

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Tuesday, January 2, 2024 at 6:00 P.M.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
INVOCATION
PLEDGE OF ALLEGIANCE
- 3. APPROVE MINUTES:** December 18, 2023 regular meeting
- 4. REPORTS OF STANDING COMMITTEES**
 - A. FINANCE COMMITTEE – Phillips**
Review the minutes from the December 18th meeting.
Treasurer’s Report for November 2023: Unrestricted Fund Balance - \$23,435,616;
Total Cash Balance - \$46,172,023
Sales Tax for October 2023: \$2,198,771.24; Lodging Tax for October 2023: \$134,314.04
Debt Summary – November 2023: Warrants - \$33,545,442
Capital Leases: General Fund - \$658,852; Enterprise Fund - \$723,300
 - B. BUILDINGS & PROPERTY COMMITTEE – Goodlin**
 - C. PUBLIC SAFETY COMMITTEE – Hughes**
 - D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott**
 - E. PUBLIC WORKS COMMITTEE – Conaway**
- 5. REPORTS OF SPECIAL BOARDS & COMMISSIONS**
 - A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones**
 - B. DAPHNE PUBLIC SCHOOL COMMISSION – Conaway/Olen**
 - C. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway**
 - D. INDUSTRIAL DEVELOPMENT BOARD – Scott**
 - E. LIBRARY BOARD – Goodlin**
 - F. PLANNING COMMISSION – Olen**
Review the minutes from the November 16, 2023 meeting and the report from the December 14, 2023 meeting.
 - G. RECREATION BOARD – Hughes**
 - H. UTILITY BOARD – Coleman**
- 6. PUBLIC PARTICIPATION**
- 7. MAYOR’S REPORT**
- 8. CITY ATTORNEY REPORT**
- 9. DEPARTMENT HEAD REPORTS**

City Council Agenda – January 2, 2024

10. CITY CLERK’S REPORT

MOTION to Jubilee Festival of Arts on October 18, 2024 from 10:00am – 5:00pm with a road closure of Main Street from Magnolia Avenue to Randall Avenue.

11. RESOLUTIONS:

2024 – 01 – Additional Appropriation of Funds to Resolve a Pending Claim - \$10,000

2024 – 02 – Appropriation: Daphne High School – Artificial Turf Project - \$575,000

12. 2nd READ ORDINANCES:

2023 – 43 – Ordinance Amending the City of Daphne’s Land Use and Development Ordinance – Articles 8, 11, 13, 15, 17, 18, 21, 30 and 34

2023 – 44 – Official City of Daphne Zoning Map Update

13. 1st READ ORDINANCES:

2024 – 01 – Amendment to Business License Ordinance 2004-11 – Establishing a new Classification for Medical Cannabis Dispensary

14. OTHER BUSINESS:

Discussion of existing contract with SARPC regarding redistricting

15. COUNCIL COMMENTS

16. ADJOURN

**December 18, 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 Steve Olen called the meeting to order at 5:59pm.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Angie Phillips, Steve Olen, Joel Coleman and Benjamin Hughes

COUNCIL MEMBERS ABSENT: Tommie Conaway, Ron Scott and Doug Goodlin

Also Present: Jay Ross, City Attorney; Mayor LeJeune; Candace Antinarella, City Clerk; Chief Brian Gulsby, Police; Troy Strunk, City Development; Chief Tacon, Fire; Adrienne Jones, Planning; Ange Baggett, Marketing and Events; Ronnie Huskey, Public Works; Tonja Young, Library; Kent Ward, Junior Councilmember; Troy Capstraw, Junior Councilmember; Sunny Blackwood, Junior Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Pastor Wesley Jenkins, Destiny Church.

PRESENTATION: Mayor LeJeune presented a proclamation for K-9 Tessa's retirement. Officer Brendan Stanley received the proclamation.

PUBLIC HEARING: Adrienne Jones presented on the proposed amendments to the Land Use and Development Ordinance to amend Articles 8, 11, 13, 15, 17, 18, 21, 30 and 34.

Public hearing opened at 6:04pm.

Councilman Coleman asked about gravel or sandstone base under paving. Mrs. Jones and Mr. Strunk answered questions and Council discussed.

Public hearing closed at 6:29pm.

PUBLIC HEARING: Adrienne Jones presented on the official City of Daphne zoning map update.

Public hearing opened at 6:29pm. No one came forward to speak.

Public hearing closed at 6:30pm.

PRESENTATION: Mayor LeJeune presented a proclamation to Tonja Young, Library Director, for her retirement.

3. APPROVAL OF MINUTES:

The minutes from the December 4, 2023 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Phillips said the Committee met earlier and the report will be given at the next Council meeting.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Goodlin was absent.

**MOTION by Councilman Olen to authorize the Mayor to execute a service agreement with Baldwin County Communications and Information System Department services. No second was needed.
MOTION CARRIED UNANIMOUSLY.**

**December 18, 2023
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
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6:00 P.M.**

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the next meeting is January 8th at 4:30pm.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Scott was absent.

E. PUBLIC WORKS COMMITTEE

Councilwoman Conaway was absent.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said the minutes from the June 1st meeting and the summarization from the December 7th meeting were in the packet. She said the next meeting is January 4th at 6:00pm.

B. Daphne Public School Commission

Councilman Olen said the next meeting will be January 22nd at 5:30pm at Daphne High School.

C. Downtown Redevelopment Authority

Councilwoman Conaway was absent.

D. Industrial Development Board

Councilman Scott was absent.

E. Library Board

Councilman Goodlin was absent.

F. Planning Commission

Councilman Olen said the next meeting is January 25th at 5:00pm.

G. Recreation Board

Councilman Hughes said the next scheduled meeting is January 10th at 6:00pm.

H. Utility Board

Councilman Coleman said the minutes from the October 25th meeting are in the packet and the next meeting is January 31st at 5:00pm.

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:38pm.

Curt Fonger, 1443 Randall Avenue, brought thanks from the Jubilee Pickleball Club for the new courts and renovations to the pickleball courts. He recognized the Mayor for his determination over the past year.

Public Participation closed at 6:41pm.

7. MAYOR'S REPORT:

Mayor LeJeune invited everyone to play pickleball. He shared that Belrose Avenue is being repaved and thanked the Council for honoring retirees.

December 18, 2023
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
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DAPHNE, AL
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8. **CITY ATTORNEY REPORT:**

City Attorney said there was no report.

9. **DEPARTMENT HEAD COMMENTS:**

Chief Tacon, Fire, recognized a few fire employees.

Ange Baggett, Marketing, shared the Christmas events have concluded.

Tonja Young, Library, shared that Santa will be at the Library on Tuesday from 4:00 – 6:00pm.

Ronnie Huskey, Public Works, updated the Council on projects within Public Works.

Adrienne Jones, Planning, congratulated Tonja Young on her retirement and thanked the Mayor, Council and City Staff for their work.

Sunny Blackwood, Junior Councilmember, shared the Junior Council volunteered at Christmas events, gave the recent meeting update and shared the new secretary is Abby English.

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

MOTION by Councilwoman Phillips to approve the Daphmont Community Mardi Gras Parade on February 10, 2024 from 2:00 – 3:00pm with road closure request of Pickett Avenue. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Phillips to approve the Shadow Barons Mardi Gras Parade on February 10, 2024 from 6:45 – 9:30pm with a rain date of February 11, 2024. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

City Clerk congratulated Tonja Young on her retirement. She reminded everyone the next Council meeting is Tuesday, January 2nd at 6:00pm and the January 8th Work Session is cancelled. She thanked the Junior Council for helping with Christmas event.

11. **RESOLUTIONS & ORDINANCES:**

A. **RESOLUTIONS:**

2023 – 63 – Resolution Declaring Certain Personal Property Surplus and Authorizing Disposition – Police Canine

2023 – 64 – Appropriation for Additional Contribution to Mobile Bay National Estuary Program - \$122,599.88

MOTION by Councilwoman Phillips to waive the reading of Resolutions 2023-63 and 2023-64. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Phillips to adopt Resolution 2023-63. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.

December 18, 2023
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

**MOTION by Councilman Hughes to adopt Resolution 2023-64. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

B. ORDINANCES:

2nd READ ORDINANCES:

1ST READ ORDINANCES:

2023 – 43 – Ordinance Amending the City of Daphne’s Land Use and Development Ordinance – Articles 8, 11, 13, 15, 17, 18, 21, 30 and 34

2023 – 44 – Official City of Daphne Zoning Map Update

12. COUNCIL COMMENTS:

Councilman Coleman congratulated Tonja Young on her retirement. He thanked City staff for their work and the Junior Council for the update. He wished everyone a Merry Christmas.

Councilman Hughes congratulated Tonja Young on her retirement and thanked Ange Baggett for all the work on the Christmas events.

Councilwoman Phillips thanked City Staff for their work and gave kudos to Tonja Young for all she’s done. She wished everyone a Merry Christmas and a Happy New Year.

Mayor LeJeune thanked Public Works for their help at the skating event and thanked Junior Council. He wished everyone a Merry Christmas and Happy New Year.

Council President Olen congratulated Tonja Young on her retirement and commended the City Staff on their work. He wished everyone a Merry Christmas and Happy New Year.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 7:02PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, MMC, City Clerk

Steve Olen, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
DECEMBER 18, 2023
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

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

Present were:

Chairperson Mrs. Angie Phillips

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, Accountant III Mrs. Suzânn Henson, Human Resource Director Mrs. Vickie Hinman, City Clerk Mrs. Candace Antinarella, Executive Director of City Development Mr. Troy Strunk, Fire Chief Mrs. LeAnn Tacon, Director of Events and Marketing Mrs. Ange Baggett, City Engineer Josh Newman, and City Attorney Mr. Jay Ross.

