire Lane, and Windsor Drive) and including Additive Alternate I as bid. Seconded by Mr. Coleman.
MOTION CARRIED UNANIMOUSLY

B. 2023-D-Jail Locking System

Mrs. Reid noted the bid received was over budget and is requesting the Jail Locking System be rebid in hopes of receiving a more competitive bid. Mrs. Henson noted the bid specs will be tweaked some before the bid is put back out.

MOTION BY Mr. Hughes to recommend to Council to reject the 2023-D-Jail Locking System bid and rebid since the bid received was over budget. Seconded by Mr. Olen.

MOTION CARRIED UNANIMOUSLY

C. 2023-H-Traffic Signal Poles with Mast Arms for Lavender Lane and Hwy 98

Mrs. Reid discussed the recommendation was to award the bid to sole bidder Southern Lighting and Traffic Systems in the amount of \$67,130.

MOTION BY Mrs. Conaway to recommend to Council to award the 2023-H-Traffic Signal Poles with Mast Arms for Lavender Lane and Hwy 98 bid to Southern Lighting and Traffic Systems in the amount of \$67,130 as bid. Seconded by Mr. Hughes.

MOTION CARRIED UNANIMOUSLY

IX. APPROPRIATION REQUESTS: (Ordinance)

A. Infirmary Building Improvements - \$85,050

Mrs. Reid discussed the Infirmary Building Improvements needed and noted that the rental revenue will not cover these items. Mr. Strunk discussed estimated annual maintenance cost and noted that the estimated annual revenue collections from rent income is \$250,000. Discussion continued that 5 or 6 recreation employees will move out of their current offices to the Infirmary Building and the Senior Center will utilize the space they were in. Discussion continued on funding options for the repairs to the building.

MOTION BY Mrs. Conaway to recommend to Council to adopt the Ordinance amending the budget to appropriate \$85,050 out of the General Fund for the Infirmary Building Improvements. Seconded by Mr. Hughes.

MOTION CARRIED UNANIMOUSLY

X. SURPLUS

Mrs. Henson reviewed the three Police vehicles requesting to be approved to surplus and noted they are included on the Surplus resolution along with the items approved at the last Building and Property meeting. Mrs. Henson noted these items were pending until the condition of each vehicle was being evaluated but now we are ready to get them approved to sell. Mrs. Henson noted we want to get these vehicles approved to surplus before the new insurance policy goes into effect so we could remove them from the renewal policy.

MOTION BY Mr. Olen to recommend to Council to declare certain property surplus and authorize the Mayor to dispose of the following surplus property: 2015 Chevy Tahoe-V#115, 2011 Chevy Tahoe-V#411, 2007 Ford Expedition-V#1070. Seconded by Mr. Coleman.

MOTION CARRIED UNANIMOUSLY

XI. NEW BUSINESS

A. Lease Agreement for a 2023 Caterpillar 305-070CR Excavator

Mrs. Reid noted the lease for the 2023 Caterpillar 305-070CR will be over \$15,000 so we need approval from the Council for him to sign the agreement. This lease was included in the FY2023 Capital Budget.

MOTION BY Mr. Scott to recommend to Council to authorize the Mayor to sign the Lease Agreement for a 2023 Caterpillar 305-070CR Excavator. Seconded by Mrs. Conaway.

MOTION CARRIED UNANIMOUSLY

B. Certificate of Achievement for Excellence in Financial Reporting – FY2021 ACR

Mrs. Reid discussed the Certificate of Achievement for Excellence in Financial Reporting received for the FY2021 ACR. Mr. Scott asked how many years the City has received this award. Mrs. Reid answered 10 years. The Finance Committee congratulated Mrs. Reid and the Finance Department.

C. Cyber Insurance

Mrs. Henson reviewed the AMIC Cyber policy and the different deductible options. Discussion continued on the difference in the option to include the extended reporting period or not. Mrs. Henson noted another proposal received was around \$26,000 with higher limits. Mrs. Henson reviewed some of the coverage items that would apply under this policy.

MOTION BY Mr. Olen to recommend to Council to include the Cyber policy with 2023 AMIC insurance renewal policy with the \$5,000 deductible without the extended reporting period in the amount of \$2,145. Seconded by Mr. Hughes.

MOTION CARRIED UNANIMOUSLY

XII. OLD BUSINESS

There was no old business discussed.

