

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

1. **CALL TO ORDER**
2. **ROLL CALL**
INVOCATION Father Tuck Bowen, St. Stephen's Charismatic Episcopal Church
PLEDGE OF ALLEGIANCE
3. **APPROVE MINUTES:** March 6, 2023 regular meeting.
4. **REPORTS OF STANDING COMMITTEES**
 - A. **FINANCE COMMITTEE** – Goodlin
 - B. **BUILDINGS & PROPERTY COMMITTEE** – Coleman
Review the minutes from the February 2023 meeting and the February 2023 new Construction and Building Reports.
Certificates of Occupancy: 31
Permits Issues: 169
New Residential Home Permits: 1
Total Fees: \$44,081.76
 - C. **PUBLIC SAFETY COMMITTEE** – Hughes
 - D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** – Olen
Review the minutes from the February meeting.
 - E. **PUBLIC WORKS COMMITTEE** – Conaway
5. **REPORTS OF SPECIAL BOARDS & COMMISSIONS**
 - A. **BOARD OF ZONING ADJUSTMENTS** – Adrienne Jones
Review the minutes from the October 6, 2022 meeting and the summarization from the March 2, 2023 meeting.
 - B. **DOWNTOWN REDEVELOPMENT AUTHORITY** – Conaway
 - C. **INDUSTRIAL DEVELOPMENT BOARD** – Scott
 - D. **LIBRARY BOARD** – Goodlin
 - E. **PLANNING COMMISSION** – Olen
 - F. **RECREATION BOARD** – Hughes
Review the minutes from the January meeting.
 - G. **UTILITY BOARD** – Phillips
Review the minutes from the January 25th meeting.
6. **PUBLIC PARTICIPATION**
7. **MAYOR'S REPORT**
8. **CITY ATTORNEY REPORT**
9. **DEPARTMENT HEAD REPORTS**

City Council Agenda – March 20, 2023

10. CITY CLERK’S REPORT

MOTION to approve the 020 – Restaurant Retail Liquor to Recreate LLC dba Rayzas Restaurant located at 9475 US Hwy 90, Ste 210, Daphne, Alabama.

MOTION to approve the South Alabama Out of the Darkness Walk on October 15, 2023 from 1:00pm – 4:00pm.

MOTION to authorize the City Clerk to submit a letter of City Council support for Thomas Hospital’s request for funding of a 30-bed expansion.

MOTION to assign terms to recently appointed Daphne Public School Commission members: Andrew Lomax, Richard Perry and Marissa Rennaker – three (3) year term to expire January 2026
Tommie Conaway, Marina Simpson and Valerie Stickney – two (2) year term to expire January 2025
Jennifer Green, Steve Olen and Andrea Ramey – one (1) year term to expire January 2024.

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

B. 2nd READ ORDINANCES:

2023 – 14 – Council Rules and Procedures

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

1ST READ ORDINANCES:

2023 – 16 – Daphne Public School Commission By-Laws

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, Doug Goodlin, Ron Scott, and Angie Phillips

COUNCIL MEMBERS ABSENT: Joel Coleman and Benjamin Hughes

Also Present: Jay Ross, City Attorney; Candace Antinarella, City Clerk; Mayor LeJeune; Chief Brian Gulsby, Police; Troy Strunk, City Development; Chief Tacon, Fire; Ronnie Huskey, Public Works; Ange Baggett, Marketing; Tonja Young, Library; Vickie Hinman, Human Resources; Charlie McDavid, Recreation; Kelli Reid, Finance; Adrienne Jones, Planning; Sunny Blackwood, Junior City Councilmember; Maren Fagan, Junior City Councilmember; Abby English, Junior City Councilmember; Daniel Hill, Junior City Councilmember; Gracie Robinson, Junior City Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Pastor Jeff Gardner, Daphne Baptist Church.

PRESENTATION: Chief Tacon recognized the following Daphne Fire Department recently promoted Apparatus Engineers: Caleb Antinarella, Allen Boutwell, John Ellis, Grant Everhart, Eric Fontaine, Joseph Greer, Frank Holbein, Hunter Kyser, Gerald Lanier, Dexter Lyon, Adam Ogletree and Jacob Van Blake.

3. **APPROVAL OF MINUTES:**

Councilman Scott gave corrections to the minutes to correct the Ordinance from 2023-11 to 2023-09 as well as remove Ordinance 2023-11 from consideration on tonight's agenda as it had previously been adopted on February 20, 2023. He also stated that the Planning Minutes included in the evening's packet were incorrect, but the correct Planning Commission minutes were distributed before the meeting that evening.

**MOTION by Councilman Scott to approve the February 6, 2023 minutes as corrected. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

4. **REPORT OF STANDING COMMITTEES:**

A. **FINANCE COMMITTEE**

Councilman Goodlin said the minutes from the February 20th meeting were in the packet and gave the 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 for January 2023: Warrants - \$26,410,794, Capital Leases General Fund - \$920,437, Enterprise Fund - \$969,782.

**MOTION by Councilman Goodlin to reject the 2023-D-Jail Locking System bid and rebid since the bid received was over budget. No second was needed.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Goodlin to authorize the Mayor to sign the Lease Agreement for a 2023 Caterpillar 305-070CR Excavator. No second was needed.
MOTION CARRIED UNANIMOUSLY.**

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MOTION by Councilman Goodlin 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. No second was needed.

MOTION CARRIED UNANIMOUSLY.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Coleman was absent. Council President Phillips said the next meeting is March 13th.

C. PUBLIC SAFETY COMMITTEE

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

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Olen said the Committee met earlier and the next meeting is April 3rd at 4:30pm.

E. PUBLIC WORKS COMMITTEE

Councilwoman Conaway said the committee met earlier and the next meeting is April 3rd at 5:15pm.

MOTION by Councilwoman Conaway to reimburse 68 Ventures for the title insurance in the amount of \$1,767. No second was needed. Councilman Olen said he is opposed to this.

Aye – Scott, Phillips and Conaway

Nay – Olen and Goodlin

MOTION CARRIED.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said the Board still have one opening for an 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 next meeting is March 21st at 4:30pm.

D. Library Board

Councilman Goodlin said the next meeting is March 10th at 4:30pm.

E. Planning Commission

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

F. Recreation Board

Councilman Hughes was absent.

G. Utility Board

Councilwoman Phillips said the next meeting is March 29th at 6:00pm.

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:21pm.

No one came forward to speak. Public Participation closed at 6:21pm.

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7. **MAYOR'S REPORT:**

Mayor LeJeune congratulated those who received promotions in the Fire Department. He thanked all City Staff who helped with Arbor Day the past Saturday and shared that pro tennis player visited the Daphne Pickleball Courts that afternoon.

8. **CITY ATTORNEY REPORT:**

City Attorney said there was no report.

9. **DEPARTMENT HEAD COMMENTS:**

Chief Gulsby, Police, said they are swearing in two new officers.

Chief Tacon, Fire, shared the Fire Department's 2022 training hours.

Ange Baggett, Marketing, shared upcoming events at the Civic Center.