Junior City Council – Sunny Blackwood

II. PUBLIC PARTICIPATION

There was no public participation.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous meeting 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 – 13
- Reviewing/Testing/Interviewing/Background check - 22
- Promotion/Internal Transfer - 3
- New Hires – 7

Mrs. Hinman reviewed the monthly Safety Committee meeting topics and discussed other Human Resources projects and events. Mrs. Hinman noted that two retired police employees and one fire department employee were returning as part-time employees. Mr. Scott asked about the state requirements requiring a Library Board to appoint the Library Director. Mr. Scott noted that Daphne's Library Board has been great to work with during the hiring process for a new Library Director. Discussion continued on the hiring process for the new Library Director and Mrs. Hinman noted that there were 26 applicants with 6 being selected for interviews. The Library Board will narrow it down to three to make the selection from.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – November, 2023

Mrs. Reid reviewed the following reports and information:

- Code enforcement issued 1 warning resulting in businesses becoming compliant and \$71.50 in revenue.
- New Businesses with a physical location in Daphne - 5
- Simplified Sellers Use Tax collections - \$164,209.88 and YTD collections - \$336,866.17
- Total Business Licenses issued were 31 new and 8 renewals for a total of 39 in November 2023

Mrs. Reid noted that the Revenue and Building Inspection Departments are now completely online for payment submittals. Mrs. Reid also noted that there is a computer setup downstairs for customers to come in and learn how to pay online. Mrs. Reid added that citizens can now make donations to the animal shelter online and pay for adoptions online.

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: October, 2023

Mrs. Henson reviewed the Sales & Use Tax Reports: \$2,198,771.24 was collected for October, 2023 which was up \$20,482.93 from October 2022's collections:

- YTD Variance over Budget - \$198,771.24

B. Lodging Tax Collections, October, 2023

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for October, 2023 were \$134,314.04 which is up \$5,698.65 from October 2022's collections.

- YTD Variance over Budget - \$5,698.65

C. Lodging Tax Analysis Report, November, 2023

Mrs. Reid reviewed the Lodging Tax Analysis report:

- Recreation balance for related purchases - \$515,318.51
- Reserved balance for Bayfront related purchases - \$1,849,817.85
- Reserved balance for Occupancy Fee - \$225,575.50

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: November, 2023

Mrs. Reid reviewed the Treasurer's Report:

TREASURER'S REPORT					
As of November 30, 2023					
Account Type/Title	11/30/2023	10/31/2023	Increase (Decrease) from last Month	11/30/2022	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS Major	\$ 13,115,934	\$ 13,364,392	\$ (248,458)	\$ 13,791,045	\$ (675,111)
INVESTMENT FUND Charles	10,319,682	10,108,984	210,698	10,281,547	\$ 38,135
Total Unrestricted Cash Balance	23,435,616	23,473,376	(37,761)	24,072,592	(636,976)
SPECIAL REVENUE FUNDS					
4 CENT GAS TAX	281,377	276,441	4,936	217,844	63,533
7 CENT GAS TAX	258,500	252,241	6,259	163,985	94,515
10 CENT GAS TAX	191,261	174,549	16,712	136,979	54,282
TREE & FLOWER	22,660	22,660	-	22,660	-
COVID RELIEF FUND	122,600	122,600	-	3,149,526	(3,026,926)
ANIMAL SHELTER FUND	2,782,785	2,788,923	(6,138)	827,320	1,955,465
MOBILE INFIRMARY BUILDING	56,739	54,380	2,360	-	56,739
FEDERAL DRUG FORFEITURES	194,146	194,146	-	199,525	(5,379)
LOCAL DRUG FORFEITURES	95,435	95,435	-	76,045	19,390
LIBRARY	42,803	45,644	(2,841)	29,800	13,003
COURT TRAINING & EQUIPMENT	40,973	40,600	373	43,745	(2,772)
COURT/CORRECTION	524,807	546,016	(21,209)	543,691	(18,884)
LODGING TAX	2,588,212	2,830,490	(242,278)	3,298,671	(710,459)
AGENCY FUNDS					
SELF INSURANCE	225,198	228,519	(3,321)	229,279	(4,081)
FLEX SPENDING	-	-	-	27,317	(27,317)
OPEB TRUST INVESTMENT FUND	1,218,535	1,154,203	64,332	927,704	290,831
	8,646,029	8,826,846	(180,817)	9,894,091	(1,248,061)
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	3,982,166	3,630,404	351,762	7,659,530	(3,677,364)
2023 CONSTRUCTION FUND	9,027,992	-	9,027,992	-	9,027,992
	13,010,158	3,630,404	9,379,754	7,659,530	5,350,628
DEBT SERVICE FUNDS					
DEBT SERVICE	1,080,220	748,373	331,846	952,267	127,953
Total Restricted Cash Balance	22,736,407	13,205,624	9,530,784	18,505,888	4,230,519
Total City Cash Balance	\$ 46,172,023	\$ 36,679,000	\$ 9,493,023	\$ 42,578,480	\$ 3,593,543
Encumbrance Total as of		11/30/2023		\$ 161,558.18	

Mrs. Reid noted that there is a new account for the 2023 Construction Fund.

The Treasurer's Report as of NOVEMBER, 2023 Total Unrestricted Cash Balance - \$24,435,616 and Total City Cash Balance - \$46,172,023 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance - \$161,558.18 as of November, 2023.

Mrs. Reid reviewed the Encumbrance Report and noted that \$9,500 was spent on the recent commercial for the City of Daphne so that line item has cleared out. Mrs. Reid noted some other projects will be clearing out soon as well.

3. Outstanding Appropriations

Mrs. Reid reviewed the report and noted some of the projects that would be starting soon.

4. Financial Overview: Debt Summaries & Monthly Financial Statements

Mrs. Reid reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), November, 2023
 - Outstanding Warrant Balance as of November, 2023: \$33,545,442
 - Outstanding Capital Lease Balance as of November, 2023:
 - General Fund: \$658,852
 - Enterprise Fund: \$723,300
- Monthly Financial Statements, October 2023
 - General Fund YTD Budgetary Net Income: \$253,929 which is less (\$80,258) than the prior YTD net income
 - Solid Waste Fund \$5,024
 - Civic Center Fund \$2,291

5. Summary of Budgetary Amendments

Mrs. Reid reviewed the General Fund budgetary amendments made to the FY2024 Budget.

- Total Appropriations Year to Date – \$3,427,468
- Adjusted Expenses over Revenue – (\$3,425,287)

6. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary.

B. Bills Paid Reports – November, 2023

The Bills Paid Report was previously presented electronically.

VIII. BIDS (Resolution)

There were no bids.

IX. APPROPRIATION REQUESTS: (Ordinance)

A. Daphne High School – Artificial Turf Project - \$575,00

Mrs. Reid noted that Ordinance 2021-12 appropriating the \$575,000 for the Daphne High School synthetic turf field was included in the packet. Mrs. Reid noted the project has moved forward now and they are requesting the \$575,000 from the City.

MOTION BY Mr. Coleman to recommend to Council to adopt a Resolution amending the budget to appropriate \$575,000 for the Daphne High School synthetic turf field. Seconded by Mr. Hughes.
MOTION CARRIED UNANIMOUSLY

X. SURPLUS

A. Retire Police Canine - Tessa

A request was received from the Police Department to retire the Police Canine Tessa and allow her to be adopted by her Officer Brendan Stanley.

MOTION BY Mr. Hughes to recommend to Council to declare certain property surplus and authorize the retirement of Police Canine Tessa and allow her to be adopted by her Officer Brendan Stanley. Seconded by Mr. Olen.
MOTION CARRIED UNANIMOUSLY

XI. NEW BUSINESS

A. Medical Cannabis Dispensary - Business License Ordinance

Mrs. Reid reviewed the amendment to the Business License Ordinance for Medical Cannabis Dispensary. Mrs. Reid noted it was suggested that a fee of 3% of gross receipts be added to the Business License schedule. Mrs. Reid noted this will be a new schedule. Discussion continued on how the medical cannabis dispensary would be structured and monitored.

MOTION BY Mr. Hughes to recommend to Council to adopt an ordinance amending ordinance 2004-11 establishing a new classification and adding a new schedule for medical cannabis dispensary. Seconded by Mr. Olen.

MOTION CARRIED UNANIMOUSLY

B. 2022 Certificate of Achievement for Excellence in Financial Reporting Award

Mrs. Reid discussed that the Certificate of Achievement for Excellence in Financial Reporting Award was received for the 2022 Fiscal Year. Discussion continued that an award has been received every year since 2012.

XII. OLD BUSINESS

There was no old business discussed.

XIII. ADJOURN The meeting adjourned at 5:31 p.m.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: December 15, 2023
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: Planning Commission Minutes and Report

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of the November 16, 2023 and the report of the regular meeting of December 14, 2023 for placement on the January 2, 2024 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 November 16, 2023
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

The Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:00 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs, Secretary
Ronnie Huskey
Andrew Prescott, Chairman
Richard Johnson
Steve Olen
Nathan Jones

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Joshua Newman, City Engineer
Jesi Ward, Environmental Programs Manager

The Chairman asked for input regarding the October 26, 2023 regular meeting minutes presented by staff. There being none, minutes stand approved as submitted.

The Chairman called for the next order of business: Resubdivision of Lot 2 DISC Subdivision Preliminary/Final Subdivision Plat Review.

An introductory presentation was given by the agent, Heath Larson. He provided a summarization of the proposed subdivision as presented on the meeting agenda and stated the City of Daphne plans to retain ownership of Lot 2 and donate Lot 1 to the Baldwin County Board of Education.

The Chairman opened the floor for public hearing.

Barbara Winton, 29298 Canterbury Road, asked about the type and purpose of the subdivision.

Mr. Johnson stated the purpose of the western most lot is the expansion of the school campus and construction of a softball field with additional parking.

Mr. Olen said it is a subdivision because the applicant is requesting to subdivide one lot into two.

The Chairman closed the floor to the public hearing.

Hearing no further comments from the commissioners, the Chairman called for a motion.

A motion was made by Mr. Johnson and seconded by Mr. Huskey to approve the Resubdivision of Lot 2, DISC Subdivision preliminary/final subdivision plat. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: Hope Vineyard, Phase 1A and 3, Final Subdivision Plat Review and Street Acceptance.

