

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, June 17, 2024 at 6:00 P.M.

1. CALL TO ORDER

2. ROLL CALL

INVOCATION Pastor Rife Stewart, Destiny Church
PLEDGE OF ALLEGIANCE

PUBLIC HEARING: Official City of Daphne Zoning Map Update

PUBLIC HEARING: 68V Baldwin Lane Holdings, LLC, Sharon and John Boni, Sharon, Thomas and John Boni, and Sharon Boni, representative of Thelma Boni Estate Pre-Zoning Amendment located Southwest of the Intersection of County Road 13 and Milton Jones Road

PUBLIC HEARING: 68V Baldwin Lane Holdings, LLC, Sharon and John Boni, Sharon, Thomas and John Boni, and Sharon Boni, representative of Thelma Boni Estate Annexation Petition located Southwest of the Intersection of County Road 13 and Milton Jones Road

3. APPROVE MINUTES: June 3, 2024 regular meeting

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Phillips

B. BUILDINGS & PROPERTY COMMITTEE – Goodlin

Review the minutes from the May 13th meeting and the May 2024 new Construction and Building Reports.

Certificates of Occupancy: 28 Permits Issues: 371 New Residential Home Permits: 69
Total Fees: \$205,491.78

C. PUBLIC SAFETY COMMITTEE – Hughes

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

MOTION to approve the Environmental Advisory Committee by-laws.

E. PUBLIC WORKS COMMITTEE – Conaway

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DAPHNE PUBLIC SCHOOL COMMISSION – Conaway

C. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

D. INDUSTRIAL DEVELOPMENT BOARD – Scott

E. LIBRARY BOARD – Goodlin

F. PLANNING COMMISSION – Olen

City Council Agenda – June 17, 2024

G. RECREATION BOARD – Hughes

H. UTILITY BOARD – Coleman

Review the minutes from the April 24th meeting.

6. PUBLIC PARTICIPATION

7. MAYOR'S REPORT

8. CITY ATTORNEY REPORT

MOTION to approve the publication and set a public hearing on August 5, 2024 for the application of George and Melissa Pancner and A. Patterson Ogburn and Kelly Ogburn for the assent and vacation of property located on 2nd Street in Daphne, Alabama.

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK'S REPORT

11. RESOLUTIONS:

2024 – 30 – Resolution Declaring Certain Personal Property Surplus and Authorizing the Mayor to Dispose – Unclaimed, Forfeited and/or Condemned Items

2024 – 31 - Resolution Declaring Certain Personal Property Surplus and Authorizing the Mayor to Dispose – Conex Metal Container

2024 – 32 – Bid Award: 2024-A-Renovation and Addition for Daphne Justice Center – Persons Services Corporation

2024 – 33 – Appropriation: 2024-A-Renovation and Addition for Daphne Justice Center – \$6,209,389

2024 – 34 – Appropriation: Garbage Carts and Marketing Materials - \$144,029

2024 – 35 – Bid Award: 2024-F-Resurfacing on County Road 13 Phase 2-John G. Walton Construction Company Inc.

12. 2nd READ ORDINANCES:

2024 – 16 – Intergovernmental Agreement – Industrial Development Board Dedication of DISC Right-of-Way Improvements to City, and Acceptance of Same by City

2024 – 17 – Ordinance Repealing and Replacing Ordinance 2005-31 and Setting Forth a Newly Compiled Ordinance Regarding the Abatement of Unsafe Buildings and Structural Nuisances

13. 1st READ ORDINANCES:

2024 - 18 – Zoning District Map – Revision to the City of Daphne Land Use and Development Ordinance

2024 – 19 – Ordinance to Pre-Zone Property Located Southwest of the Intersection of County Road 13 and Milton Jones Road – 68V Baldwin Land Holdings, LLC, Sharon and John Boni, Sharon, Thomas and John Boni, and Sharon Boni, representative of Thelma Boni Estate

City Council Agenda – June 17, 2024

2024 – 20 – Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne
– Property Located Southwest of the Intersection of County Road 13 and Milton Jones Road – 68V
Baldwin Land Holdings, LLC, Sharon and John Boni, Sharon, Thomas and John Boni, and Sharon
Boni, representative of Thelma Boni Estate

- 14. COUNCIL COMMENTS**
- 15. EXECUTIVE SESSION**
- 16. ADJOURN**

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: April 29, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Official City of Daphne Zoning Map Update

A handwritten signature in black ink, appearing to be "AJ", located to the right of the "FROM:" line.