XIII. ADJOURN The meeting adjourned at 5:54 p.m.

February 13, 2023
PUBLIC SAFETY MEETING MINUTES
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

1. CALL TO ORDER:

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

2. ROLL CALL:

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

ABSENT: Councilwoman Tommie Conaway

Also Present: Mayor Lejeune, Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; Troy Strunk, City Development; Chief Tacon Fire Department; Lt. Smith, Police Department; Christina Brazell, Recording Secretary.

3. PUBLIC PARTICIPATION:

James West, 9581 Camberwell Dr. discussed concerns about neighborhood being used for a cut through for construction projects. Issues with the speeding and heavy construction vehicles.

4. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from January 9, 2023 Public Safety meeting were approved as presented.

5. POLICE DEPARTMENT

Old Business: Stats provided for last month by Lt. Smith. Mardi Gras parade and ball issues discussed.

New Business: Discussed concerns surrounding a party to be held at Joe Louis Patrick Park after hours on Saturday night. Host was contacted and reminded of the ordinances. Also discussed the openings and testing for new Patrol Officers.

6. FIRE DEPARTMENT:

Old Business: Chief Tacon provided yearly stats.

New Business: Reported no medical/fire incidents occurred at the Mardi Gras parade or ball that required their assistance.

Medstar was represented by several individuals, reporting an average response time of 8 minutes. Answered questions from the council regarding their goals moving forward. Monthly compliance reports to be sent over to the council once received by Chief Tacon.

7. OTHER BUSINESS – None

5:06 p.m. **ADJOURNMENT**

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: January 30, 2023
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Planning Commission Minutes and Report

A handwritten signature in blue ink, appearing to be "AS" or similar, written over the "FROM:" line.

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.

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

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.

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

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.

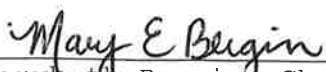
Merry Christmas!

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

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: January 26, 2023


Marybeth Bergin, Chairwoman

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

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 $\pm$
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 $\pm$, (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 $\pm$
Owner: Aileron Daphne, L.L.C - Chris Salemi
Engineer: Bowman Consulting. - Sharon Kimbrough

VOTING DELEGATE AUTHORIZATION FORM

The City or Town Council must select the voting delegates and this form must be completed and returned to the **Alabama League of Municipalities on or before April 25, 2023**, in order for the municipality named below to be eligible to have its designee cast a vote at the **Annual Business Meeting of the League on Friday, May 12, 2023, at 3:00 p.m.**

The League Constitution REQUIRES that Voting Delegates and Alternates be Elected Municipal Officials and they must be selected by a vote of the City or Town Council.

Deadline to submit completed form is April 25, 2023!

The Following person(s) is authorized to cast the municipality's vote at the business session of the Annual Convention of the Alabama League of Municipalities on May 12, 2023.

Please print the requested information

1. Voting Delegate:

Name

Title

2. 1st Alternate Voting Delegate: Votes only in absence of Voting Delegate

Name

Title

3. 2nd Alternate Voting Delegate: Votes only in absence of Voting Delegate & 1st Alternate

Name

Title

Voted on by the City or Town Council on this the _____ day of _____, 2023

Form Completed by:

(Please Print) Name

Title

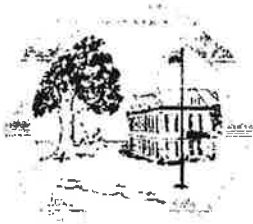
City/Town

Date

Return form to: Alabama League of Municipalities

P.O. Box 1270, Montgomery, Alabama 36102 or by Fax to (334) 263-0200 or Email to

DPascal@almonline.org



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:

Manci's Antique Club

1715 Main Street

APPLICANT NAME:

Daphne, AL 36526

HARRY JAKSON

STREET:

CITY, STATE, ZIP:

CONTACT PHONE:

251-454-7550

EMAIL:

HPS PROPS ALL SOUTH-WEST

"ON SITE" CONTACT PERSON DAY OF EVENT:

GARRETT DE LUCA

CELL PHONE:

251-441-0279

EMAIL:

EVENT INFORMATION

EVENT NAME:

St Art & Block Party

TYPE OF/PURPOSE OF EVENT:

ST ARTS

EVENT DATE:

18 MAR 23

TIME (START - END):

5 PM - 10 PM

ASSEMBLY TIME:

9:30

PARTICIPANTS/VEHICLES:

0

EVENT LOCATION:

Courtyard Belrose + Main St.

FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL

BE USED ON-SITE):

NONE

See Email

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: _____

I will order from Public Works

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 HAVE 2 off-duty Daphne P.D.
Scheduled - F.Y.I.*

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: *SAM* CONTACT PHONE: _____

OTHER MARKETING REQUESTS: *IT'S A \$100 Ticket -
will probably sell out!!! Before Hand!!!*

REVENUE/BUSINESS LICENSE

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

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

INDEMNITY & HOLD HARMLESS AGREEMENT

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

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

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

APPLICANT SIGNATURE: _____

DATE: _____

INTERNAL USE ONLY

DATE REC'D: 2-22-23

CITY CLERK: _____

FIRE DEPT: [Signature]

APPROVED ROUTE: _____

POLICE DEPT: [Signature]

ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS: [Signature]

SPORTS & RECREATION: [Signature]

EVENT FEE: ☐ Paid \$ _____ CHK# _____

MARKETING & EVENTS: _____

☐ Waived: _____

** REVENUE: _____

PROOF OF INSURANCE REC'D: ☐ Yes ☐ No



January 18, 2023

Troy Strunk, PLA
Executive Director City Development
City of Daphne
Daphne, Alabama

via email tstrunk@daphneal.com

Re: Bayfront Park Amphitheater

Dear Troy,

Thank you for the opportunity to propose theater design consulting services for the Amphitheater in Bayfront Park, Daphne, Alabama. Please consider this proposal as a starting point for discussion—let us know if you have any questions, and we will be happy to respond.

Project understanding

Our understanding of the project is based on the materials you provided and our conversations with you and Joel Coleman. We understand the city has plans to develop Bayfront Park, including a new amphitheater. You intend the amphitheater to be multipurpose, able to support theater productions, music concerts, festivals, farmers' markets, yoga classes, and other events. Other parts of the park development are subject to approvals, but the amphitheater is not affected, and design is proceeding now. WAS Design prepared the master plan and is offering continuing consultation. You have retained Dewberry to design and prepare contract documents for the amphitheater.

Based on our discussions, we have prepared a proposal that includes planning and equipment design services during programming, design kick-off, and schematic design. We have also included planning advice through the detailed design phases. We have excluded detailed design and documentation of the theater equipment and systems. And we have excluded all services after completion of contract documents. We understand you may decide later to retain us for these excluded services.

We will provide acoustics and audio-visual design services by Acentech as a reimbursable expense. Their proposal, attached hereto, covers acoustics and audiovisual equipment design services during programming, design kick-off, and schematic design. It also covers a final design meeting to address coordination items related to the projects acoustical and audiovisual design in the detailed design phase.

Scope of services

Programming and design kickoff

1. Review any pertinent studies, data, or relevant documents that you provide
2. Meet with you, Acentech, and any project constituents you identify over Zoom to understand the intended uses of the amphitheater and the corresponding needs. This discussion will include topics such as
 - Types of performances or events
 - Numbers of participants or performers on stage
 - Expected audiences
 - Desired back-of-house and front-of-house facilities
 - Rigging, lighting, and related infrastructure
3. Based on our understanding of the above meeting, prepare a preliminary narrative describing the features, infrastructure, and theater equipment needed to support the amphitheater. This narrative will include preliminary scopes and budgets for any theater equipment we recommend.
4. Visit the site to participate in a walk-through and in-person design session with you, Acentech, Dewberry, WAS Design, and any project constituents you identify to kick-off the design process.

Schematic design

1. Advise you on the functional arrangement of the amphitheater and seating area:
 - Audience access and circulation
 - Lighting and control positions
 - Stage access, circulation, and technical infrastructure
2. Review and comment on schematic design deliverables prepared by Dewberry and/or others
3. Revise and expand the narrative to describe the features, infrastructure, and theater equipment at a schematic design level:
 - Descriptions of scope and budgets for theater equipment systems
 - Structural and electrical design loads for theater equipment systems
 - Design criteria for structural, electrical, and other infrastructure needed to support the theater equipment and performing arts uses
 - Schematic details for recommended stage floor construction, lighting towers, and other elements we identify
4. Meet with you, Acentech, and others you identify to discuss the narrative and to answer questions

Detailed design

1. Provide advice on elements of the developing design that impact performance functionality.

2. Review and comment on milestone deliverables prepared by Dewberry. Provide markups, written comments, and sketches as appropriate.
3. Participate in a reasonable number of meetings.