Vickie Hinman, Human Resources, shared about the upcoming employee training and congratulated Melanie Cotton on her certification.

Charlie McDavid, Recreation, shared about recent sporting events and upcoming tournaments.

Adrienne Jones, Planning updated the Council on new application for Planning Commission consideration.

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

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

Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott 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. Seconded by

Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to authorize the Mayor to enter into an agreement with Nextstage Design for Bayfront Park. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

City Clerk shared with the Council that she'll be meeting with SARPC on Wednesday to discuss redistricting.

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

MOTION by Councilwoman Conaway to waive the reading of Resolutions 2023-09, 2023-10 and 2023-

11. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

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**MOTION by Councilwoman Conaway to adopt Resolution 2023-09. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Resolution 2023-10. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Resolution 2023-11. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

ORDINANCES:

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

Council President Phillips reminded the Council that Ordinance 2023-11 was not to be considered as it had accidentally been placed on the agenda though it had been adopted on February 20, 2023.

MOTION by Councilman Scott to waive the reading of Ordinance 2023-12. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

**MOTION by Councilman Scott to adopt Ordinance 2023-12. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2023-13. Seconded by Councilman Goodlin
MOTION CARRIED UNANIMOUSLY.**

1ST READ ORDINANCES:

2023 – 14 – Council Rules and Procedures

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

12. COUNCIL COMMENTS:

Councilwoman Conaway congratulated the recent Fire Department Promotions and reminded everyone the 10th Annual Lupus Awareness Walk is on March 18, 2023 at 8:00am.

Councilman Olen said the Arbor Day Celebration was a success. He reminded everyone the Daphne Public School Commission will meet on March 21st at 6:00pm. He reiterated a recent comment he made regarding Lake Forest POA representing their citizens.

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Councilman Goodlin congratulated the recent Fire Department Promotions.

Councilman Scott wished the University of South Alabama good luck.

Mayor LeJeune reminded everyone that SEEDS Crawfish for the Classroom fundraiser was this upcoming Saturday.

Council President Phillips thanked Chief Tacon for bringing the driver's position to Daphne and thanked everyone for their support in the recent loss of a loved one.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 6:48 PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, CMC, City Clerk

Angie Phillips, Council President

BUILDINGS & PROPERTY COMMITTEE MEETING
February 13, 2023, 5:15 p.m.
City Hall, Council Chambers
1705 Main Street, Daphne, AL 36526

MEETING MINUTES

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

MEMBERS ABSENT: Councilwoman Conaway

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

1) CALL MEETING TO ORDER / ROLL CALL

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

2) MINUTES

Councilman Coleman reviewed the minutes from the November meeting.

3) PUBLIC PARTICIPATION

Brian Dembrun, 108 Malibu Circle, said he represents the Lott Park Bocce Group and they would like new Bocce Courts in Daphne and that the current courts need to be improved. Council members encouraged him to speak at the next Recreation Board meeting.

4) BUILDING INSPECTION REPORT

Eric Butler gave the building report.

5) CIVIC CENTER & BAYFRONT PAVILION REPORT

Ange Baggett gave the Civic Center report.

6) RECREATION REPORT

Charlie McDavid gave the Recreation Report. Suzanne Henson presented on the Resolution.

MOTION by Councilman Scott to recommend to Council Staff's recommendation to award the bid for Trione Fence. Seconded by Councilman Hughes. MOTION CARRIED UNANIMOUSLY.
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7) LIBRARY REPORT

There was no report.

8) VILLAGE POINT BAYFRONT PROPERTIES REPORT

There was no report.

9) FACILITIES REPORT

Ronnie Huskey reviewed the facilities report.

10) OLD BUSINESS

Mrs. Reid presented on the appraisal on the old Fire Station located at 1707 Belrose Avenue. Councilman Scott asked if it was wise to sell property so close to City Hall.

11) NEW BUSINESS

Councilman Coleman presented on the Nextstage Design for Bayfront Park.

**MOTION by Councilwoman Phillips to recommend to Council to authorize the Mayor to enter into an agreement with Nextstage Design. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

Mrs. Henson presented on the surplus resolution.

**MOTION by Councilman Scott to recommend to Council to approve the surplus resolution.
Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

12) ANY OTHER BUILDINGS AND PROPERTY BUSINESS

13) NEXT MEETING

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

14) ADJOURN

There being no further business to discuss, the Council adjourned at 5:59pm.

City of Daphne Building Department

2019 / 2020 / 2021 / 2022 / 2023 Comparison Report

	Fees Collected					Permits Issued					CO's Issued				
	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023
Oct	\$41,508.58	\$93,181.87	\$94,131.53	\$84,303.63	\$47,086.96	141	215	357	308	192	23	11	31	40	28
Nov	\$30,939.41	\$62,198.00	\$109,387.14	\$91,672.49	\$50,279.03	106	223	378	351	286	18	26	30	30	36
Dec	\$28,050.20	\$233,529.32	\$101,471.36	\$128,605.99	\$57,070.59	108	252	383	296	216	23	33	43	53	36
Jan	\$54,262.58	\$118,498.03	\$132,049.79	\$259,810.62	\$33,804.54	180	270	372	350	152	21	14	24	36	33
Feb	\$65,020.99	\$140,560.44	\$97,396.64	\$129,315.56	\$44,081.76	225	308	350	292	169	17	33	32	32	31
Mar	\$66,919.78	\$77,067.98	\$95,472.42	\$116,358.20		204	362	391	431		20	45	52	84	
Apr	\$62,429.27	\$94,394.17	\$80,088.89	\$60,816.35		228	272	373	324		23	32	40	42	
May	\$76,949.69	\$95,010.56	\$101,848.37	\$65,454.25		247	294	380	306		18	39	42	48	
June	\$57,871.17	\$179,966.08	\$100,508.32	\$147,395.66		223	399	394	355		24	49	50	34	
July	\$69,166.73	\$77,442.81	\$78,547.74	\$87,733.72		239	323	408	305		10	45	29	23	
Aug	\$119,198.28	\$105,147.77	\$59,376.50	\$61,504.63		272	307	309	299		44	34	30	19	
Sept	\$76,320.28	\$71,226.36	\$93,879.09	\$140,065.18		303	352	442	328		21	35	48	40	
Total	\$748,636.96	\$1,348,223.39	\$1,144,157.79	\$1,373,036.28	\$188,241.12	2476	3577	4537	3945	846	262	396	451	481	133
Percent	NA	80.09%	-15.14%	20.00%		NA	44.47%	26.84%	-13.05%		NA	51.15%	13.89%	6.65%	

February FY2023 Notes

Building Inspections-

169 Permits issued, 31 Certificate Of Occupancies issued, and 3 New home permits issued 1 New Commercial - 7 Brew

5 New Commercial Pending

PERMITS ISSUED BY (02/01/2023 TO 02/28/2023) FOR CITY OF DAPHNE

Building Permit (Commercial)

Work Class New Construction (Commercial)