At the April 25, 2024 regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried unanimously to set forth a favorable recommendation to approve the Official City of Daphne Zoning Map (codifications were approved between November 1, 2023 through April 30, 2024).

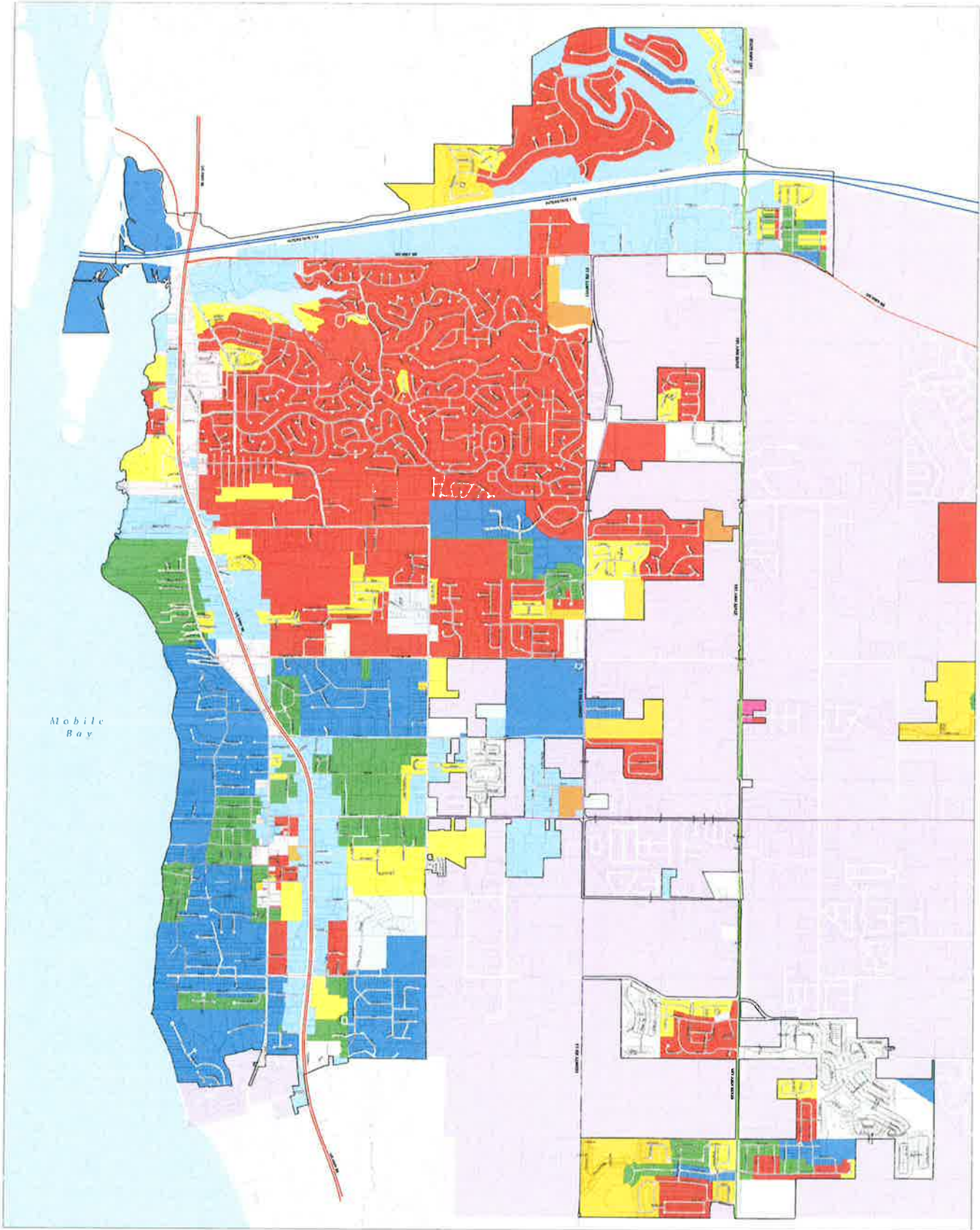
Attached please find the appropriate documentation and action of the Daphne Planning Commission.

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

Thank you,
ADJ/jv

Attachment(s)

cc: file



Map is a representation of the City of Daphne's zoning map. It is not a legal document and should not be used for legal purposes.