An introductory presentation was given by the agent, Jason Estes. He provided a summarization of the final subdivision plats and petitions for street acceptance as presented on the meeting agenda.

The Chairman asked for staff comments. Mr. Estes responded all outstanding deficiencies have been addressed, except for the replacement of damaged pipe and said that the developer will provide a landscape bond and correspondence from the landscape architect to guarantee stabilization and replacement of the sod.

Mr. Newman confirmed that Mr. Estes had shown us photos of the project and advised that all issues have been addressed, except for the replacement of the pipe.

Mr. Johnson asked about the status of comments from Belforest Water Authority, Baldwin County and whether signs have been placed. Mr. Estes advised that all issues have been addressed, except for the acceptance of the improvements on County Road 13 by Baldwin County.

Mr. Olen asked about the status of the installation of lighting, stop signs and barricades. Mr. Newman stated the remaining items have been addressed, except lighting which will not be installed until the subdivision has power. Mrs. Ward stated there are still areas of sod that are still in question because final stabilization was accomplished by using seed and mulch on the bare soils and advised that the city may need some type of recourse if there is an erosion issue.

Mr. Johnson said the subdivisions are covered under an ADEM permit so there is continuing ability to have enforceable action if there is an erosion issue. With the cooling weather and rainfall, the winter mix will take and the brown sod will come back in the Spring. The developer will not have actionable ability to convey lots until the items are one hundred percent addressed and a plat is signed.

Hearing no further comments from the commissioners, the Chairman called for a motion.

After two failed attempts to render a decision, a motion was made by Mr. Spriggs and seconded by Mr. Olen to table the Hope Vineyard, Phase 1A final subdivision plat until the December 14, 2023 Regular Planning Commission meeting. There was no discussion. The motion carried. Mr. Prescott and Mr. Johnson dissented.

A motion was made by Mr. Olen and seconded by Mr. Johnson to table the Hope Vineyard, Phase 1A street acceptance until the December 14, 2023 Regular Planning Commission meeting. There was no discussion. The motion carried unanimously.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of November 16, 2023
Council Chamber, City Hall - 5:00 P.M.**

The Chairman noted that Phase 3 issues were discussed during the Phase 1A presentation. Mrs. Jones advised there were fewer and yet different issues with regard to Phase 3.

Mr. Newman stated all of the issues from his report have been addressed, except for the installation of a stop sign and barricades. Mrs. Ward stated that her issues are the same as with Phase 1A.

Ms. Vallecillo raised the issue of the missing sidewalk segment discussed at the Site Preview meeting. Mrs. Jones asked for clarification as to how the sidewalk deficiency would be addressed. Mr. Estes advised that the developer would like to donate to the sidewalk fund an amount equivalent to the cost of the installation. Mrs. Jones noted when a valuation is presented, it would be verified by the City Engineer.

Mr. Huskey asked would we make a note of the exception if it does not comply with the Land Use Ordinance. Mrs. Jones stated that would be appropriate.

Mr. Olen asked about the procedure for the applicant to request a sidewalk modification. Mrs. Jones advised it is preferred that the applicant make the request in writing for the next meeting.

Mr. Johnson quoted the Land Use Ordinance, "There will be a sidewalk on each side of the street and for those that front on common areas will be installed prior to final plat approval." Mr. Olen and Mr. Huskey agreed with Mr. Johnson's comments.

A motion was made by Mr. Olen and seconded by Mr. Huskey to table the Hope Vineyard, Phase 3 final subdivision plat until the December 14, 2023 Regular Planning Commission meeting. There was no discussion. The motion carried.

A motion was made by Mr. Olen and seconded by Mr. Spriggs to table the Hope Vineyard, Phase 3 street acceptance plat until the December 14, 2023 Regular Planning Commission meeting. There was no discussion. The motion carried.

The Chairman called for the next order of business: public participation.

The Chairman opened the floor for public participation. The floor was closed after no one came forward to speak.

The Chairman called for the next order of business: attorney's report.

Mr. Dungan had no report.

The Chairman called for the next order of business: commissioner's comments.

None presented.

The Chairman called for the next order of business: director's comments.

Director stated Happy Thanksgiving.

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 16, 2023
Council Chamber, City Hall - 5:00 P.M.

There being no further business, the meeting was adjourned at 5:30 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: December 14, 2023


~~Andrew Prescott, Chairman~~
John Peterson, Vice-Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 14, 2023 **Report**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

1. **CALL TO ORDER:** 5:00 p.m.
2. **CALL OF ROLL** John Peterson, Ronnie Huskey, Steve Olen, Kevin Spriggs, Nathan Jones, Richard Johnson, and Kimberly Samry
3. **APPROVAL OF MINUTES:**

Review of minutes of the regular meeting of November 16, 2023. (**Approved**)
4. **OLD BUSINESS:**
 - A. **HOPE VINEYARD, PHASES 1A AND 3 FINAL SUBDIVISION PLAT REVIEW AND STREET ACCEPTANCE:**
 1. **File SDF23-04:** (**Approved**)

Subdivision: Hope Vineyard, Phase 1A

Zoning: *R-6(G), Garden or Patio Home*

Location: East of County Road 13
Area: 36.60 Acres $\pm$, (70) lots
Owner: Hope Vineyard Partners, L.L.C. - Michael Neal
Agent: Dewberry - Cathy Barnette
Surveyor: Dewberry - Victor Germain
Engineer: Dewberry - Justin Britt
 2. **File AP23-10:** (**Favorable recommendation to City Council**)

Presentation to be given by Cathy Barnette, Dewberry, recommending acceptance of all rights-of-way contained within Hope Vineyard, Phase 1A. Said rights-of-way being Shadowridge Drive (2,095 linear feet), Cakebread Avenue (184 linear feet), Ziobaffa Drive (188 linear feet), Dominus Drive (1,380 linear feet), and Caymus Drive (95 linear feet).
 3. **File SDF23-05:** (**Approved**)

Subdivision: Hope Vineyard, Phase 3

Zoning: *R-6(G), Garden or Patio Home*

Location: West of the intersection of Songbird Drive and Avernus Loop
Area: 8.73 Acres $\pm$, (27) lots
Owner: Hope Vineyard Partners, L.L.C. - Michael Neal
Agent: Dewberry - Cathy Barnette
Surveyor: Dewberry - Victor Germain
Engineer: Dewberry - Justin Britt
 4. **File AP23-11:** (**Favorable recommendation to City Council**)

Presentation to be given by Cathy Barnette, Dewberry, recommending acceptance of all rights-of-way contained within Hope Vineyard, Phase 3. Said rights-of-way being Avernus Loop (841 linear feet) and Songbird Drive (157 linear feet).

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 14, 2023
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Report

5. **NEW BUSINESS:**

A. **SITE PLAN REVIEW:**

1. File SP23-15: **(Approved contingent upon staff approval of minor landscape plan updates)**

Site: Whataburger

Zoning: *B-2, General Business*

Location: Northwest of U.S. Highway 98 and Lavender Lane

Area: 1.13 Acres $\pm$

Owner: The City of Daphne - Mayor Robin LeJeune

Developer: Whataburger Real Estate, LLC - Andrew Peccia

Engineer: Gonzalez-Strength & Associates - Matt Sims

B. **SALONCENTRIC SITE PLAN REVIEW AND REQUEST FOR SIDEWALK MODIFICATION:**

1. Request to modify the sidewalk along the right-of-way from 6 feet to 4 feet. **(Approved)**

SITE PLAN REVIEW:

2. File SP23-16: **(Approved subject to meeting ADA compliance)**

Site: SalonCentric

Zoning: *B-1, Local Business*

Location: Southwest of the intersection of Timber Circle and Mill Lane

Area: 1.01 Acres $\pm$

Owner: Kennedy Lease Management - Blake Kennedy

Engineer: Barton and Shumer Engineering, LLC - David Shumer

C. **U-HAUL MOVING AND STORAGE OF DAPHNE PLANNING APPROVAL:**

1. Planning Commission approval of a warehouse and storage facility in a B-2(a) zone. **(Withdrawn at the request of the applicant)**

D. **PRELIMINARY/FINAL SUBDIVISION PLAT:**

1. File SDPF23-12: **(Withdrawn at the request of the applicant)**

Subdivision: Earth

Zoning: *R-6(G), Garden or Patio Home*

Location: Southwest of Park Drive and Tallent Lane

Area: 5.94 Acres $\pm$, (2) lots

Owner: Earth Inc. - Scott Curtis

Surveyor: Rowe Engineering & Surveying - Cecil "Zeke" Hudson

6. **PUBLIC PARTICIPATION:** None presented.

7. **ATTORNEY'S REPORT:** No report and Merry Christmas!

8. **COMMISSIONER'S COMMENTS:** Mr. Strunk commented about the proposed improvements to County Road 64 and Pollard (See minutes for details). Commissioners stated Merry Christmas!

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 14, 2023
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Draft

9. **DIRECTOR'S COMMENTS:** Merry Christmas!
10. **ADJOURNMENT:** 5:30 p.m.



City of Daphne Event Permit Application

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

APPLICANT & ORGANIZATION INFORMATION

ORGANIZATION NAME: Eastern Shore Chamber of Commerce
APPLICANT NAME: Liz Thomson
STREET: 327 Fairhope Ave. CITY, STATE, ZIP: Fairhope, AL 36532
CONTACT PHONE: 251.422.3639 EMAIL: lroberts@eschamber.com
"ON SITE" CONTACT PERSON DAY OF EVENT: Liz Thomson
CELL PHONE: 251.422.3639 EMAIL: lroberts@eschamber.com

EVENT INFORMATION

EVENT NAME: 36th Annual Jubilee Festival of Arts
TYPE OF/PURPOSE OF EVENT: Art Festival
EVENT DATE: noon 10/18/24- 5 p.m. 10/20/24 TIME (START- END): 10 a.m- 5 p.m.
ASSEMBLY TIME: 10/19/24 10 a.m-5 p.m. & 10/20/24 10 a.m.-4 p.m. # PARTICIPANTS/VEHICLES: 130 artists/vendors
EVENT LOCATION: Lott Park and Main Street from Magnolia north to Randall
FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE): wooden city stage, city tent for kids art, tables and chairs
Portalets(to be provided by Chamber), barricades, artist-provided booths

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: _____

Delivered to Lott Park (10-15 barricades)

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' # 1 X \$321.00 10' X 10' # 2 X \$123.00/EACH

TABLES: 8' L # 10 X \$45.00/EACH CHAIRS: # 20 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: LRT

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: Joanna Almond CONTACT PHONE: 2514557458

OTHER MARKETING REQUESTS: Promotion on city electronic billboard
please market on all social platforms.