BLDC-014157-2023	Type: Building Permit (Commercial)	District:	Main Address:	10024 Papa George St
Status: Issued	Workclass: New Construction (Commercial)	Project:	Parcel:	Daphne, AL 36526
Application Date: 01/17/2023	Issue Date: 02/02/2023	Expiration: 08/21/2023	Last Inspection: 03/01/2023	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$250,000.00	Fee Total: \$2,250.00	Assigned To:
Additional Info:				
Subdivision: HISTORIC MALBIS	Subdivision Unit or Phase: 1 BLK D	Zoned: B-2	Flood Zone: X	Master Permit: 19-
IBC Commercial Building Code Year: 2018	Contract Value: 250000.00			
Contractor: REED HAYS CONSTRUCTION LLC 26064 CAPITAL DR SUITE A DAPHNE, AL 36526 rhays@REEDHAYSCONSTRUCTION.COM				

Value total for Work Class New Construction (Commercial):

Fee total for Work Class New Construction (Commercial):

Value total for Permit Type Building Permit (Commercial): \$250,000.00 Fee total for Permit Type Building Permit (Commercial):

PERMITS ISSUED for Permit Type:

1

Building Permit (Residential)

Work Class New Construction (Residential)

BLDR-014098-2023	Type: Building Permit (Residential)	District:	Main Address:	1010 Captain O'Neal Dr
Status: Issued	Workclass: New Construction (Residential)	Project: Old Town Daphne Area	Parcel:	Daphne, AL 36526
Application Date: 01/05/2023	Issue Date: 02/06/2023	Expiration: 08/07/2023	Last Inspection: 02/08/2023	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$678,646.15	Fee Total: \$3,595.00	Assigned To:
Additional Info:				
Heated and Cooled Valuation: 565461	Number of Stories: 0	Heated and Cooled Square Feet: 3748	Non-Heated and Cooled Square Feet: 1873	Non-Heated and Cooled Valuation: 113185
IRC Residential Building Code Year: 2018	Subdivision: ELIZABETH DALY HUFF SUB	Lot Number: 2	Watershed: UT Mobile Bay	
Contractor: MAGNOLIA CONSTRUCTION & DESIGN LLC 3901 BELLA LN FOLEY, AL 36535 tut@magnoliaallc.net				

PERMITS ISSUED BY (02/01/2023 TO 02/28/2023)

BLDR-014265-2023	Type: Building Permit (Residential)	District:	Main Address:	111 Timberline Dr
Status: Issued	Workclass: New Construction (Residential)	Project: Lake Forest	Parcel: 36434	Daphne, AL 36526
Application Date: 02/06/2023	Issue Date: 02/06/2023	Expiration: 08/28/2023	Last Inspection: 03/01/2023	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$307,824.00	Fee Total: \$1,640.00	Assigned To:
Additional Info:				
Heated and Cooled Valuation: 271566	Number of Stories: 0	Heated and Cooled Square Feet: 1800	Non-Heated and Cooled Square Feet: 600	Non-Heated and Cooled Valuation: 36258
IRC Residential Building Code Year: 2018	Subdivision: LAKE FOREST	Subdivison Unit or Phase: 28	Lot Number: 29	Zoned: R-3
Watershed: Tiawasee	Flood Zone: X			
Description: LOT 29 BLOCK 28 LAKE FOREST				
Contractor: PICKERING BUILDING & RENOVATIONS LLC PO BOX 1961 FAIRHOPE, AL 36533 jjpickering54@gmail.com				

BLDR-014351-2023	Type: Building Permit (Residential)	District:	Main Address:	1308 Randall Ave
Status: Issued	Workclass: New Construction (Residential)	Project:	Parcel:	Daphne, AL 36526
Application Date: 02/17/2023	Issue Date: 02/17/2023	Expiration: 08/16/2023	Last Inspection: 02/23/2023	Finalized Date:
Zone:	Sq Ft: 0	Valuation: \$357,325.76	Fee Total: \$1,990.00	Assigned To:
Additional Info:				
Heated and Cooled Valuation: 308982	Number of Stories: 0	Heated and Cooled Square Feet: 2048	Non-Heated and Cooled Square Feet: 800	Non-Heated and Cooled Valuation: 48344
IRC Residential Building Code Year: 2018	Subdivision: J & B FARMS	Subdivison Unit or Phase: 1	Lot Number: 2	Zoned: R-2
Flood Zone: X				
Description: LOT 2 J&B FARMS SUBDIVISION				
Contractor: ARK BUILDERS LLC 27941 RIGSBY RD 27941 RIGSBY RD DAPHNE, AL 36526 251-621-1752 RBCUNY@GMAIL.COM				

Value total for Work Class New Construction (Residential):	Fee total for Work Class New Construction (Residential):
\$1,343,795.91	\$9,475.00

Value total for Permit Type Building Permit (Residential): \$1,343,795.91	Value total for Permit Type Building Permit (Residential):	PERMITS ISSUED for Permit Type:	3
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GRAND TOTAL VALUE: \$1,593,795.91	GRAND TOTAL FEES: \$9,475.00	GRAND TOTAL OF PERMITS:	4
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* Indicates active hold(s) on this permit

CODE ENFORCEMENT/ORDINANCE COMMITTEE MEETING

**February 6, 2023, 4:30 p.m.
City Hall, Council Chamber
1705 Main Street, Daphne, AL 36526**

MEETING MINUTES

MEMBERS PRESENT: Councilman Olen, Councilman Goodlin, Councilman Scott and Councilwoman Phillips

MEMBERS ABSENT: Councilwoman Conaway, Councilman Coleman, Councilman Hughes

ALSO PRESENT: Mayor LeJeune; Patrick Dungan, City Attorney; Candace Antinarella, City Clerk; Kelli Reid, Finance; Troy Strunk, City Development; Billy Kennedy, Code Enforcement; Christina Brazell, Code Enforcement; Vickie Hinman, Human Resources; Eric Butler, Building Inspection; Adrienne Jones, Planning; and Ronnie Huskey, Public Works Director.

1) CALL MEETING TO ORDER / ROLL CALL

There being a quorum present Councilman Olen called the meeting to order at 4:30 p.m.

2) PUBLIC PARTICIPATION

Victoria Phelps, Lake Forest POA, gave an update on the Lake Forest Market.

3) ORDINANCE REVIEW/DISCUSSION

City Clerk discussed the Council Rules and Procedure Ordinance along with the City Attorney.

Vickie Hinman presented the new changes recommended for the HR Processing Separations Ordinance.

**MOTION by Councilman Scott to recommend to Council to approve the HR – Processing Separations Ordinance. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

4) OTHER BUSINESS DEEMED NECESSARY

Troy Strunk said he has spoken to Mr. Kennedy and they have recommended him speaking to the Planning Commission.

Councilwoman Phillips said citizens have expressed concerns about the Lake Forest Golf Course selling and potentially developed into commercial property. She asked Mrs. Jones if the property was protected under the North Atlantic Land Trust. Mrs. Jones stated that the property was zoned B-2 General Business and that she would work to find out what the Land Trust says.

City Attorney mentioned there were two ordinances on the upcoming Council Agenda that he would ask if the Council would consider suspending the rules in order to adopt that evening: Ordinance 2023-08 and 2023-10.