The information on this map is for informational purposes only. It is not a legal document and should not be used for legal purposes. The City of Daphne is not responsible for any errors or omissions on this map.

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Legend

Color	Zone Description
Red	Residential Single-Family (RSF)
Yellow	Residential Medium-Density (RMD)
Blue	Commercial (C)
Green	Industrial (I)
Purple	Office (O)
White	Unzoned

Background:

No application for annexation, pre-zoning or rezoning has been approved by the City Council between the months of November 30, 2023 and April 30, 2024. The proposed map, however, presents new streets that have been constructed and dedicated to the City during this period.

Staff Recommendation:

Staff recommends that the Planning Commission set forth a favorable recommendation to City Council to adopt the amended Official Zoning Map.

Legislative Annexation	Governor Approval Date	Act #	Zoning Classification	Property Size (Acres)
N/A	-	-	-	-
Annexation by Council Action	Council Approval Date	Council Action Ordinance #		Property Size (Acres)
N/A	-	-		-
Prezoning	Council Approval Date	Ordinance #	Zoning Classification	Property Size (Acres)
N/A	-	-	-	-
Rezoning Petitions	Council Approval Date	Ordinance #	Old/New Zoning Classification	Property Size (Acres)
N/A	-	-	-	-



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: April 29, 2024

TO: Office of the City Clerk

FROM: Adrienne Jones, AICP, Director of Community Development *AD*

SUBJECT: 68V Baldwin Land Holdings, LLC, Sharon and John Boni, Sharon, Thomas and John Boni, and Sharon Boni, representative of Thelma Boni Estate Pre-Zoning Amendment

PRESENT ZONING: RSF-E, Residential Single Family Estate, RMF-6, Multiple Family, RSF-2, Single Family Residential, and B-3, General Business, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

PROPOSED PRE-ZONING: PUD, Planned Unit Development

LOCATION: Southwest of the intersection of County Road 13 and Milton Jones Road

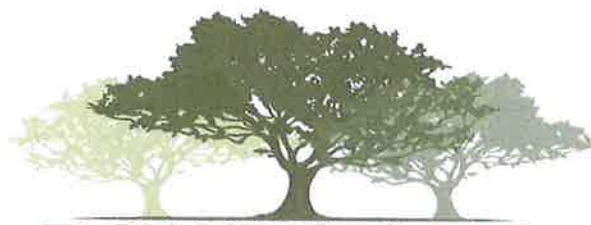
RECOMMENDATION: At the April 25, 2024 regular meeting of the City of Daphne Planning Commission, eight members were present, and the motion carried unanimously for a favorable recommendation for the above captioned zoning amendment contingent upon the following: providing an updated narrative that includes provisions about Architectural Theme design standards (c)(1)(iii) regarding recessed front-facing garages; (c)(1) (iv)(1.b) regarding garage locations; (c)(1) (iv)(1.c) regarding reduction to front yard setback and (c)(2) regarding recessed garages along side streets; reduction of the rear setback from 25 to 20-feet for 52.5-foot wide residential lots and 72-foot wide residential lots.

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

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

Thank you,
ADJ/jv

1. PUD Statement and Narrative Revision
2. PUD Master Plan Revision



ROWAN OAK

D A P H N E

PUD Statement and Narrative



A Planned Unit Development

Developer:

68Venturës

707 Bellrose Avenue
Daphne, AL 36526
251-625-1198

Engineer/ Surveyor:



9969 Windmill Road
Fairhope, AL 36532
251-990-6566

Landscape Architects:



landscape architects

WAS Design

218 N. Alston Street
Foley, AL 36535
251-948-7181

Traffic Engineer:



Neel Schaffer, Inc.
851 East I-65 Service Road
Suite 1000
Mobile, AL 36606
251-471-2000

Project Summary

Rowan Oak is a 134.31 acre, Mixed Use Planned Unit Development located between County Road 13 and Friendship Road at the Milton Jones Road intersection. The development includes Single Family Residential lots of various sizes, Townhomes, Multi-Family, and Commercial properties.

Intent

By combining the various land uses proposed in Rowan Oak, the developer hopes to promote a more efficient use of land relative to the location of public streets and natural features. The developer is partnering with the City of Daphne to provide a much-needed east-west connection from Friendship Road to County Road 13 by the extension of Milton Jones Road, with a Roundabout at the intersection of Milton Jones Road and County Road 13. The development goal is to provide diverse housing opportunities for citizens of differing economic levels, preferences, and/or stages of life.