REVENUE/BUSINESS LICENSE

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

Business License Number here: each artist fills out and reports their taxes on forms provided by state, county and city revenue dept.

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

Jubilee Festival

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: _____

W. R. Thomas

DATE: _____

12-14-23

INTERNAL USE ONLY

DATE REC'D: _____

12-14-23

CITY CLERK: _____

FIRE DEPT: _____

L. G. Thomas

APPROVED ROUTE: _____

POLICE DEPT: _____

[Signature]

ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS: _____

SPORTS & RECREATION: _____

EVENT FEE: ☐ Paid \$ _____ CHK# _____

MARKETING & EVENTS: _____

☐ Waived: _____

** REVENUE: _____

PROOF OF INSURANCE REC'D: ☐ Yes ☐ No

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024-01**

ADDITIONAL APPROPRIATION OF FUNDS TO RESOLVE A PENDING CLAIM

WHEREAS, Ordinance 2023-35 approved and adopted the Fiscal Year 2024 Budget on September 18, 2023; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2024 Budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2024 Budget; and

WHEREAS, an additional appropriation is needed for the resolution of claims by Johnnie McCarey which are not fully covered by the City's insurance policies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that monies from the General Fund in the amount of \$10,000.00 are hereby appropriated for the above-stated purpose and made a part of the Fiscal Year 2024 Budget, and that the Mayor is hereby authorized to execute such settlement documents as necessary to resolve the pending claim.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF JANUARY, 2024.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024-02**

**APPROPRIATION FOR DAPHNE HIGH SCHOOL PROJECT- STADIUM TURF FIELD
PROJECT**

WHEREAS, Ordinance 2023-35 approved and adopted the Fiscal Year 2024 Budget on September 18, 2023; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2024 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2024 budget; and

WHEREAS, the City of Daphne recognizes Daphne High School and the importance of its programs to the City and the citizens of Daphne.

WHEREAS, the Daphne High School stadium field has several maintenance issues and Daphne High School wishes to replace the field with a synthetic turf field, and

WHEREAS, the Baldwin County Board of Education (BCBE) has awarded a bid to complete this project and the City has previously committed an investment of \$575,000 towards the project to be paid to BCBE once the project was bid and awarded.

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

- 1) Funds in the amount **\$575,000** from the **General Fund** are hereby appropriated and made part of the Fiscal Year 2024 Budget for the artificial turf project at Daphne High School stadium.
- 2) The Mayor is hereby authorized and directed to do or perform or cause to be done or performed in the name of and behalf of the City such other acts, and to execute, deliver, file and record such other instruments, documents, certificates, notifications and related documents, all as shall be required by law or necessary or desirable to carry out the provisions and purposes of this resolution.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2024.

ATTEST:

Robin LeJeune, Mayor

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-43**

**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 VIII, DEFINITIONS OF TERMS

**ARTICLE XI, MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS FOR
SUBDIVISIONS AND COMMERCIAL SITE DEVELOPMENTS**

ARTICLE XIII, DISTRICT REQUIREMENTS

ARTICLE XV, PROCEDURES FOR SITE PLAN REVIEW

ARTICLE XVII, PROCEDURES FOR SUBDIVISION REVIEW

**ARTICLE XVIII, DRAINAGE, STORM WATER MANAGEMENT FACILITIES AND
EROSION/SEDIMENT CONTROL**

ARTICLE XXI, THE BOARD OF ZONING ADJUSTMENT

ARTICLE XXX, PLANNED UNIT DEVELOPMENT DISTRICT

ARTICLE XXXIV, SCHEDULE OF FEES

WHEREAS, the City Council of the City of Daphne, after due consideration, believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and

WHEREAS, at the City of Daphne Planning Commission regular meeting on October 26, 2023, the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54 (as previously amended), and set forth a favorable recommendation to the City Council of the City of Daphne; and

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, and a public hearing was held before the City Council on December 18, 2023.

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

SECTION 1. AMENDMENT TO ARTICLE VIII, DEFINITIONS OF TERMS

(A) Section 8-2 of Article VIII of the Land Use and Development Ordinance is hereby amended by adding the following terms and definitions in their respective alphabetical order within such section:

Change in Use. Any activity resulting in a change in land use, intensity of use, or expansion of the sizes or numbers of structures, or the amount of land affected by a use.

Change of Occupancy. A discontinuance of an existing use and the substitution therefore of a use of a different kind or class. Additionally, a change of tenants or proprietors is included if and when there is also a change in the type, kind or class of use.

Land Use. The purpose for which any parcel or tract of land, or any building or structure is designed, maintained, renovated, occupied or used. It is the basic character or nature of the occupation or utilization of land or a building.

SECTION 2. AMENDMENT TO ARTICLE XI, MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISIONS AND COMMERCIAL SITE DEVELOPMENTS

(A) Subsection (c) of Section 11-5 of Article XI of the Land Use and Development Ordinance is hereby repealed in its entirety.

(B) Subsection (c)(1) of Section 11-11 of Article XI of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

(1) Along the perimeter of all developments where adjacent to the right-of-way.

SECTION 3. AMENDMENT TO ARTICLE XIII, DISTRICT REQUIREMENTS

(A) Subsection (j) of subsection (1) of Section 13-7 of Article XIII of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

(j) Metal buildings may be permitted in any C/I, Commercial/Industrial, zoning district that is not located as follows: along County Road 13, Highway 98, Highway 90, Highway 181, Olde Towne Daphne, the Village Overlay District, the Eastern Shore Overlay District or, the Jubilee Retail Overlay District.

(B) Subsection (1) of Section 13-7 of Article XIII of the Land Use and Development Ordinance is hereby amended by adding the following subsection (k) immediately following subsection (j) (as amended hereinabove):

(k) A shipping container may be permitted where property is zoned C-2, Outdoor Amusement, after having received approval for said use by the Planning Commission. When approved the shipping container(s) shall be no closer than fifty (50) feet to the property lines.

... and by reassigning the prior subsections (k) and (l) as subsections (l) and (m) without amending any of the language in either of said subsections.

SECTION 4. AMENDMENT TO ARTICLE XV, PROCEDURES FOR SITE PLAN REVIEW

(A) Subsection (a) of Section 15-1 of Article XV of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

(a) The provisions of this Article shall be required for all residential developments involving the construction of two (2) or more dwelling units including apartments, townhouses, condominiums, business, commercial, industrial, and/or institutional structures; all existing structures which increase the gross floor area by thirty percent (30%) or more, except a single family residence; construction of a park, public way, open space, public building or structure; construction of a public utility whether publicly or privately owned; and other uses as required by the Planning Commission.

(B) Section 15-3 of Article XV of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

Any site development which is to be constructed in phases shall require a master plan of the site which shall be submitted to the Planning Commission for approval prior to submitting a site plan application. The applicant shall submit to the Department of Community Development a written request for review and approval by the Planning Commission and a copy of said master plan. The master plan shall be of sufficient detail to show the proposed site layout including building locations, parking facilities, ingress/egress, stormwater management, required buffer areas, pedestrian and vehicular networks, utilities, trash refuse areas, and amenity areas. In addition, a phasing plan shall be presented at the pre-construction meeting for review and staff approval.

(C) Subsection (e) of Section 15-4 of Article XV of the Land Use and Development Ordinance is hereby repealed and in its entirety.

(D) Article XV of the Land Use and Development Ordinance is hereby amended by inserting the following language as Section 15-6:

15-6 CHANGE IN USE/OCCUPANCY

To ensure compliance with the provisions of this Ordinance, an administrative site plan review and approval by the Director of Community Development shall be required in the following instances prior to making any modifications to the land and/or structure:

- (a) for commercial, industrial, business, multi-family, townhouse or institutional uses, minor expansions and renovations, which increase the gross floor area or parking lot up to thirty percent (30%);
- (b) changes in occupancy from a less intense class or kind of use to a more intense class or kind of use; or,
- (c) changes in use or expansion of the size or number of structures or the amount of land affected by a use.

Some changes in use and change in occupancy may initiate the need for compliance with provisions of the Land Use and Development Ordinance such as parking, landscaping, stormwater management, signage, etc. The proposed administrative site plan shall not be approved unless the site plan is presented in a manner or revised in a manner to be compliant with said regulations.