5) NEXT MEETING

The next meeting is scheduled for Monday, March 6, 2023 at 4:30 p.m.

6) ADJOURN

There being no further business to discuss, the Council adjourned at 5:02pm.



COMMUNITY DEVELOPMENT

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT AGENDA SUMMARIZATION
MARCH 2, 2023 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

1. CALL TO ORDER - 6:00 p.m.
2. CALL OF ROLL - Present C. Courson, D. Wolstenholme, C. Covert, T. Quinnelly, H. Cole
3. APPROVAL OF MINUTES - Approved

October 6, 2022

4. OLD BUSINESS - None
5. NEW BUSINESS

Appeal #2023-01 The Bayside Foundation - Did Not Approve

A request for a Special Exception to the Daphne Land Use and Development Ordinance has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would allow the construction of a private school, i.e., preschool and kindergarten to be associated with Bayside Academy's Early Childhood Center. The property is 306 Dryer Avenue, which is in a R-1, Low Density Single Family Residential.

Election of Officers - D. Wolstenholme, Vice Chairman

6. ADJOURNMENT - 8:27 p.m.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF OCTOBER 6, 2022 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairman called to order the regular meeting of the Board of Zoning Adjustment at 6:11 p.m. Roll was called thereafter and the number of members present constituted a quorum.

Members Present:

Clay Covert
Derek Wolstenholme arrived at 6:11 p.m.
Carolyn Courson, Vice Chair
Willie Robison, Chairman

Members Absent:

Herb Cole
Billy Mayhand
Tasha Quinnelly

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Johnson, Recording Secretary
Shawn Alves, Attorney

Chairman called for the **Approval of Minutes** of the April 7, 2022 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman called the item under new business on the agenda, **Appeal #2022-04**, a request for a Special Exception to the Daphne Land Use & Development Ordinance has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would allow the operation of Before & After-School Program for children ages 4 - 12. The property is 26450 Pollard Road, which is in a B-2, General Business zone.

Ms. Jones displayed an outline of the subject area located at the southeast intersection of Well & Pollard Road stating the applicant wishes to have a before & after-school business with three employees, operating between the hours of 6:00 a.m. to 6:00 p.m. She explained the criteria for granting a special exception noting that every business must acquire their own, hence the reason for seeing another request for this same address in 2017. She cited that the Building Official had given approval as long as all building code regulations are adhered to, but the City Engineer did not give approval because there was no marked handicap parking and there possibly is not enough parking spaces for the use. The applicant submitted a hand drawn sketch plan and Ms. Jones stated that one parking space for each teacher and administrators was needed and the applicant can clarify whether there will be multiple uses in the building, however she noted that a site plan would have to be submitted and approved by the Planning Commission before a business license would be issued, and she recommended approval contingent upon providing a plan showing a functional safe plan for drop-off/pick-up, additional stripped parking to accommodate the number of teachers and the installation of fencing in outdoor play areas.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF OCTOBER 6, 2022 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

The Board discussed reviewing and approving a special exception for another party at this address in 2017 and if in fact it is granted a site plan would have to be presented to the Planning Commission for approval totally separate from this appeal. The Board also wondered if the facility that helps people with substance abuse to the east should be considered since there will be children within close proximity that may perhaps prohibit their meetings, and Ms. Jones pointed out that that is why she recommended a fence for this use change, and that DHR will have specific guidelines that will have to be adhered to. The Chairman opened the floor for public participation.

Mr. Torren McCaster was joined at the podium by Mr. Gary Sanders, who stated, they were the ones seeking approval of the special exception to do a before and after-school program for thirty children ranging in age from 4 - 12 years old at 26450 Pollard Road. Mr. Sanders stated that they wanted to get approval of the special exception before investing any money in fencing, stripping the parking lot or making any changes in the building.

The Board discussed approval with adding a caveat for the applicants to do all of the things suggested by staff predicated on approval.

Ms. Jones stated before their business license is issued she would have to sign off on it and all of the things discussed must be done, and she cited if the Board denied the special exception they must give a reason why.

The Board inquired whether the program would be strictly before and after school and whether the children would be dropped off and picked up at school, which the answer was yes to both. The Chairman asked the Board for further discussion and being none, he called for those in favor of the appeal.

Mr. Curt Fonger, 1443 Randall Avenue stated that he was not aware of any notification of the meeting tonight. He said it was not on the city's website and that he had spoken with the city clerk's office and he was informed that they were not aware of the meeting either. He cited that when the park across the street was going to be used the area businesses screamed in outrage because they said they had not received any notification from DRA, but he assured the Board that the DRA had absolute defense because all of their meeting agendas were announced publicly, therefore if there is any controversy from this appeal being approved he suggests the adjacent property owners may say they were not told.

The Chairman stated that the appeal was published in the local newspaper twice and it is posted on the city's public events bulletin board, which is given to the City Clerk's office to post and it is on the website, and Ms. Jones agreed, but they do not have anything to do with scheduling the Board of Zoning Adjustment meetings.

Ms. Jamie Foster representing Community Action Agency of South Alabama, that is adjacent to this property stated they had actually received two public notifications about the meeting and since they promote self-sufficiency to help families improve themselves, therefore she is willing to help him be compliant if this is approved.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF OCTOBER 6, 2022 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

The Chairman asked the Board for further discussion and being none, he called for those in favor of the appeal, being none, he called for those in opposition, being none, he closed public participation and asked for an affirmative motion.

A **Motion** was made by **Ms. Courson** and Seconded by **Mr. Wolstenholme** to approve **Appeal #2022-04, Torren McCaster/Patricia Grant, request for a Special Exception to the Daphne Land Use and Development Ordinance to allow the operation of a before & after-school program for children ages 4 -12 at 26450 Pollard Road, which is zoned B-2, General Business contingent upon satisfactorily submitting a site plan to the Planning Commission to review for compliance with Federal, State and Local regulations; and providing a plan that shows a functional and safe plan for drop-off/pick-up in the parking lot, additional parking to accommodate the number of teachers, and the installation of fencing in outdoor play areas; and upon ADA compliant parking.**

Upon roll call vote, **the Motion carried unanimously.**

Mr. Covert	Aye
Ms. Courson	Aye
Mr. Wolstenholme	Aye
Mr. Robison	Aye

The Chairman stated the motion is approved with the stated contingencies, you may go by Community Development after 9:00 a.m. in the morning to pick up your paperwork.

The Chairman called the next item on the agenda election of officers, and he opened the floor for the nominations for Chairman.

Ms. Courson nominated Mr. Robison for Chairman. The nominations were closed with no other nominations, Mr. Willie Robison is Chairman.

The Chair opened the floor for the nominations for Vice Chairman.

Mr. Wolstenholme nominated Ms. Courson for Vice Chairwoman. The nominations were closed with no other nominations; Ms. Carolyn Courson is Vice - Chairwoman.

The Chairman stated Ms. Pat Johnson is our Recording Secretary.

There being no other business Chairman called for a **Motion to Adjourn.**

A **Motion** was made by **Ms. Courson** and **Seconded** by **Mr. Wolstenholme** to adjourn. **There was no discussion of the motion.**

The Motion carried unanimously.