Travel

Our services include attendance at the site walk-through and in-person design kickoff meeting for two persons. Our services also include a reasonable number of remote meetings.

Schedule

Our proposal is for services over an 18-month design phase from early 2023 to mid-2024. We understand the design schedule is approximately as follows, although the divisions between phases may be adjusted.

Phase	
Programming	January – March 2023
Schematic design	April – June 2023
Detailed design	July 2023 – June 2024

Compensation

The scope of services described above is offered for a lump sum fee of \$56,400, inclusive of travel expenses. We also offer acoustic and audiovisual services by Acentech in accordance with their attached proposal. We will treat their fee for services as a reimbursable expense. A summary of all fees and expenses is as follows:

Phase	Theater planning fee	Acoustic fee	AV fee	Total
Programming	\$13,000	\$15,000	\$9,000	\$37,000
Schematic design	11,000	6,000	4,000	21,000
Detailed design	32,400	2,500	2,500	37,400
Subtotal	\$56,400	\$23,500	\$15,500	
Total				\$95,400

Billing and payments

We will issue invoices for our Services at the end of each month, with amounts based on the percentage of work completed. You are deemed to approve each invoice unless you advise us in writing within thirty days of receipt of invoice as to reason for non-approval. You shall pay all invoices in full within a period of thirty days. Payments may be made by check, electronic funds transfer, or wire transfer. Timely payment for our Services is a material

term of this proposal, and you agree that your obligation to pay for our Services is not contingent upon receipt of payment from your client, or any other event unrelated to our provision of Services.

We're very grateful for the opportunity to share this proposal with you. We look forward talking once you have a chance to review it. If this proposal and its attachments serve your needs, please sign below and return one (1) copy to us.

Sincerely,
NEXT STAGE DESIGN LLC



Gene Leitermann
Managing member

Acceptance

This proposal together with the attached additional terms forms an Agreement between City of Daphne ("Client") and Next Stage Design LLC ("Nextstage Design") to provide theater design consulting services ("Services") for the Bayfront Park Amphitheater ("Project"). In the absence of a signed copy of this proposal, any payment made towards this Project and the Services described herein shall constitute full acceptance of this Agreement.

Accepted

City of Daphne

Signature

Print name and title

Date

Additional terms

Nature of services and limits of liability

Client acknowledges the following: (a) theater design consulting is a service without licensing or registration requirements, (b) as a non-licensed designer, Nextstage Design cannot provide stamped or sealed contract documents, (c) Nextstage Design does not provide architectural, engineering, or construction management services, and Client is responsible for securing or providing appropriate architectural, engineering, and construction management services to complement the Services herein, (d) calculation of wire sizes, raceway sizes, and planning of raceway routes for the electrical and low voltage systems described herein are the responsibility of the electrical engineer, (e) Client is responsible for ensuring the completed design complies with all applicable building codes and legislative requirements, including safety, ADA, and other accessibility requirements.

Change in services

Nextstage Design shall be entitled to equitable adjustment of its compensation for services outside the scope of work outlined in this proposal, or if any significant change is made to the Project, including but not limited to size, quality, complexity, schedule, budget, or procurement method.

Intellectual property

Nextstage Design shall retain all rights of ownership including copyright of all original work, concepts, drawings, and other documents ("Instruments of Service") produced by Nextstage Design in the course of performance of Services or in connection with this Agreement. Nextstage Design confers to the Client a license to use these Instruments of Service for this Project only. The Client shall not use these instruments for any other project or purpose, nor may the Client make changes to these instruments without Nextstage Design's prior written authorization. The provisions of this paragraph shall survive the expiration or early termination of this Agreement.

Design credit and promotion

Nextstage Design shall be credited as "Theater Design Consultant" in any promotional or press material in which more than one member of the design team is named. Nextstage Design shall have the right to use the name of the Client and Project for any advertising, publicity, promotion, or in any other manner for the purpose of promotion of Nextstage Design. These provisions shall survive the expiration or early termination of this Agreement.