* * *

... and by renumbering the prior Sections 15-6 through 15-11 as set forth below:

Name of Subsection	Section # Prior to Amendment	Section # As Amended
WAIVER	15-6	15-7
ISSUANCE OF SITE DISTURBANCE PERMIT	15-7	15-8
BOND REQUIREMENT FOR OFF-SITE IMPACTS	15-8	15-9
RELEASE OF BOND	15-9	15-10
ISSUANCE OF BUILDING PERMIT	15-10	15-11
FEES & APPLICATION WITHDRAWAL PROCEDURES	15-11	15-12

(E) Article XV of the Land Use and Development Ordinance is hereby amended by inserting the following language as Section 15-13:

15-13 CERTIFICATE OF OCCUPANCY

- (1) When all required improvements are installed in accordance with the site plan and specifications approved by the Planning Commission, the developer or general contractor shall request a final inspection by the design engineer and the registered landscape architect. After the inspections have been completed, each (i.e., the design engineer as well as the registered landscape architect) shall forward a letter of compliance and as-built drawings to the Director of Community Development. Upon receipt thereof the Director or his/her duly authorized representative and all related staff shall inspect the site to determine if all required improvements have been satisfactorily installed. Upon receiving satisfactory inspection reports from applicable staff the director shall thereafter sign the Certificate of Occupancy.
- (2) Upon receiving an unsatisfactory inspection report, staff and the contractor shall collaborate to determine measures to resolve the deficiencies that exist. If the site inspection report from staff denotes minor improvements which in the opinion of staff can be covered by a surety and a future site inspection within a six (6) month period, then the developer shall have an option to provide such surety to the Community Development Director. Upon receipt of the aforementioned surety and all other passing inspection reports the Director shall thereafter sign the Certificate of Occupancy.
 - i. Said surety shall be accompanied by a certified cost estimate for specified improvements prepared by the professional whose work has been identified as deficient, i.e., the civil engineer for civil site work or the landscape architect for landscaping. The surety shall be a cashier's check or a money order from an Alabama lending institution and it shall be in the amount of one hundred and fifty percent (150%) of the estimated cost.
- (3) When all required improvements are installed in accordance with the surety, the developer or general contractor shall request a final inspection by the appropriate persons. After the inspections have been completed, he/she shall forward a letter of final compliance and as-built drawings to the Director of Community Development. Upon receipt thereof the Director or his/her duly authorized representative and all related staff shall inspect the site to determine that all required improvements have been satisfactorily installed. Upon receiving satisfactory inspection reports from applicable staff the director shall release the surety.

SECTION 5. AMENDMENT TO ARTICLE XVII, PROCEDURES FOR SUBDIVISION REVIEW

(A) Section 17-2 of Article XVII of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

17-2 MASTER PLAN SUBMITTAL

Any subdivision or development which is to be developed in phases or units shall require a master plan of the proposed subdivision or development which shall be submitted to the Planning Commission for approval prior to submitting a preliminary plat application.

The subdivider shall submit to the Department of Community Development a written request for review and approval by the Planning Commission and a copy of said master plan. The master plan shall be of sufficient detail to show the proposed street, sidewalk and lot layout, drainage, utilities, detention, common open space and recreational areas, sanitary sewer collection system, i.e., low pressure system or gravity sewer, and landscaped areas.

(B) Subsection (d)(1) of Section 17-3 of Article XVII of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

(1) Plat Study:

During the thirty (30) calendar days prior to the next regularly scheduled meeting, the City Engineer, Bureau of Fire Prevention, Riviera Utilities, Daphne Utilities, Environmental Programs and any applicable utility company, local, state, and/or federal agency shall review plans and submit recommendations to the Director of Community Development prior to the initial hearing on the preliminary plat.

- (a) Whenever a person, firm, corporation, developer or other entity proposes to develop any project that, in the opinion of the Director of Community Development, constitutes either a land disturbing activity which may pose a risk of drainage and/or siltation damage outside the boundaries of the project, such person, firm, corporation, developer or other entity conducting the land disturbing activity shall be required to submit a non-cancelable performance bond in the name of the permittee, or a letter of credit or cashier's check, to the City prior to the issuance of a Site Disturbance permit.
- (b) At the time of the preliminary plat, the bond shall become effective and shall extend for a period of at least two (2) years following final plat approval by the Planning Commission. The bond shall be in the amount of one hundred and fifty percent (150%) of the total cost for the performance of all site work. Said bond shall cover drainage, erosion and siltation damage, if any.
- (c) The Director of Community Development or other administrative official as designated by the City Council shall determine the prescribed bond, as well as the adequacy and the security thereon.

(C) Section 17-4 of Article XVII of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

17-4 FINAL PLAT APPLICATION

(a) Subdivider's Responsibility:

Within one (1) year of the date of preliminary plat approval or prior to the expiration of an extension granted by the Director of Community Development or the Planning Commission as prescribed in *Section 17-3, Effect of Preliminary Plat Approval*, the subdivider shall submit the following to the Department of Community Development:

- (1) File the required application on the prescribed forms;
- (2) Submit a copy of the final plat and as-built drawings of the site in accordance with *Section 17-3, Plat Content*;
- (3) Submit a petition for street acceptance on prescribed forms accompanied by a street maintenance bond in an amount equal to twenty percent (20%) of the total street, utility, and drainage improvements in the subdivision; certification of improvements form signed and sealed by the design engineer and a street test report from an independent testing laboratory noting satisfactory condition of the street;
- (4) Submit filing fee as enumerated in *Article 34, the Schedule of Fees*;
- (5) Private restrictive covenants and deed restrictions;

- (6) All inspection reports and permits; and,
- (7) Applicable test reports.

These items shall be received in the Department of Community Development not less than thirty (30) calendar days prior to a regularly scheduled meeting of the Planning Commission at which meeting the subdivision plat is to be formally submitted for review.

(b) Final Plat Content:

The final plat shall conform to the conditions of the approved preliminary plat. The final plat shall show sufficient detailed data to readily determine and to accurately reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building line.

The plat shall be clearly drawn on a 24 x 36 inches sheet, at a scale of not less than one hundred (100) feet to the inch, and shall contain all information shown on the current departmental check list for a final plat (see Appendix), which may be modified at the discretion of the Director of Community Development when applicable.

(c) Fees and Application Withdrawal Procedures:

Said fees and procedures are as prescribed in *Section 17-3(c), Fees & Application Withdrawal Procedures*, herein.

(d) Financial Guarantees of Performance in Lieu of Full Installation of Minor Improvements:

- (1) The subdivider shall be responsible for the full installation of all required minimum improvements. Prior to the submission of a final plat application all major infrastructure improvements shall be installed. The following may be covered by a financial surety where found appropriate by city staff: final wearing surface; street lights, provided that a "paid in full" service invoice is submitted with the application; and/or minor landscape and streetscape items.

- i. With regard to the delayed installation of minor landscape and/or streetscape, one (1) of the following may be accepted as a financial guarantee payable to the City of Daphne: a letter of credit or certified check from an Alabama lending institution in the amount of one hundred and fifty percent (150%) of the cost of the required improvements that remain unfinished.
- ii. With regard to the installation of the final wearing surface, a surety may be accepted as a financial guarantee payable to the City of Daphne. Contingent upon a favorable recommendation by the City Engineer, the surety may be eligible for release twenty-four (24) months after the installation of the final wearing surface.

One (1) of the following may be accepted as a financial guarantee payable to the City of Daphne: a letter of credit or certified check from an Alabama lending institution in an amount of one hundred and fifty percent (150%) of the cost of the final wearing surface.

- (2) A cost estimate for any remaining civil improvements shall be certified and submitted by the design engineer with the application for final plat approval; a cost estimate of any remaining landscaping and/or streetscape improvements must be certified and submitted by the professional landscape architect with the application for final plat approval and the financial guarantee.

- (3) Sidewalks around all common areas shall be installed prior to final plat approval. A surety for all remaining sidewalk improvements shall be determined as provided in Section (e) Maintenance Bonds Subsection (2) provided herein.

(e) Maintenance Bonds:

- (1) Street Maintenance Bond. The developer/owner shall submit to the Department of Community Development a Street Maintenance Bond payable to the City of Daphne which shall be valid for a period of two (2) years. The bond shall be in an amount equal to twenty percent (20%) of the total street, utility, and drainage improvements in the subdivision. Said bond shall be required as a condition to dedication and acceptance of any new streets within the corporate limits. The Director of Community Development or the City Engineer or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The Street Maintenance Bond period shall begin upon the acceptance of the street and drainage improvements by resolution of the City Council. No less than thirty (30) calendar days prior to the expiration of said maintenance bond, an inspection shall be conducted by the City Engineer and the Environmental Programs to ensure that the improvements are in satisfactory condition prior to acceptance.

The Director of Community Development, upon receipt of recommendations of the City Engineer and Environmental Programs, may release or extend a street maintenance obligation. An extension of the Street Maintenance Bond shall be for a period of time no greater than one (1) year. Upon approval of an extension of the original Street Maintenance Bond period, the developer/owner or assign thereof shall submit to the Department of Community Development sufficient proof of the extended bond, and the Director of Community Development or the City Engineer shall determine the adequacy of said extended bond and security thereon.

- (2) Sidewalk Installation Bond. If applicable, the developer/owner shall submit to the Department of Community Development a Sidewalk Installation Agreement, a cost estimate for all undeveloped portions of the planned sidewalk network certified by the project civil engineer, and a financial guarantee of performance to be used by the City of Daphne which shall be valid for a period of two (2) years. The Sidewalk Installation Bond shall be in an amount equal to two hundred percent (200%) of the cost of the required sidewalk improvements for the applicable phase of the subdivision. The Director of Community Development or the City Engineer or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The developer/owner may request renegotiation of the Sidewalk Installation Agreement with the City once fifty percent (50%) of the planned sidewalk network has been constructed. If the planned sidewalk network is not fully installed prior to the expiration date of the Sidewalk Obligation Bond period, or any extension thereof, the City shall cause the sidewalk network to be completed using the funds from the bond.

Prior to the original expiration date of the Sidewalk Obligation Bond period, the developer/owner or assign thereof may submit a request to the Director of Community Development for an extension of the original sidewalk obligation.

The sidewalk obligation may be extended beyond the originally specified period with sufficient cause as documented by the developer or assign as follows:

- i. Small Subdivisions. Any recorded subdivision or subdivision phase with less than one thousand (1,000) linear feet of sidewalk shall not qualify for an extension.
- ii. Medium Subdivisions. Any recorded subdivision or subdivision phase with over one thousand (1,000) linear feet of sidewalk but less than five thousand (5,000) linear feet of sidewalk shall be eligible for a 12-month extension.
- iii. Large Subdivisions. Any recorded subdivision or subdivision phase with over five thousand (5,000) linear feet of sidewalk shall be eligible for a 24-month extension.