The meeting adjourned at 6:50 p.m.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF OCTOBER 6, 2022 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Respectfully submitted by:


Pat Johnson, Recording Secretary

APPROVED: March 2, 2023


C. Courson, Vice - Chairwoman

January 11, 2023 Recreation Board Meeting

Park and Recreation Meeting Jan 11, 2023 attendees: Brad Osborn, David Dueitt, Lisa O'hara, Kit Smith, Heath Burt, Charlie McDavid, Frank Pierce, Coach King, Coach G. Mr. Dueitt declared we have a quorum.

Coach Gerardo Flores (Coach G) spoke to the board about the soccer program:

- Soccer is Club working with the city.
- Recreational soccer offered to this ages 4-15.
- Soccer is also offered for people up to 30 yrs old.
- There are 35 home school participants.
- Top soccer offers children with disabilities soccer opportunities.
- Adult soccer classes and league 5 on 5 are offered.
- The Soccer Club has purchased a 10 acre park with walking trail, playground and lights.
- Currently working on access to park in coordination with Trion.
- # of athletes, 800-1000; 100 adults.
- Fee \$75.00 per season. Clinics are \$100.00. Rec. fee. \$100.00.

Victor LeJeune spoke to the board about the tennis/pickleball center:

- Dream Court will be hosted again. Students from surrounding area participate. March, Dec. September camps. 4 weekend sessions.
- Special Olympics.
- Starting adult beginner lessons for anyone.
- Courts are full every morning 8-11.
- 5 teams of ladies, men two teams of men all from Daphne.
- Three high schools practice at Tennis and Pickle Ball Center.
- Seating is available for spectators.
- Wind blinds will be installed soon. Corners of pickle ball courts will be renovated very soon.

Coach King's Report:

- Introducing 707 football. Club teams have grown in past several years. We have two teams.
- First tournament is in February.
- Turf field is moving forward.
- Asking for 2nd gym, remaining funding for turf field, baseball field improvements. Indoor/outdoor facility, covered for practice.

Charlie McDavid' Report:

- New pickle ball courts will be done in 60 days.
- 6 tennis courts resurfaced four more after that.

- Ruff Wilson close to completion, sod and lights installed, and road resurfaced.
- Installing fencing.
- Lacross will use facility.
- Trione fitness court grand opening last Dec. Outdoor exercise equipment is being utilized.
- Soccer parking resealed and striped.
- Fencing at Trione planned to fence in each football field.
- Side of soccer field is being fenced to provide a barrier to prevent cars from access.
- Additional money requested to fence soccer fields.
- Added sidewalks throughout soccer area of Trione Park.
- Wheel chair access is improved.
- Walking trails lack signage but are generally complete.
- Turf at Sports Complex project will go out for bid soon.
- Budget for Ben to be promoted to Deputy Director. Athletic director to be hired after his promotion.
- Three girls' teams in basketball,

Kristi Green needs to be added to mailing list. Ben to be added.

March 8th will be our next meeting at conference room unless it is changed.

Motion to adjourn by David Dueitt, 2nd by Frank Pierce. Motion carried.

Accepted by:

Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ January 25, 2023 ♦ 5:00 p.m.

I. Call to Order

The regular January 2023 Board meeting for the Utilities Board of the City of Daphne was held on January 25, 2023, in the Council Chambers at Daphne City Hall and called to order at 5:03 p.m. by Chairwoman Selena Vaughn, followed by the Roll Call:

II. Roll Call

Members Present: Selena Vaughn, Chairwoman
Tim Patton, Vice Chairman
Billy Mayhand, Secretary/Treasurer
Mayor Robin LeJeune, Board Member
Councilwoman Angie Phillips, Board Member – arrived at 5:04

Members Absent:

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

Others Absent:

III. Pledge of Allegiance

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

IV. Approval of Minutes

Utilities Board Meeting Minutes November 30, 2022

The Chairwoman requested any additions, corrections, or deletions for the submitted minutes of the November 30, 2022, Daphne Utilities Board meeting.

With no additions, deletions, or corrections, the Chairwoman declared that the submitted July 27th minutes would stand approved.

Councilwoman Angie Phillips arrived at 5:04pm.

V. OLD BUSINESS –

A. Items in Abeyance:

1. Recommendation for Bid Award for: GOMESA – Windscape L.S. Force Main Extension (Volkert Project No. 408252 DU GL 1835 (Board Action – MOTION)

~~To accommodate for bidder participation, the bid date was postponed to Tuesday, October 25th; therefore, the bid tabulation and recommendation will be delayed and distributed as soon as it is available.~~ **TABLED FOR A LATER DATE**

GM Scott Polk explained that this project will be re-bid due to the initial bids received were too high.

VI. NEW BUSINESS

A. Motion to Approve Requisition R30-010623 for the Purchase of a 2023 Vermeer RTX450 Ride on Tractor Trencher w/accessories as per 1/3/2023 quote from Vermeer Southeast Sales in the amount of \$106,740.71. (Board Action – MOTION)

Operations Manager Bobby Purvis advised that this tractor is being replaced due to age and difficulty obtaining replacement parts and the budgeted new tractor is waiting to be delivered.

MOTION by Mayor Robin LeJeune to APPROVE Requisition R30-010623 for the Purchase of a 2023 Vermeer RTX450 Ride on Tractor Trencher w/accessories as per 1/3/2023 quote from Vermeer Southeast Sales in the amount of \$106,740.71; Motion was Seconded by Tim Patton.

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

B. Recommendation for Bid Award – Annual Contract for Manhole Rehabilitation – FY 22/23 (Volkert Project #408257) in the amount of \$256,800.00 to Slaughter Construction Company Inc. (Board Action – MOTION)

Volkert's Marcus Stacey noted that Slaughter Construction has had this contract in the past and has performed good work and recommended this project be awarded to them in the submitted bid amount.

MOTION by Councilwoman Angie Phillips to APPROVE the Annual Contract for the Manhole Rehabilitation- FY 22/23 to Slaughter Construction Company Inc. in the amount of \$256,800.00 ; Motion was Seconded by Billy Mayhand.

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

C. Tap Fees related to Tonsmeire Summer Oaks development - Revisit

Chairwoman Vaughn advised that all had been given the requested document that Mr. Speegle had prepared as if the Board were agreeable to fulfilling the stated bargain. A discussion took place regarding the duplicate document and any changes between the two.

MOTION by Mayor LeJeune to APPROVE the prepared Sewer Tap Agreement related to the Tonsmeire Summer Oaks development ; Motion was Seconded by Tim Patton.