Insurance

Nextstage Design will, throughout the performance of its Services, maintain the following insurance coverage:

- Commercial general liability in the amount of USD 2,000,000 per occurrence and USD 3,000,000 general aggregate.
- Automobile liability coverage for owned, hired, and non-owned vehicles in the amount of USD 1,000,000 per occurrence combined single limit.
- Workers' compensation as required by statute and employers' liability in the amount of USD 1,000,000.
- Professional Liability Insurance Coverage with per claim limit of USD 2,000,000.

Mutual indemnification

Nextstage Design agrees, to the fullest extent permitted by law, to defend (if required by Client), indemnify and hold harmless Client and its officers, directors, employees, agents and assigns from and against any and all losses, damages, injuries, causes of action, claims, demands and expenses (including legal fees) of whatever kind or nature arising directly or indirectly, in whole or in part, from or out of any negligent act, error or omission of Nextstage Design. The provisions of this paragraph shall survive the expiration or earlier termination of the Agreement. Nextstage Design's indemnification obligations contained in this paragraph shall be deemed to include all actions of its officers, directors, employees, agents, and representatives.

Client agrees, to the fullest extent permitted by law, to defend (if required by Nextstage Design), indemnify and hold harmless Nextstage Design and its officers, directors, employees, agents and assigns from and against any and all losses, damages, injuries, causes of action, claims, demands and expenses (including legal fees) of whatever kind or nature arising directly or indirectly, in whole or in part, from or out of any negligent act, error or omission of Client. The provisions of this paragraph shall survive the expiration or earlier termination of the Agreement. Client's indemnification obligations contained in this paragraph shall be deemed to include all actions of its officers, directors, employees, agents, and representatives.

Extent of agreement

This Agreement replaces and supersedes all prior proposals, negotiations, and any other agreements relating to the subject matter hereof, between Nextstage Design and Client. This Agreement may only be modified by a writing executed by both parties.

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2023-09
2023-B-STREET RESURFACING**

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 FY2023 Street Resurfacing will exceed \$50,000; and

WHEREAS, the City of Daphne did receive and review bids for the FY2023-B-STREET RESURFACING and has determined that the bid as presented is reasonable; and

WHEREAS, monies have been budgeted for the FY2023 Street Resurfacing projects; and

WHEREAS, staff recommends the bid for FY2023 Street Resurfacing be awarded to Asphalt Services, Inc. to include selected streets from the base bid and the Add Alternate #1.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City hereby accepts the bid from Asphalt Services, Inc. for the selected streets from the Base bid **\$1,022,536** and the Additive Alternate **\$146,651** as specified in BID SPECIFICATION NO. 2023-B-Street Resurfacing and listed below:

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	BID AMOUNT
1	Mill and pave Lake Forest Blvd to included intersection at Windsor (Divided Hwy - Windsor Dr to Fairway Dr)	1	LS	\$121,586.00	\$121,586.00
2	Mill and pave D'Olive Springs	1	LS	\$20,816.00	\$20,816.00
3	Mill and pave Fairway Dr (Lake Forest Blvd to Lake Shore Dr)	1	LS	\$60,245.00	\$60,245.00
4	Mill and pave Holly Ln	1	LS	\$11,018.00	\$11,018.00
5	Mill and pave Pineridge Rd	1	LS	\$49,550.00	\$49,550.00
6	Pave Parma Dr (See notes on sheet D1)	1	LS	\$38,395.00	\$38,395.00
7	Mill and pave Honeysuckle Dr	1	LS	\$9,428.00	\$9,428.00
8	Mill and pave Hawk Dr	1	LS	\$16,975.00	\$16,975.00
9	Mill and pave Lake Shore Dr (end approx. 100' north of Fairway Dr.)	1	LS	\$61,269.00	\$61,269.00
10	Mill and pave Parkwood Ave	1	LS	\$56,974.00	\$56,974.00
11	Pave Myrna Cir	1	LS	\$19,571.00	\$19,571.00
12	Pave Doris Cir	1	LS	\$11,328.00	\$11,328.00
13	Pave Alisa Cir	1	LS	\$11,852.00	\$11,852.00
14	Pave Virginia Cir	1	LS	\$23,088.00	\$23,088.00
15	Pave Vermell Cir	1	LS	\$15,082.00	\$15,082.00
16	Mill and pave Fairway Dr (Approx. 175' at both ends of Country Club and Lakeshore Dr)	1	LS	\$12,353.00	\$12,353.00
17	Pave Lincoln St	1	LS	\$28,135.00	\$28,135.00
18	Pave 5 TH Street	1	LS	\$21,610.00	\$21,610.00
19	Mill and pave Van Buren St W	1	LS	\$16,241.00	\$16,241.00
20	Mill and pave Van Buren St (N Main to HW 98)	1	LS	\$24,745.00	\$24,745.00