Public / Private Benefits

The development of Rowan Oak provides several Public benefits to the Daphne Community including:

- 1) At the behest of the City of Daphne, donation by the Developer of land for an 80-foot public Right-of-Way (50 feet wide by others where necessary) to City of Daphne for the extension of Milton Jones Road from County Road 13 to Friendship Road¹, a value of \$214,200².
- 2) At the behest of the City of Daphne, donation by the Developer of sufficient Right-of-Way to City of Daphne to enable the installation of a Roundabout at the intersection of Milton Jones Road and County Road 13.
- 3) At the behest of the City of Daphne, Developer to coordinate and provide capital for surveying and engineering services for the Milton Jones Road extension, a value of \$144,500³.
- 4) Developer to provide Design and Construction of Improvements at the Intersection of Friendship Road and County Road 64. A value of \$300,000. See Exhibit 1 herein.
- 5) Donation by the Developer of a 1.8-acre parcel to City of Daphne for a public park, a value of \$95,000.⁴
- 6) Construction by the Developer of two pickleball courts within the future public park, a value of approximately \$140,000.⁵
- 7) Annexation of 11.61 acres of Commercial Property for a potential tax revenue of approximately \$535,821.71 annually.⁶

Total direct Public Benefit Value as a result of Developer's actions = \$893,700.

There are various Private benefits that will be realized as a result of this development, including:

¹ The Developer acknowledges that the City of Daphne is in no way obligated to construct or cause to be constructed any of the Milton Jones road extension and intersection improvements referenced herein, and that the construction by the City of Daphne of such improvements is contingent upon the availability of sufficient funds as determined solely by the City of Daphne.

² Based on valuation of \$35k/ AC x 6.12 AC

³ Based on Developer-executed proposal for surveying and design services of Milton Jones Rd. Extension with Southeast Civil Engineering in the amount of \$144,500.

⁴ Based on valuation of \$47.5k/ AC x 2 AC

⁵ Based on estimated construction cost of \$70k per pickleball court x 2 Quantity.

⁶ Estimated figure calculated based on data published in City of Daphne's 2022 Annual Comprehensive Financial Report

- 1) Providing improved direct access to a Public Road for the privately owned Commercial lots in Friendship Park Subdivision via the new Milton Jones Road Extension.

Land Use Summary

Of the 134.31-acre Rowan Oak property, the majority will be utilized for Single Family Residential Lots. The proposed uses are outlined below:

72' Lots	27.4 AC
52' Lots	29.9 AC
42' Lots	25.5 AC
Townhomes	16.3 AC
Multifamily	17.5 AC
Commercial	11.61 Acres
ROW Donation for Milton Jones Extension and Roundabout	6.12 Acres

Streets, Drainage and Utilities

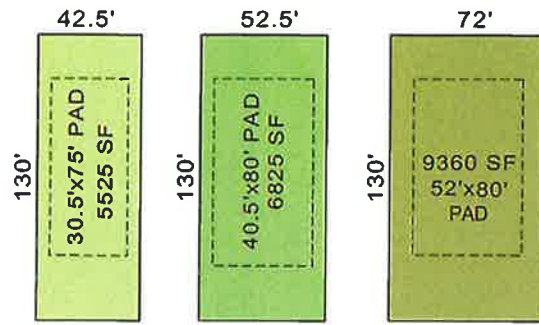
All streets and drainage will be designed to the current standards of the City of Daphne Land Use Ordinance. No deviations or variances will be requested. Traffic Calming is provided using Traffic Circles, Speed Tables, and Stop Signs. Utilities will be provided by Daphne Utilities (sewer), Belforest Water (water), Riviera Utilities (power), and AT&T (telephone).

Parking

All Single-Family Residences will provide two spaces per house, with additional guest parking provided in strategic locations in the higher density neighborhood areas. Each Townhome unit will provide a garage plus two driveway spaces, with the addition of guest parking as required in the Land Use Development Ordinance. Multi-Family units will have two spaces per dwelling unit. Detailed plans have not been developed for the Commercial lots but any future Site Plans proposed will meet the current standards of the City of Daphne regarding parking.