Chairwoman Vaughn called for comments. Mayor LeJeune stated that the agreement had everything we had asked for; Tim Patton agreed that it resembled what was discussed; Billy Mayhand noted that he did not have much to say about the document because he was still in disagreement with the arrangement. Councilwoman Phillips had no comment on the document. Chairwoman Vaughn reiterated her position by clarifying the lack of salient details for deciding on this issue, the vulnerability of setting precedent for similar future issues, as well as the guidance from legal counsel, and asked for a vote on the matter. Mayor LeJeune agreed that it is a unique situation for Daphne Utilities; he stated that with the background history given and the adjustment to the request that there is some history that does give prudence in what the Board is doing as good faith for some of the things that happened before. Mayor LeJeune commented that the Board should protect against any future situations such as this with counsel's direction. Mr. Speegle noted that there is no way to control claims from third parties. Tim Patton remarked that after thorough review of numerous records, costs and estimated costs, subdivision plans and plats and considered why a force main of that size would be built just to serve part of a subdivision that was platted, and reviewed all of this as possible circumstantial evidence because the real evidence is that there is no written agreement. He also stated his past experience as a customer with Lake Forest Utilities and their carelessness of documentation. Mr. Patton summarized this to explain his examination of the issue and concluded with an analogy of a business trusting what the customer says.

Chairwoman Vaughn called for a roll call vote:

MOTION by Mayor LeJeune to APPROVE the prepared Sewer Tap Agreement related to the Tonsmeire Summer Oaks development; Motion was Seconded by Tim Patton.

	AYE	NAY	ABSTAIN
Selena Vaughn		X	
Tim Patton	X		
Billy Mayhand		X	
Mayor Robin LeJeune	X		
Councilwoman Angie Phillips		X	

The Motion was defeated.

VII. BOARD ATTORNEY'S REPORT

Mr. Jerry Speegle updated the Board about the [Daphne] Animal Shelter easement.

VIII. FINANCIAL REPORT

Finance Specialist Lexus Carlee reviewed the financials for December 2022 for the Board, highlighting: the effect of the recent rate increases, the revenue, expenses, net income and budgeted year-end income, and the check history report.

IX. GENERAL MANAGER'S REPORT

A. GM Report

General Manager Scott Polk began his update recognizing Cub Scout Pack #321 in attendance then continued to brief the Board on: the water production at the new wells at Diamante and the one across the street; the rebid for the GOMESA grant; the near completion

of the admin office remodel; the start of demolition work on the old salsnes at the water reclamation facility in preparation for the new grit removal system; the 5-Year Strategic Plan as well as employee meetings and a recent contract for Snapcomms, a communications app for employees; and lastly the employee performance evaluations was successfully completed.

Samantha Coppels briefed the Board on the summer intern program from the high school, as well as the Crawfish for the Classroom event. She answered a question from the Board about the grant money given and any updates.

B. Operations Report

Mr. Bobby Purvis updated the Board on: his attendance of the Youth Leadership program; the status of the current Leadership Academy group and invited board members to visit; detailed failures at the wastewater treatment plant and damage repairs in areas of the wastewater collection system and the continued rehab of the lift stations; completion of the natural gas replacement in the Daphmont area and preparation for the installation of gas lines in the French Settlement area.

C. Engineering & Consulting Reports –

Melinda Immel with Volkert addressed the Board detailing the extended timeline of the Diamante Well project.

- X. BOARD ACTION** – previously addressed; Chairwoman Vaughn announced that before moving on to Public Participation, she wanted to address the General Manager's performance review/annual merit increase; Tim Patton noted that the Board completed its review and proposed to make a motion.

MOTION by Tim Patton to grant the General Manager a 3% merit increase retroactive to January 5, 2023 Motion was Seconded by Billy Mayhand.

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

XI. PUBLIC PARTICIPATION –

Mr. Larry Chason addressed the Board expressing his disappointment after hearing the all Boards' perspectives, pointing out that he thought the entire burden should not be on Mr. Tonsmeire to bring in the contract, recollecting the details addressed previously to the Board relating to the [office] flood that destroyed his documentation, the recordkeeping by Lake Forest [utilities] that was not that good, and then making a decision based on the fact that there was not a paper [contract] but he emphasized that he did not have a piece of paper saying that he paid for any taps and in fact, he would establish that he built phase 1 and did not pay the City any sewer taps which would indicate that he put in the line in exchange for sewer taps or you would have a record that he paid the sewer taps. He stated that if operating based on the contract makes it or breaks it, he noted that Mr. Patton, Mr. Moore, himself and Mr. Coleman were all present in that timeframe, and Mr. Polk, Mrs. Phillips, Mr. Mayhand and Mrs. Vaughn were not. He declared that he was ready to swear to what he knows and completely believed that Mr. Tonsmeire is due 61 taps and agreed to reduce that and he wanted to continue to discuss this by any of the three that voted against this to bring this question back up, not at this time, and reaffirm what you affirmed when last everyone met. He stated it should not be about who is sitting on the Board right now, but that it should be about if you don't believe what they're saying, if you don't think it happened, and you can prove it by showing us that he paid for some taps, that there wasn't a flood and all of the things that they brought in in good faith. He expressed again his disappointment and hoped to hear from the Board and if not, he understood.

Chairwoman Vaughn backtracked to announce that Public Participation opened at 5:42pm and closed at 5:45pm.

XII. EXECUTIVE SESSION – Discuss General Manager performance review – previously addressed.

XIII. BOARD COMMENTS –

Mr. Tim Patton welcomed Mrs. Phillips to the Board, praised the Leadership Academy, and commended Mr. Scott Polk in his position of General Manager.

Mr. Billy Mayhand thanked Bobby Purvis for his management of the Leadership Academy; he welcomed everyone back for the new year; and he noted that although he may not say a lot and keeps the Board grounded, he'll be watching that 3% - and commended Mr. Scott Polk.

Mayor Robin LeJeune also applauded Mr. Scott Polk for his leadership; he mentioned that at a recent meeting he had with Riviera Utilities electric, he was surprised to learn in a casual discussion that developers are constructing new neighborhoods having no gas available at all and going electric only; he recalled mentioning trying to create some way of incentivizing our gas product and asked for Mr. Purvis to be able to report next month on ways to handle this. He also welcomed Councilwoman Phillips.

Councilwoman Angie Phillips acknowledged her satisfaction to be part of the [Utility] Board, noting all the information provided to her confirmed the serious work the Board undertakes, and she planned to accept that as well. She recognized the controversial decisions the Board, like the [City] Council, makes but will proceed with due diligence to hear what Mr. Chason has to say and thanked Chairwoman Vaughn for having a well-thought out discussion on the issue. She again expressed her appreciation for being part of this well-prepared Board.

Chairwoman Vaughn thanked everyone for participating and listening.

XIV. ADJOURNMENT

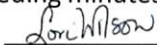
With no further discussions, the Chairwoman called for a motion for adjournment at 5:50pm.

MOTION by Mayor Robin LeJeune to adjourn; Seconded by Tim Patton.