Upon approval of an extension of the original Sidewalk Obligation Bond period, the developer/owner or assign thereof shall submit to the Department of Community Development sufficient proof of the extended bond, and the Director of Community Development or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The Director of Community Development, upon the receipt of recommendations of the City Engineer and Environmental Programs, may release any Sidewalk Installation Bond obligation or portion thereof.

(f) Department of Community Development Review:

The Department of Community Development shall proceed with the final plat review as follows:

(1) Plat Study:

During the thirty (30) calendar days prior to the next regularly scheduled meeting, the Department of Community Development shall review the final plat for compliance with the subdivision regulations and submit any recommendations to the Planning Commission at its meeting.

(2) Commission Action:

The final plat is considered to be formally and officially submitted at the regularly scheduled meeting of the Planning Commission. At this meeting, the Commission may either:

(a) Approve the final plat.

(b) Disapprove the final plat:

Such action may result if the final plat is found to be in conflict with the approved preliminary plat or with the subdivision regulations.

A statement of the reasons for disapproval shall be forwarded by letter to the subdivider and one copy being filed in the records of the Department of Community Development. No certificate of approval shall be given. The subdivider may resubmit the final plat application for another hearing after the corrections as noted by the Planning Commission have been made to the plat.

(c) Delay action on the final plat:

The Commission shall act to approve or disapprove a subdivision plat within thirty (30) calendar days after its formal submission at a regularly scheduled Planning Commission meeting. If the applicant waives this requirement and consents to an extension, then the Commission may delay action on the plat up to thirty (30) additional calendar days.

If no action is taken within the initial thirty (30) calendar day period, or if no action is taken upon the (30) thirty calendar day extension, said plat shall be deemed to have been approved and correspondence to that effect shall be issued by the Commission on request.

(3) Records:

In any case, the Planning Commission shall retain one (1) copy of the final plat as presented to the Planning Commission in its files with indication in writing of the action taken at the hearing.

If any of the requirements of these regulations are modified or waived, they shall be specified and the reasons therefore given.

(D) Article XVII of the Land Use and Development Ordinance is hereby amended by inserting the following language as Section 17-5:

17-5 EFFECT OF FINAL PLAT APPROVAL

- (a) Approval of the final plat by the Planning Commission shall authorize the owner, subdivider, or his agent, to have said plat recorded in the Office of the Judge of Probate of Baldwin County.
- (b) The plat shall be filed prior to the sale of any lot in the subdivision. Copies of all private covenants, deed restrictions, and certifications shall be filed with the final plat. Once approval has been given and endorsed in writing on the plat by the Planning Commission and/or the Director of Community Development, no changes, erasures, modifications or revisions shall be made on said plat.
- (c) In the event that any subdivision plat, when recorded, contains changes which have not been approved by the Planning Commission, said plat shall be considered null and void, and the Planning Commission shall then file the corrected plat as approved, noting the reason for such filing. Any erasures made on a plat prior to its signing shall be initialed and dated by the Planning Commission Chairman or other authorized agent and/or the Director of Community Development, at the time of the signing.
- (d) The approval of the final plat shall be recorded within a period of one (1) year following the date of such approval. Upon recording, the owner or developer shall furnish to the Department of Community Development a copy of the recorded plat and recorded restrictive covenants. Additionally, the Articles of Incorporation for the establishment of a property owner's association shall be furnished to Community Development upon recording. In any event, the developer or assign thereof shall guarantee that the sidewalk installation surety is sufficient in cost and that said surety shall be valid for a period of two years after the first building permit is issued by Building Inspections.
- (e) Approval and recordation of the final plat does not result in the acceptance of any street or other public space shown on the plat. Council resolution accepting dedication of streets is required as noted in *Section 17-6*. In the event that the subdivider proposes to privately maintain the street right(s)-of-way and drainage and utility easements, the

developer shall state on the final plat the entity that will maintain said infrastructure. Such information shall also be included in the trust indentures.

(E) Article XVII of the Land Use and Development Ordinance is hereby amended by inserting the following language as Section 17-6:

17-6 STREETS – PROCEDURE TO ACHIEVE LEGAL STATUS AS A PUBLICLY MAINTAINED RIGHT-OF-WAY

- (a) The City of Daphne shall not accept, open, improve, maintain, grade or light any street right(s)-of-way and/or drainage and utility easement; authorize water mains, sanitary sewer, or connections to be made to any street, unless:
 - (1) The street right(s)-of-way is a part of a subdivision plat approved by the Planning Commission; and,
 - (2) Such street has been accepted or otherwise granted the legal status of a public street; and,
 - (3) The right(s)-of-way corresponds with a street shown on the Comprehensive Plan; and,
 - (4) Petition for acceptance and dedication of the street right(s)-of-way and drainage and utility easement(s) has been accepted and adopted by City Council Resolution.

SECTION 6. AMENDMENT TO ARTICLE XVIII, DRAINAGE, STORM WATER MANAGEMENT FACILITIES AND EROSION/SEDIMENT CONTROL

(A) Subsection B of Section 18-2 of Article XVIII of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

B. Provision for Additional Engineer's Review:

The intent of this provision is to protect and improve water quality and stream conditions within the City of Daphne, particularly those on the ADEM 303(d) List of Impaired Streams. The purpose of this provision is to mitigate the impact of potential or future development in support of the Daphne MS4 permit program and to uphold the provisions of this article.

Where deemed appropriate by the City Engineer, any drainage and stormwater management plan submitted for review by the Planning Commission that could impact a stream listed on the ADEM 303(d) Impaired Streams list, may be subject to an additional review by a qualified professional civil engineer with experience in stormwater management (consultant engineer). The applicant/developer/owner may be required to modify stormwater and drainage plans to accommodate the recommendations of the consultant engineer.

All costs incurred for this additional engineer's review shall be paid by the developer/owner/ applicant prior to the submittal of any subsequent application for review.

(B) Subsection D(4) of Section 18-3 of Article XVIII of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

- (4) Any request for a modification to any stream or wetland buffer zone shall be reviewed by the Planning Commission. The design engineer must demonstrate the need for the proposed modification through safety or design specifications. Each request will

be considered on a case by case basis. If a stream or wetland buffer zone modification is approved, the project developer shall provide a bond in an amount determined by the Planning Commission on a case by case basis. The contractor selected to perform work within the specified stream or wetland buffer area shall carry Errors and Omissions Insurance at a minimum coverage of at least one million dollars (\$1,000,000). The bond and proof of said coverage shall be provided prior to the issuance of the Site Disturbance Permit.

SECTION 7. AMENDMENT TO ARTICLE XXI, THE BOARD OF ZONING ADJUSTMENT

(A) Subsection (f)(2) of Section 21-1 of Article XXI of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

(2) Special Exceptions:

To hear and decide special exceptions to the terms upon which said Board is required to pass under this Ordinance. Such special exception may be granted in such individual case upon finding by the Board that:

- (a) The overall development would be in harmony with the vicinity; and orderly.
- (b) Adequate utilities and public services are available.
- (c) The use would not create an adverse impact to the health, safety and public welfare of the vicinity.
- (d) Mitigating efforts exist to reduce any potential minor impacts to the vicinity.

(B) Section 21-3 of Article XXI of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

21-3 LIMITATION, WITHDRAWAL, CITIZEN APPEALS

- (a) A property owner, or his/her appointed agent, shall not initiate action for a hearing before the Board relating to the same parcel of land, for which the request was not approved by the Board, more often than once every twelve (12) months on the same request.
- (b) Any petition for a hearing before the Board may be withdrawn prior to action thereon by the Board at the discretion of the person initiating such a request upon providing written notice to the Recording Secretary of the Board.
- (c) Any person or persons severally or jointly aggrieved by any decision of the Board may, within fifteen (15) calendar days thereafter, make an appeal to the circuit court or the like jurisdiction, by filing with the Board of Zoning Adjustment a written notice of appeal specifying the judgment or decision from which appeal is taken.

SECTION 8. AMENDMENT TO ARTICLE XXX, PLANNED UNIT DEVELOPMENT DISTRICT

(A) Section 30-1 of Article XXI of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

30-1 GENERAL

The Planned Unit Development (PUD) District is designed to permit flexible development of projects which are comprehensively planned as a single development with a functional master development plan which fully considers the entire site as an integrated project and gives broad

consideration to impacts and relationships to surrounding areas. The PUD District permits flexibility in locating buildings, mixtures of building types, land uses and open spaces. In permitting such flexibility, the City Council should consider goals in the City comprehensive plan and other broad public benefits demonstrated in a master development plan. Upon recommendation by the Planning Commission or with sufficient cause, the City Council may attach conditions to a master development plan proposed for a PUD to safeguard the public health, safety, morals and general welfare of the City of Daphne.

In theory, a PUD zoned development, could modify (increase or decrease) the minimum setbacks, lot area and lot width, increase building height, minimum sidewalk and street standards, minimum parking requirements, while providing a more desirable area for open space and amenities for public and private use. Where such flexibility is permitted as established in this section and in the subdivision regulations, PUD project design and construction shall follow a PUD General Plan which shall be prepared in accordance with the development procedure prescribed in this Article. Where PUDs are permitted, regulations adapted to the unified development are intended to accomplish the purposes of zoning and subdivision regulations.

Overall, the City desires PUD zoning to produce development that is superior to development designed under conventional zoning and subdivision regulations. Each PUD should provide public benefits that promote the best interest of the city. In general, a public benefit shall be construed as one which furthers the goals and objectives provided in the city's master plan. The city's master plan includes the comprehensive plan, unified development code, transportation plan, capital improvement plan, or other plans of a similar nature.

SECTION 9. AMENDMENT TO ARTICLE XXXIV, SCHEDULE OF FEES

(A) Section 34-1 of Article XXXIV of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

34-1 FEES

With the exception of sign permits, the following is a schedule of fees assessed by the Department of Community Development in the administration of the Land Use and Development Ordinance. Sign permit requests shall be reviewed by the Code Enforcement Officer as provided in *Article 33, Sign Provisions*.