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	BID AMOUNT
22	Mill and pave Academy Dr	1	LS	\$19,608.00	\$19,608.00
24	Mill and pave Spinnaker Run North	1	LS	\$9,550.00	\$9,550.00
25	Mill and pave Spinnaker Run S	1	LS	\$5,088.00	\$5,088.00
27	Mill and pave Eagle Dr	1	LS	\$35,305.00	\$35,305.00
28	Mill and Pave Stuart St (Windsor Dr to Cul-de-sac)	1	LS	\$22,312.00	\$22,312.00
29	Mill and pave Wedgewood Ct	1	LS	\$42,335.00	\$42,335.00
30	Mill and pave Oak Wood Ct	1	LS	\$7,800.00	\$7,800.00
31	Mill and pave Cherrywood Ct	1	LS	\$9,210.00	\$9,210.00
32	Mill and pave Timberline Ct	1	LS	\$31,340.00	\$31,340.00
33	Mill and pave Timberline Dr	1	LS	\$25,210.00	\$25,210.00
35	Mill and Pave 2 nd Street (off of Van Buren W)	1	LS	\$6,000.00	\$6,000.00
36	Leveling	400	Tons	\$148.00	\$59,200.00
37	Solid White Traffic Stripe, Class 2, Type A (Lake Forest Blvd, , Van Buren St, Van Buren W, Academy Dr, Lincoln, 5 th St)	3.7	Miles	\$6,600.00	\$24,420.00
38	Solid Yellow Traffic Stripe, Class 2, Type A (Lake Forest Blvd, Van Buren St, Van Buren W, Academy Dr, Lincoln, 5 th St)	3.5	Miles	\$6,600.00	\$23,100.00
39	Traffic Control Markings and Legends Class 2, Type A (Stop Bars)	1500	SQFT	\$6.80	\$10,200.00
40	Traffic Control Markings and Legends Class 2, Type A (Chevron, Yield, Yield Line, Turn Arrows, Cross Walk, Speed Bump Arrows)	1550	SQFT	\$7.00	\$10,850.00
41	Dotted Yellow Traffic Stripe, Class 2, Type A (Intersections on Lake Forest Blvd)	1500	LF	\$2.50	\$3,750.00
42	Dotted White Traffic Stripe, Class 2, Type A (Turn Lanes on Van Buren St)	3000	LF	\$2.50	\$7,500.00
43	Temporary Solid White Traffic Stripe, Class 1, Type A (5 th St, Lincoln, Van Buren St, Van Buren St W, Academy Dr)	2.5	Miles	\$1,600.00	\$4,000.00

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	BID AMOUNT
44	Temporary Solid Yellow Traffic Stripe, Class 1, Type A (5 th St, Lincoln, Van Buren St, Van Buren St W, Academy Dr)	2.3	Miles	\$1,600.00	\$3,680.00
45	Temporary Dotted White Traffic Stripe, Class 1, Type A (Van Buren St)	3000	LF	\$1.00	\$3,000.00
46	Yellow/Yellow Reflector, Class A, Type 2-D	130	Each	\$12.00	\$1,560.00
47	Yellow/Red Reflector, Class A, Type 2-E	250	Each	\$12.00	\$3,000.00
48	White/White Reflector, Class A, Type 2-A	10	Each	\$12.00	\$120.00
49	White/Red Reflector, Class A, Type 2-C	175	Each	\$12.00	\$2,100.00
50	Blue Reflector	35	Each	\$25.00	\$875.00
51	Top Soil	141	CUYD	\$32.00	\$4,512.00
52	Sod	1750	SQYD	\$8.00	\$14,000.00
53	Hay	0.5	Acre	\$1,800.00	\$900.00
54	Seed	0.5	Acre	\$3,500.00	\$1,750.00
Total for SELECTED Streets from BASE BID					\$1,022,536.00
ADDITIVE ALTERNATE NO.1				ASPHALT INC.	
ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	BID AMOUNT
1	Pave Daphmont Drive Ext (from Gaskin to Bolton – to include intersection paving)	1	LS	\$19,830.00	\$19,830.00
2	Pave Valrie Ln	1	LS	\$30,140.00	\$30,140.00
3	Pave Browns Ln	1	LS	\$11,726.00	\$11,726.00
4	Pave Gaskin Ln	1	LS	\$31,405.00	\$31,405.00
5	Pave Bolton Dr	1	LS	\$23,350.00	\$23,350.00
6	Leveling	150	Tons	\$150.00	\$22,500.00
7	Top Soil	50	CUYD	\$25.00	\$1,250.00
8	Sod	700	SQYD	\$8.00	\$5,600.00
9	Hay	0.25	Acre	\$1,400.00	\$350.00
10	Seed	0.25	Acre	\$2,000.00	\$500.00
TOTAL OF ADDITIVE ALTERNATE NO.					\$146,651.00
GRAND TOTAL: BASE BID + ADDITIVE ALTERNATE NO. 1					\$1,169,187.00