Zoning Relaxations

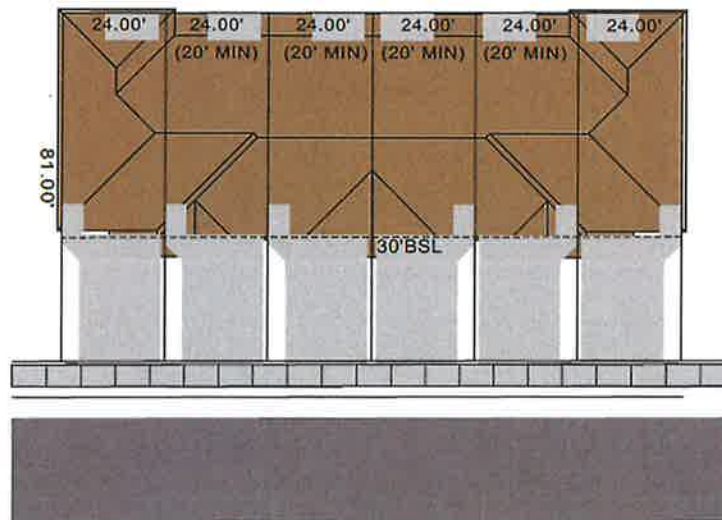
In general, the various aspects of the Zoning Ordinance will be met in Rowan Oak in regards to Streets, Buffers, Parking and Open Space. However, the unique spatial characteristics of the various Lots proposed do not meet the specifics of the defined Zoning designations of the Land Use Ordinance. The Lots proposed and their related Building Setbacks are as follows:



Typical Single Family Lots

Building Setbacks

42.5' Lots		52.5' Lots		72' Lots	
Front	30 Ft.	Front	25 Ft.	Front	25 Ft.
Rear	25 Ft.	Rear	20 Ft.	Rear	20 Ft.
Side	6 Ft.	Side	6 Ft.	Side	10 Ft.
Side Street	15 Ft.	Side Street	15 Ft.	Side Street	20 Ft.



Typical Townhome Lots

Building Setbacks

Front	30 Ft.
Rear	0 Ft.
Side	0 Ft.
Side Street	20 Ft.

Amenities

Various amenities are included in the Rowan Oak development plan within an overall 29.6 acres of open space. Open areas with trails, water features and a public park with two pickle ball courts are proposed in the Single-Family areas. A pool and cabana are proposed in the Townhome section next to two open play

areas and a water feature. The Multi-Family portion will include a clubhouse, pool, two pickle ball courts, and a water feature.

Architectural Themes

- I. Building materials including brick, stone, textured traditional cement stucco (i.e., real stucco) and cement siding are required as the primary veneer on new dwellings.
- II. Roofs must be varied in roofline treatments.
- III. The front facing garage (i.e., garage fronts) on single family homes shall be recessed and constitute not more than forty-two percent (42%) of the residential facade (as measured from the outside edge of garage doors, not including the frame).
- IV. Recessed garage doors oriented toward the front property line shall be as follows:
 - a. Garage doors must be positioned between five (5) feet and twenty (20) feet behind the front wall plane of the house. The front wall plane is defined as the principal building façade facing the primary street right of way.
 - b. The minimum front yard setback for said garage shall be forty (40) feet.
 - c. The minimum front yard setback for the principal structure may be reduced to twenty (20) feet.
 - d. The 42.5' foot lots will be subject to the 5' recessed garage requirement except for the Bluewater plan/elevations as submitted.
- V. The side-street facing garage setback shall be a minimum of twenty-two (22) feet from the sidewalk and recessed three (3) feet behind the side facade
- VI. Where the garage is located at the rear of the primary structure, the front yard setback shall be reduced to fifteen (15) feet, or ten (10) feet with an open air front porch.
- VII. Colored elevations shall illustrate that a minimum of three (3) different elevations are provided in each block face.
- VIII. Developments of thirty-five (35) dwelling units or more should offer a minimum of five (5) different elevations and ten percent (10%) of each respective elevation shall be provided in each block face.

Additional Stipulations

- i. The use of vinyl siding shall be limited to fascia and soffits.
- ii. Minimum Building Setbacks for Single Family Detached Homes shall be as follows:
 - a. Front Setbacks for the 42.5' lots shall be 30 feet.
 - b. Rear Setbacks for the 42.5' lots shall be 25 feet.
 - c. Front Setbacks for the 52.5' lots shall be 25 feet.
 - d. Rear Setbacks for the 52.5' lots shall be 20 feet.
 - e. Front Setbacks for the 72' lots shall be 25 feet
 - f. Rear Setbacks for the 72' lots shall be 20 feet.
 - g. Side Setbacks for the 72 foot wide Lots shall be 10 feet.
 - h. Side Setbacks for the 42.5 foot wide and 52.5 foot wide Lots shall be 6 feet.
 - i. Side Street Setbacks for the 42.5 foot wide and 52.5 foot wide Lots shall be 15 feet.