Description	Fee
Administrative Review Request-BZA	\$300.00
Annexation with R-1 zoning	n/a
Annexation with Zoning Petition ^a	\$500.00
Certificate of Occupancy Request for Final - Inspection ^e	\$1,000.00
Certificate of Occupancy Request for Final - Reinspection ^e	\$1,000.00
Final Plat Application (Includes Final Inspection) ^e	The greater of \$2,500.00 or \$50 per lot
Final Plat Request for Reinspection ^e	The greater of \$2,500.00 or \$50 per lot
Grand Opening Sign Permit	\$25.00
Master Plan Review or Master Plan Amendment Review	\$50.00
Mobile Home Park Annual License	Contact Revenue Department
Mobile Home Park Application	See Site Plan

Notice to Public by Certified Mail Per adjoining property owner plus one	Standard Rate of USPS
Plat Amendment	\$100.00
Preliminary or Preliminary/Final Plat Application ^a	\$300.00
Public Hearing Advertisement Fee	\$125.00
Request for the Extension (Site Plan or Preliminary Subdivision Plat approval)	\$100.00 per request
Request for the Extension of Reversionary Period	\$500.00
Sign Permit	\$2.50 per square foot (minimum \$25.00)
Site Disturbance Permit Said fee is based upon site costs, not to include cost of building construction. Application shall be accompanied by a cost estimate of incomplete work certified by the project engineer.	\$20.00 application fee plus \$5.00 per \$1,000 or fraction thereof
Site Plan Application	\$500.00
Site Plan Renewal/Extension Fee	\$100.00
Special Exception Application ^a -BZA	\$300.00
Subdivision Per Lot Fee	\$20.00
Subdivision Plat Exemption and/or Modification	\$50.00
Vacation of Easement and/or Right-of-Way	\$200.00
Variance Application ^a -BZA	\$300.00
Zoning Amendment Application ^a	\$500.00

NOTES:

- Any application which requires a public hearing shall be assessed a fee determined as follows:
[application fee + ((public notice fee) x (number of adjacent properties, plus one)) + \$125.00].
- Subdivisions requiring a public hearing shall be calculated as above plus an additional fee for each lot (number of lots) x (per lot fee).
- Sign permit applications shall be submitted to the City of Daphne Revenue Department.
- Mobile Home Park Annual License shall be submitted to the City of Daphne Revenue Department.
- All final inspection/reinspection fees shall be paid by the developer or contractor prior to Community Development Director signing any Certificate of Occupancy and/or any Final Plat.

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SECTION 10. 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 11. 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 12. EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2024.

ATTEST:

Robin LeJeune, Mayor

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-44**

**Zoning District Map
Revision to the City of Daphne Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on December 16, 2021, favorably recommended to the City Council of the City of Daphne certain amendments to the Daphne Land Use and Development Ordinance / Zoning District Map approved and adopted by Ordinance No. 2011-54, referenced in Appendix H “Exhibit A” thereof, and amended by Ordinance No. 2016-69, Ordinance No. 2017-49, Ordinance No. 2018-02, Ordinance 2018-27, Ordinance 2019-19, Ordinance 2020-12, Ordinance 2020-28, Ordinance 2022-20 and Ordinance 2022-51; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance No. 2022-51; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on December 18, 2023; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit “A” shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H “Exhibit A”, Ordinance No. 2016-69, Ordinance No. 2017-49, Ordinance No. 2018-02, Ordinance 2018-27, Ordinance 2019-19, Ordinance 2020-12, Ordinance 2020-28, Ordinance 2022-20 and Ordinance 2022-51 are hereby repealed, and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

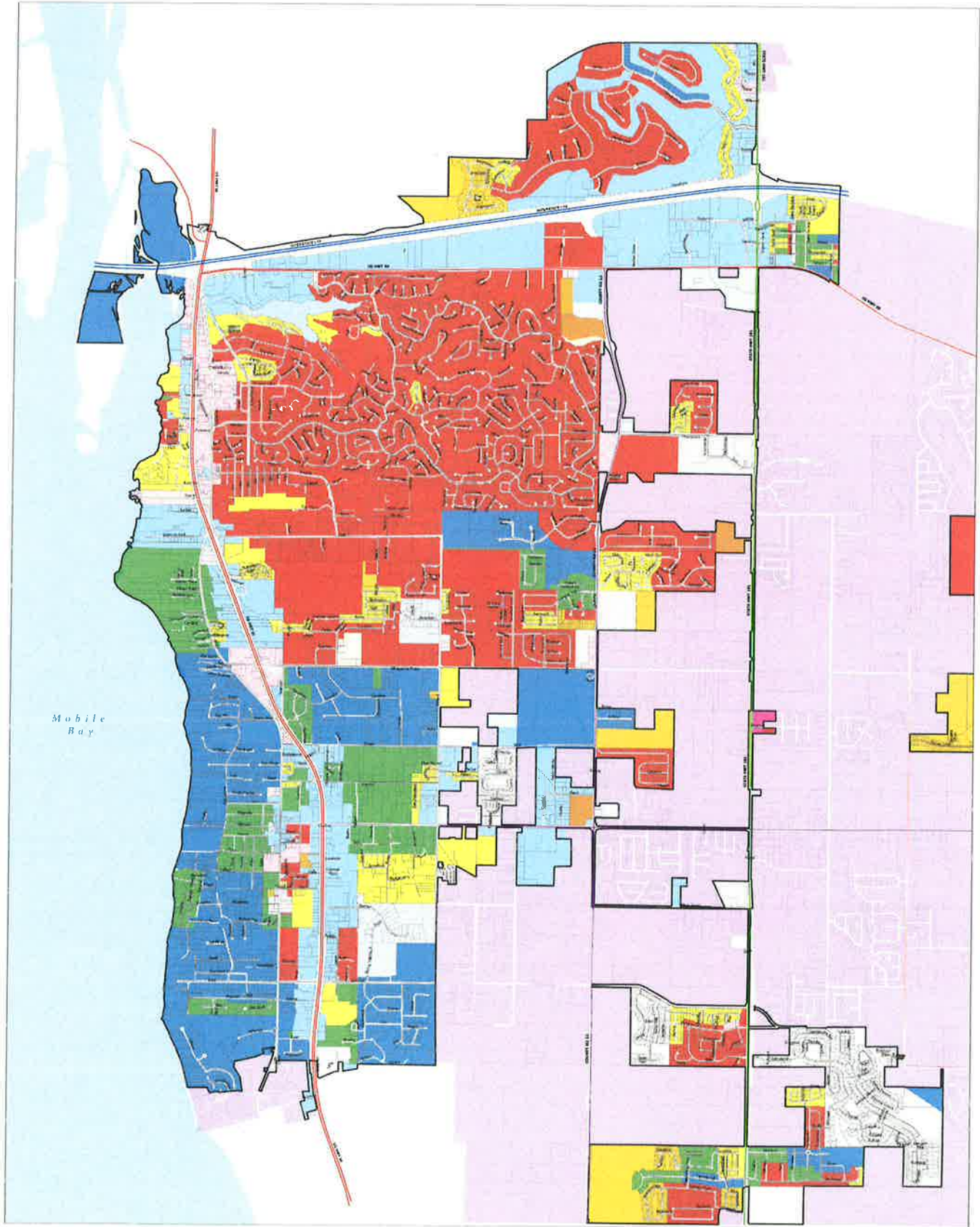
This Ordinance shall take effect and be in force from and after the date of its approval by the City of Daphne City Council and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA ON THIS _____ DAY OF _____, 202__.**

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk



Map users are advised that the City of Daphne is not responsible for any errors or omissions on this map.

This map is for informational purposes only. It is not intended to be used for legal purposes. The City of Daphne is not responsible for any errors or omissions on this map.



- Legend**
- Residential Single-Family (RSF)
 - Residential Medium-Density (RMD)
 - Residential Low-Density (RLD)
 - Commercial (C)
 - Industrial (I)
 - Agricultural (A)
 - Institutional (IN)
 - Public Use (PU)
 - Special Use (SU)
 - Unincorporated Area (UA)

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-01**

**AMENDMENT TO ORDINANCE NO. 2004-11 (BUSINESS LICENSE ORDINANCE)
TO ADD A LICENSE CLASSIFICATION FOR MEDICAL CANNABIS DISPENSARIES
AND AMEND THE SCHEDULE OF LICENSE FEES**

WHEREAS, the City of Daphne, after due consideration, believes that certain revisions to the City of Daphne’s Business License Ordinance are necessary to establish a license classification for medical cannabis dispensaries and set forth a schedule of fees for such license.

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

SECTION 1. LICENSE CLASSIFICATIONS

Section 13-272 of Chapter 13, Article XII of the Code of Ordinances of the City of Daphne, Alabama is hereby amended by adding the following row to the table of license classifications:

Code	NAICS Title and Suggested License Grouping	Schedule
459991	Marijuana stores, medical	X

SECTION 2. LICENSE FEE SCHEDULES

Section 13-273 of Chapter 13, Article XII of the Code of Ordinances of the City of Daphne, Alabama is hereby amended by adding the following schedule immediately following Schedule “X” – Temporary Vendors:

Schedule “X” – Medical Cannabis Dispensaries

- (a) There shall be imposed an annual license fee in the amount of three percent (3%) of gross receipts, as defined in Section 13-252, upon any person, corporation, authority, or other entity which operates a medical cannabis dispensary business in the City of Daphne, with a minimum annual license fee of \$500.00.
- (b) The Medical Cannabis Dispensary license shall be calculated in arrears, based on the related gross receipts during the preceding license year.
- (c) The provisions of this section shall not be construed as granting any license to any medical cannabis dispensary business which does not hold a valid license to operate such dispensary from the Alabama Medical Cannabis Commission.

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, with an effective date of January 1, 2024.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2024.