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

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2023-10**

**2023-H-TRAFFIC SIGNAL POLES WITH MAST ARMS FOR LAVENDER LANE-HWY 98
(ALDOT Project #STPSU-0042(539))**

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 Traffic Signal Poles with Mast Arms for Lavender Lane-Hwy 98 will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the Traffic Signal Poles with Mast Arms for Lavender Lane-Hwy 98 and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the labor Traffic Signal Poles with Mast Arms for Lavender Lane-Hwy 98 be awarded to the sole bidder Southern Lighting and Traffic Systems.

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 Southern Lighting and Traffic Systems in the amount of \$67,130 as specified in BID SPECIFICATION NO. 2023-H-TRAFFIC SIGNAL POLES WITH MAST ARMS FOR LAVENDER LANE-HWY 98.

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 2023-11**

2023-K-CREW CAB TRUCK - NEGOTIATED

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$15,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the negotiated Crew Cab Truck will exceed this amount; and

WHEREAS, No bids were received and therefore can be negotiated; and

WHEREAS, Staff has reviewed the negotiated bid for the Crew Cab Truck and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the negotiated bid for the Crew Cab Truck be awarded to Lee Smith, Inc.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Lee Smith Inc. in the amount of \$87,101.38 (delivered) as specified in the NEGOTIATED BID SPECIFICATION NO. 2023-K-CREW CAB TRUCK.

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

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, 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 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)		

(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]
Warehouse and storage facilities, minor; mini-type do-it-yourself storage facilities		B-2, B-2(a), C/I	

... 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 20th DAY OF February, 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

**CITY OF DAPHNE
ORDINANCE 2023-14**

**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 at a regular meeting or a special called meeting of the Council and 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. Notice of any matter to be discussed in executive session at a regular Council meeting must be sent to the full Council by 5:00 p.m. on the Friday before the regular Council meeting. Notice of any matter to be discussed in executive session at a special called meeting must be sent to the full Council at the same time that notice of the special called meeting is sent to the Council. If no notice is provided by the aforementioned deadlines, but notice is provided to the Council as soon as is reasonably practicable thereafter, the Council may enter executive session at the next regular Council meeting or special called meeting, as applicable, if the roll call vote to enter executive session is unanimous.

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. Other than in those circumstances described above in which notice is provided to the Council after the stated deadlines and thus a unanimous vote is required to enter executive session, if the majority of the Council present and constituting a quorum 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 April 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 2023-15**

Appropriation: Renovations and Improvements at Infirmary Building

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

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

WHEREAS, the City has recently purchased approximately 10.5 acres of real property at 27961 US Highway 98 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, certain renovations and improvements estimated in the amount of \$85,050 are needed to allow the recreation department employees to move into vacant office space in the building; and

WHEREAS, an appropriation in the amount of \$85,050 is needed to pay for the renovations and improvements.

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

1. Funds in the amount of **\$85,050** from the **General Fund** and transferred to the **Infirmary Building Fund** are hereby appropriated and made a part of the Fiscal Year 2023 Budget for renovation and improvements at the Infirmary Building ; and
2. The Mayor is authorized to execute, and the City Clerk is authorized to attest, any and all documents required in relation to this project.

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

**_____
Robin LeJeune, Mayor**

ATTEST:

**_____
Candace G. Antinarella, CMC, City Clerk**