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

The meeting adjourned at 5:50pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20230303101033063



Type License: 020 - RESTAURANT RETAIL LIQUOR

State: \$300.00 County: \$440.00

Type License:

State: County:

Trade Name: RAYZAS RESTAURANT

Filing Fee: \$50.00

Applicant: RECREATE LLC

Transfer Fee:

Location Address: 9475 US HWY 90 STE 210 DAPHNE, AL 36526

Mailing Address: 23914 DEVONFIELD LANE DAPHNE, AL 36526

County: BALDWIN Tobacco sales: NO Tobacco Vending Machines:

Product Type:

Type Ownership: LLC

Book, Page, or Document info: 001-010-388 DLL

Do you sell Draft Beer?:

Date Incorporated: 3/23/2022 State incorporated: AL County Incorporated:

Date of Authority:

Federal Tax ID: 92-0821487

Alabama State Sales Tax ID: R011643674

Name:	Title:	Date and Place of Birth:	Residence Address:
MOCHAMAD BN ASMUN NI 9867958 - AL	MEMBER	7/24/1980 INDONESIA	23914 DEVONFIELD LANE DAPHNE, AL 36526

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: MOCHAMAD BN ASMUN NI

Home Phone: 205-799-4318

Business Phone: 205-799-4318

Cell Phone:

Fax:

E-mail: RIZABNASMUNNI@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Previous License Number(s)

Trade Name:

License 1:

Applicant:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20230303101033063



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

Name of Property owner/lessor and phone number:

What is lessors primary business?

Is lessor involved in any way with the alcoholic beverage business?

Is there any further interest, or connection with, the licensee's business by the lessor?

Does the premise have a fully equipped kitchen? **YES**

Is the business used to habitually and principally provide food to the public? **YES**

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

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

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

Building Dimensions Square Footage: **2290**

Display Square Footage:

Building seating capacity: **66**

Does Licensed premises include a patio area? **NO**

License Structure: **SHOPPING CENTER**

License covers: **PORTION OF**

Number of licenses in the vicinity:

Nearest:

Nearest school:

Nearest church:

Nearest residence: **1 blocks**

Location is within: **CITY LIMITS**

Police protection: **CITY**

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

Name:

Violation & Date:

Arresting Agency:

Disposition:



STATE OF ALABAMA

ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION

Confirmation Number: 20230303101033063



Initial each

☐ Mby

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

☐ Mby

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

☐ Mby

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

☐ Mby

In reference to Special Retail or Special Events retail license, Wine Festival and Wine Festival Participant Licenses, and Food or Beverage Truck Licenses, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

☐ X

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

☐ X

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

☐ Mby

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

☐ Mby

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

☐ Mby

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Mohammad bin Asmuni

Signature of Applicant: Mohammad bin Asmuni

Notary Name (print): Rosemarie Moore

Notary Signature: Rosemarie Moore

Commission expires: 11/09/2025

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:

CASE NO. 2023-3

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 3/7/23 (initial) CAC
DATE FORWARDED TO POLICE DEPT. 3/7/23 CAC
DATE RECEIVED BY POLICE DEPT. 3/7/23 Ad

DATE: APPROVED ☒ DISAPPROVED ☐

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 3/8/23 Ad
DATE FORWARDED TO CITY CLERK 3/8/23 CAC

DATE RECEIVED BY CITY CLERK _____
SCHEDULED DATE ON AGENDA _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____
OR TO ABC FIELD OFFICE. _____ (per taxpayer request)



City of Daphne Event Permit Application

TYPE OF PERMIT:

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

APPLICANT & ORGANIZATION INFORMATION

ORGANIZATION NAME: American Foundation for Suicide Prevention
APPLICANT NAME: Lydia Barber
STREET: 606 Oak Ridge Ct. West CITY, STATE, ZIP: Daphne, AL 36526
CONTACT PHONE: 251-455-6453 EMAIL: lydiabarber1@gmail.com
"ON SITE" CONTACT PERSON DAY OF EVENT: Lydia Barber
CELL PHONE: 251-455-6453 EMAIL: lydiabarber1@gmail.com

EVENT INFORMATION

EVENT NAME: South Alabama Out of the Darkness Walk
TYPE OF/PURPOSE OF EVENT: Fundraiser for American Foundation for Suicide Prevention
EVENT DATE: 10/15/2023 TIME (START- END): 1pm-4pm
ASSEMBLY TIME: 1pm # PARTICIPANTS/VEHICLES: app. 800/300?
EVENT LOCATION: In front of Daphne City Hall
FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE): We use about 20-25 tables, app. 40 chairs, there are about 20 tents in use, 3 portalets, a small stage and a DJ set up, and 6-7 picnic tables are brought in, and 3 to 4 barricades.

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 use about 3-4 to block entrances to front of city hall

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

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

OTHER SPECIAL ITEMS FOR RENT:

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

TABLES: 8' L # _____ X \$45.00/EACH CHAIRS: # _____ X \$12.00/EACH

OTHER SPECIAL REQUESTS: _____

MARKETING & COMMUNICATIONS

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

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: Lydia Barber CONTACT PHONE: 251-455-6453

OTHER MARKETING REQUESTS: _____

REVENUE/BUSINESS LICENSE

WILL SALES BE GENERATED AT YOUR EVENT: ☐ Yes** ☐ No ** If Yes, please provide your City of Daphne