Robin L. LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CONTRACT FOR PROFESSIONAL SERVICES BY AND BETWEEN
THE CITY OF DAPHNE
AND THE SOUTH ALABAMA REGIONAL PLANNING COMISSION (SARPC)**

This Contract for professional services is by and between the City of Daphne, State of Alabama (herein called the City), acting herein by Robin LeJeune, Mayor, hereunto duly authorized, and The South Alabama Regional Planning Commission (SARPC) (herein called the Commission), an arm of local government and a non-profit Agency operating under the laws of the State of Alabama, with its offices at 110 Beauregard Street, Mobile, Alabama, acting herein by the Executive Director, John F. "Rickey" Rhodes, hereunto duly authorized:

WITNESSETH THAT:

WHEREAS, the City desires to engage the Commission to render technical and professional services associated with redistricting the City's Single-Member Council Districts as a result of the 2020 U.S Decennial Census to ensure that the City remains in compliance with regard to State Code requirements;

NOW THEREFORE, the City and the Commission do mutually agree as follows:

ARTICLE I – EMPLOYMENT OF COMMISSION

The City agrees to engage the Commission and the Commission hereby agrees to perform the services hereinafter set forth in connection with the aforementioned project in a professional and proper manner.

ARTICLE II- SCOPE OF SERVICES AND GRANT MANAGEMENT ASSISTANCE

The Commission staff shall, in a satisfactory and proper manner, assist the City by providing the following services:

- A. Provide technical assistance and consultation to representatives of the City in a process to generate a Single-Member Council District Map, consisting of seven (7) Council Districts of the City accompanied with the Legal Descriptions of said districts.
- B. Prepare a computerized model of Census Bureau maps and data files using the Commission's geographic information system (GIS);
- C. Prepare a redistricting plan to the satisfaction of the City Council;
- D. Facilitate any public hearing(s);
- E. Prepare a public display map of district boundaries and a display table of district population summaries; and
- F. Work with the City Attorney to file the proposed redistricting plan with the U.S. Department of Justice (if required).

The City shall assume the following responsibilities under the terms of this Contract:

- A. Staff review of all information and maps prepared by the Commission's staff;
- B. Providing copies to the Commission of any current ordinances, legal documents (including documents relating to any prior, current, or pending legal actions that may be relevant to voting rights or the redistricting process), resolutions, or maps which may be in the City's possession and which have a direct bearing on the project;
- C. Providing access to the City's legal counsel as may be required to resolve legal issues surrounding the project. The City also shall agree to pay for any additional costs associated with legal representation by the Commission's staff and/or attorney that may be necessary to resolve a pending or future court challenge of the City's redistricting plan;
- D. Paying any publication costs arising from the publication of public hearing notices for the project, and providing a suitable location for all required public hearings;
- E. Providing all transcription services needed to record a transcript of all required public hearings (if required);
- F. Paying the cost of shipping the proposed redistricting plan to the U.S. Justice Department (if required); and
- G. Providing supporting information or input in a timely manner as needed to support the Commission's work.

ARTICLE III- TIME OF PERFORMANCE

Services to be provided shall commence upon execution of this Contract and will be continuous until the Single-Member Voting Districts are approved by the City Council.

ARTICLE IV – GENERAL PROVISIONS

- A. **PERSONNEL:** The Commission warrants that it has the professional personnel capable of performing the services as called for herein, in a satisfactory and proper manner, or will secure the services of such personnel as may be required to perform such services.
- B. **OFFICE SPACE:** The Commission agrees to provide and maintain the office space and facilities required to perform all services as called for under this Contract.
- C. **INFORMATION AND MATERIALS:** The City agrees to make available to the Commission any maps, documents and materials or any other information in its possession or otherwise readily available, which has a direct bearing on the redistricting project at no expense to the Commission.

- D. DOCUMENTS PROVIDED TO THE CITY:** It is agreed that the Commission staff shall provide the City with all surveys, reports, and maps completed in performing the services described in Article II of this Contract.
- E. GIS DATABASE:** It is mutually agreed that the GIS Database is proprietary data in which the City and the Commission have an investment and a mutually vested interest. Consequently, the City agrees not to release the digitized database to third parties without the express written permission of the Commission. The purpose of this provision is not to restrict dissemination of printed materials by the City or utilization of printed materials by the public. The intent is to prevent for-profit exploitation of the digitized database by third parties that did not contribute to or invest in the creation of that database.

The Commission will make the digitized data available to third parties upon the written request of the City. Under those circumstances, the City agrees that the Commission retains the right to stipulate conditions for use of said data to ensure that the digitized data is not commercially exploited by nonpublic users or released to other individuals, parties, companies, or corporations without the express authorization of the Commission.

If the Commission is requested to provide the digitized data and/or printed products from the GIS Database, the Commission is authorized by the City to establish a fair and reasonable fee for the provision of that data or printed materials to a third party, said fee being intended to permit recovery of the expenses entailed in staff time, materials, equipment utilization, and overhead.

ARTICLE V – COMPENSATION AND METHOD OF PAYMENT

For services rendered under this Contract, the City agrees to reimburse the Commission the current SARPC Board Approved Rate of \$125.00 per hour, for actual hours worked, with the total approved cost of the Commission's responsibilities for services called for not to exceed the amount of thirty thousand dollars (\$30,000.00), attributable to the services rendered as described in ARTICLE II of this Contract.

Such reimbursement shall be made in compliance with a mutually approved schedule and invoicing system upon presentation of written statements from the Commission certifying that such amounts are due and payable and that costs incurred are at least equal to or greater than the scheduled amount.

The Commission agrees to keep accurate records, including time sheets and travel vouchers, of all time and expenses allocated to the performance of contract work. Such records shall be kept in the offices of the Commission and shall be made available to the City for inspection and copying upon request.

Therefore, for services rendered under this agreement, the City agrees to reimburse the Commission for all costs, both direct and indirect, attributable to the services rendered (as

described in Article II of this agreement) up to and not to exceed thirty thousand dollars (\$30,000.00).

ARTICLE VI – TERMINATION FOR CONVENIENCE

This Contract may be terminated for the convenience of the City or the Commission by submitting a written notice to the other party hereto of such termination and specifying the effective date thereof, thirty (30) days in advance of the date on which the Contract is to be terminated. Upon such termination, the Commission shall be entitled to compensation that bears the same ratio to the total compensation provided herein as the actual work performed bears to the total work called for under this Contract, less payments of compensation previously made, and all work documents, papers or other products of the scope of services shall be turned over to the City by the Commission.

ARTICLE VII - TERMINATION FOR CAUSE

If at its sole discretion, the City determines that the Commission has not performed the services as called for herein in ARTICLE II in a timely and proper manner, and if the Commission shall violate any provision contained, herein, the City shall maintain the right to terminate this Contract by the issuance of a ten (10) day notice to the Commission stating its intentions and the justification therefore. Upon such termination, the Commission shall be entitled to fair and equitable compensation for services rendered as determined by the City.

ARTICLE VIII – ASSIGNMENT

It is agreed and understood that no provisions or right as provided under this Contract shall be assigned or subcontracted by the Commission without the express written consent of the City.

ARTICLE IX – AMENDMENTS

The City may require changes in the scope of the services of the Commission to be performed hereunder. Such changes, including any increases or decreases in the amount of the Commission's compensation, which are mutually agreed upon by and between the City and the Commission shall be incorporated in written amendments to this Commission.

ARTICLE X – EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the Commission agrees as follows:

(1) The Commission will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Commission will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Commission agrees to post in conspicuous places, available to employees and applicants for employment,

notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The Commission will, in all solicitations or advertisements for employees placed by or on behalf of the Commission, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

(3) The Commission will send to each labor union or representative of workers with which he/she has a collective bargaining contract or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the Commission's commitments under Section 202 of the provisions of Executive Order 11246 of Sept. 24, 1965, appear at 30 FR 12319, 12935, 3 CFR, 1964 - 1965 Comp., p. 339, unless otherwise noted.

ARTICLE XI- INTEREST OF MEMBERS OF THE CITY AND OTHERS

No officer, member or employee of the City and no public official of the governing body of the locality or localities in which the project is situated or being carried out who exercise any functions or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Contract which affects his/her personal interest or have any personal or pecuniary interest, direct or indirect, in this Contract or the proceeds thereof.

ARTICLE XII- FINDINGS CONFIDENTIAL

Any reports, information, data, etc., given to or prepared or assembled by the Commission under this Contract which the City requests to be kept confidential shall not be made available to any individual or organization by the Commission without the prior written approval of the City unless such confidentiality would be contrary to the laws of the State of Alabama and the United States of America.

ARTICLE XIII – OFFICIALS NOT TO BENEFIT

No members of or delegates to the Congress of the United States of America, the Legislature of the State of Alabama, and no resident commissioner, shall be admitted to any share or part thereof or to any benefit to arise herefrom.

ARTICLE XIV –RECORDS RETENTION, AUDITS AND INSPECTIONS

The Commission shall retain and maintain all of its records with respect to all matters covered by this Contract until five years after final payment for the work performed under this Contract. In addition, those records which are related to any controversy arising under this Contract, to litigation, to the settlement of claims arising out of such performance, or to costs or items to which an audit exception has been taken, shall be retained and maintained until three years after the date of resolution of such appeal, litigation, claim or exception. At any reasonable time during normal business hours the Commission shall make available to the City, and/or Examiners of Public Accounts, for examination, all of its records with respect to all matters covered by this Contract and will permit the City and/or Examiners of Public Accounts to audit, to examine and make excerpts or transcripts from such records of

personnel, conditions of employment and other data relating to all matters covered by this Contract.

ARTICLE XV AUTHORIZATION

IN WITNESS WHEREOF, this Contract is authorized by the City of Daphne on October 16, 2023, with the South Alabama Regional Planning Commission (SARPC), a non-profit agency not subject to competitive procurement under State of Alabama law.

THE CITY OF DAPHNE

ATTEST:

Camille W. Antinore

Robin LeJeune
Mayor

DATE: October 16, 2023

THE SOUTH ALABAMA REGIONAL PLANNING COMMISSION (SARPC)

ATTEST:

W. O. Taylor

John F. "Rickey" Rhodes
Executive Director

DATE: 10/30/23