Business License Number here: _____

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

INDEMNITY & HOLD HARMLESS AGREEMENT

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

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

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

APPLICANT SIGNATURE: _____

Lydia Barker

DATE: _____

3/9/2023

INTERNAL USE ONLY

DATE REC'D: _____

3/9/2023

CITY CLERK: _____

FIRE DEPT: _____

L. L. L.

APPROVED ROUTE: _____

POLICE DEPT: _____

B

ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS: _____

CPG

SPORTS & RECREATION: _____

MM

EVENT FEE: ☐ Paid \$ _____ CHK# _____

MARKETING & EVENTS: _____

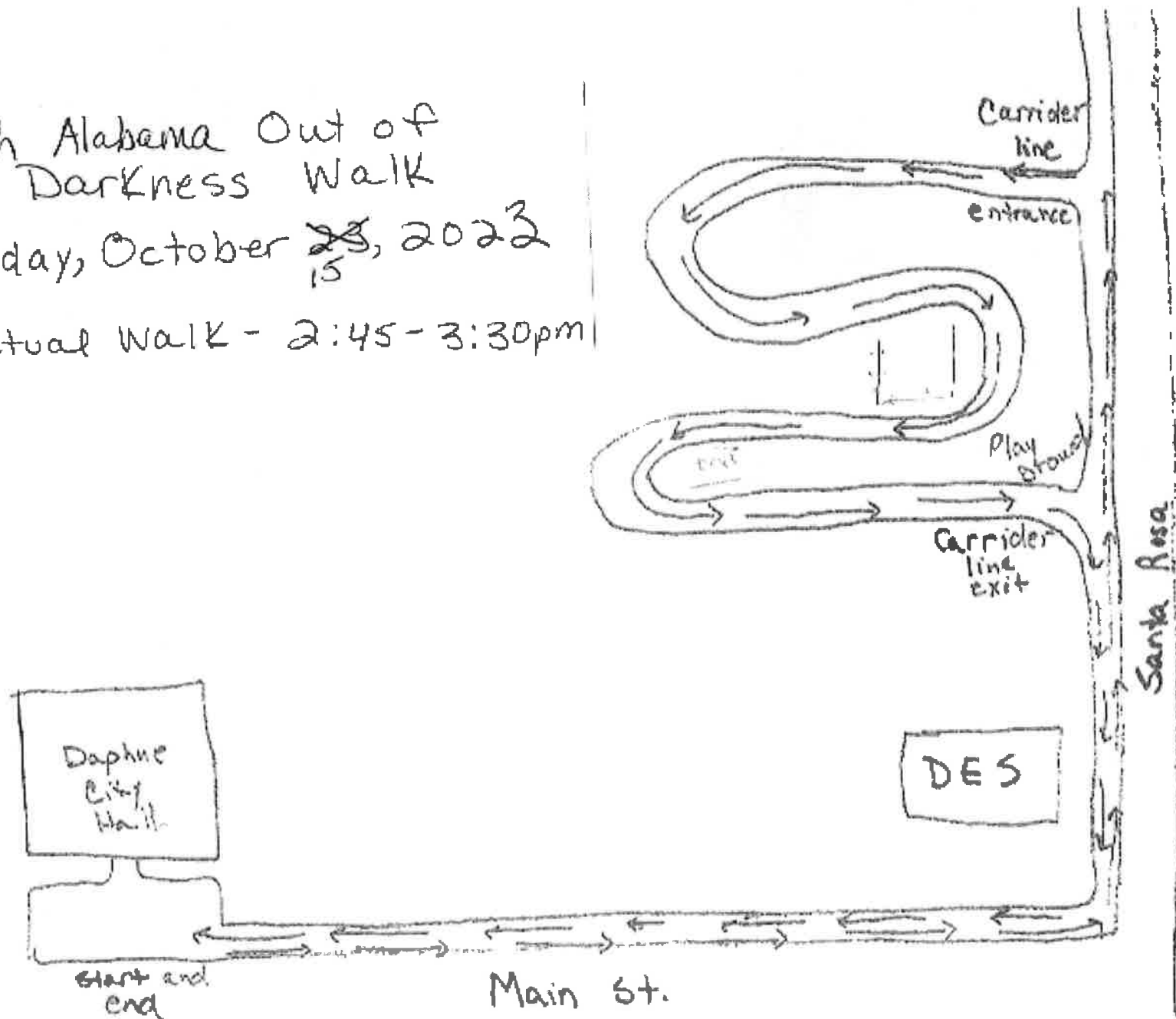
☐ Waived: _____

** REVENUE: _____

PROOF OF INSURANCE REC'D: ☐ Yes ☐ No

South Alabama Out of
Darkness Walk
Sunday, October ~~28~~₁₅, 2022

Actual Walk - 2:45 - 3:30pm



OFFICE OF THE MAYOR



March 14, 2023

The Honorable Jerry L. Carl
U.S. House of Representatives, 1st Congressional District
1330 Longworth House Office Building
Washington, DC 20515

Dear Congressman Carl:

I am writing to express my strong support of Thomas Hospital and its request for funding of a 30-bed expansion of the hospital located in Fairhope, Alabama. Thomas Hospital is owned by the Baldwin County Eastern Shore Health Care Authority (Authority) and is managed and operated by Infirmary Health. The Authority seeks your support for funding of this important expansion to meet the growing healthcare needs and demands in central Baldwin County due to the unprecedented population growth of this area located in your District.

Over the years, Infirmary Health and Thomas Hospital have invested over \$75M for the expansion of healthcare facilities in the central Baldwin County area and remain committed to investing additional capital in order to continue to provide access to exceptional healthcare. Your support will enable the Authority, through its partnership with Infirmary Health, to increase Thomas Hospital's inpatient capacity by 30 beds. The Alabama CON Review Board has already confirmed the need and approved the 30-bed expansion, but capital funding is needed to complete the project.

On behalf of the residents of central Baldwin County, I respectfully request your support of funding for a 30-bed expansion at Thomas Hospital. Thank you for your consideration, and I remain available to respond to any questions you or your staff may have regarding my support of this project.

Respectfully,

Robin LeJeune
Mayor

Daphne Public School Commission

3 years

Andrea Lomax
Richard Perry
Marissa Rennaker

2 years

Tommie Conaway
Marina Simpson
Valerie Stickney

1 year

Jennifer Green
Steve Olen
Andrea Ramey

**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
 - Daphne Public School Commission
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

CITY OF DAPHNE, ALABAMA

ORDINANCE 2023-16

**AN ORDINANCE ESTABLISHING BYLAWS FOR THE
DAPHNE (AMENDMENT 382) PUBLIC SCHOOL COMMISSION**

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

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

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

WHEREAS, the City Council desires to establish Bylaws for the Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the following Bylaws shall govern the activities of the Daphne (Amendment 382) Public School Commission:

Sec. 1 - Name and purpose.

The name of the organization shall be Daphne Public School Commission.

The purpose of the Commission is to make written recommendations to the Baldwin County Superintendent of Schools with respect to the use of funds for the exclusive benefit of Daphne Public Schools. The source of funding shall be from the proceeds of the special school tax district for a term of thirty (30) years, with payments due beginning October 1, 2023 and ending October 1, 2052. These funds shall be used for educational, vocational, and technological programs of instruction, athletic, arts, and extracurricular activities and programs, and all facilities and improvements necessary for any thereof, which are of particular interest to, or provide for particular needs of, the District Public School Facilities, and operation, maintenance and capital improvement of the District Public School Facilities.

Sec. 2 - Membership.

Each member of the commission must be a registered voter in the special school tax district. The membership shall fairly represent all communities within the district, including communities within both the incorporated and unincorporated areas within the district. Any member of the governing body of the City may be a member.

The commission shall consist of eight (8) members appointed by the City Council and one (1) by the Mayor. Of these eight (8), no more than two (2) are to be current active members of the City Council.

Regular terms shall be three (3) years and members are eligible for re-election, but no member may serve more than three (3) consecutive three (3) year terms. Notwithstanding the foregoing, the term of any

member who is also a member of the City Council shall automatically terminate upon the termination of such member's term on the City Council.

The first commission shall include three (3) members who serve for one (1) year; three (3) members who serve for two (2) years; three (3) members who serve for three (3) years to begin staggered terms.

Resignations shall be in writing and delivered to the chairperson by mail or email. Vacancies shall be filled by appointment by the City Council for the remainder of the vacated term.

The members shall elect a chairperson, vice chair and secretary. These officers shall serve one (1) year terms unless re-elected or successors are elected.

Sec. 3 - Meetings.

The commission shall meet on the fourth Monday of each month at 5:30 p.m. at City Hall. All meetings shall be open to the public.

Special meetings may be called by the chairperson or any five (5) members with seven (7) days written notice.

Notice of each meeting shall be given to each member by email or text message not less than five (5) days before the meeting.

Sec. 4 - Rules of procedure.

A quorum of five (5) members shall be required in order to conduct business, make and pass motions.

The chairperson shall set the agenda, convene and preside over regular and special meetings. The vice chair shall preside over meetings in the chairperson's absence and preside over special committees that may be designated from time to time. The secretary shall preside over meetings in the absence of both the chairperson and the vice chair, record the minutes of each meeting and distribute to each member prior to or at the next meeting and send out meeting notices and announcements.

Sec. 5 - Amendments.

These bylaws may be amended by the City Council.

**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