- j. Side Street Setbacks for the 72 foot wide Lots shall be 20 feet.
 - k. The 42.5' lots shall include a 2-car wide driveway (minimum width of 16 ft).
- iii. Minimum Building Setbacks for Townhomes shall be as follows:
 - a. Front Setbacks shall be 30 feet.
 - b. Side and Rear Setbacks shall be 0 (zero) feet
 - c. Side Street Setbacks shall be 20 feet.
 - d. Minimum Spacing between buildings shall be 24 feet with spacing between eaves being a minimum of 20 feet.
- iv. Developer responsibility for traffic improvements will be limited to the following, per the Traffic Impact Study conducted by Neel Schaffer:
 - a. The northbound approach of Friendship Road to County Road 64 will be widened to provide a dedicated left turn lane within the existing Right-of-Ways. In the event the proposed northbound left turn lane will require additional Right-of-Way may limit the ability of constructing the proposed turn lane improvements if additional Right-of-Way can't be acquired. See Exhibit 1, herein.
- v. Access points and unit density are limited to counts provided in the proposed plan.
- vi. Developer reserves the right to alter the proposed phasing plan and change the order of construction from the proposed plan at a later date.
- vii. Rowan Oak PUD will be subject to City of Daphne Land Use & Development Ordinance, with latest codifications dated 01/12/2024, including all subsequent Plats, Phases, and Building Permits.
- viii. Non jurisdictional grady ponds to be filled in as a part of development.
- ix. Commercial property to be site-planned at a later date, subject to City of Daphne Land Use & Development Ordinance. Traffic studies to be conducted at time of development and any improvements, as applicable, to be constructed at time of development.
- x. Commercial land uses shall be consistent with the B-2, General Business, district as provided in the City of Daphne Land Use & Development Ordinance with latest codifications dated through 01/12/24 except that the following uses shall not be permissible in the Rowan Oak PUD:
 - Adult entertainment or adult/sex retail sale facilities;
 - Jail facilities, housing of detainees or inmates, community correction facilities of any kind

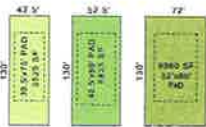


EXHIBIT 1
Intersection Improvements by Developer
At Friendship Rd. and County Rd. 64



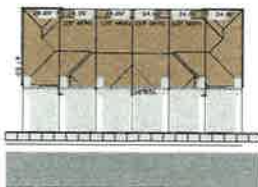
Vicinity Map
1 Inch = 1 Mile

"Landscaping"
Detailed Landscaping Plans will be provided for each Plat and Site Plan submitted for approval in accordance with Article 19 of the Daphne Land Use Development Ordinance.



Typical Single Family Lots

42.5' Lot		52.5' Lot		77' Lot	
Front	30 Ft.	Front	25 Ft.	Front	25 Ft.
Rear	25 Ft.	Rear	20 Ft.	Rear	20 Ft.
Side	6 Ft.	Side	6 Ft.	Side	10 Ft.
Side Street	15 Ft.	Side Street	15 Ft.	Side Street	20 Ft.



Typical Townhome Lots

Building Setbacks	
Front	20 Ft.
Rear	0 Ft.
Side	0 Ft.
Side Street	20 Ft.

Owners

Sharon Boni
126 Iron Bridge Road
Sarver, PA 16055

John Christopher Boni
1365 Orchard Dr
New Kensington, PA 15068

68V Baldwin Holdings, LLC
707 Belrose Ave
Daphne, AL 36526

Estate of Thelma Marie Boni

Thomas Boni
1208 Belle Chene Drive
Mobile, AL 36693

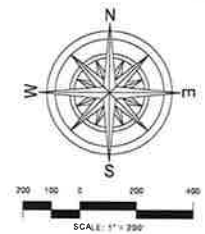
Frederick Boni
2605 Springhill Ave
Mobile, AL 36607

Engineer/Surveyor

S.E. Civil Engineering & Surveying
9969 Windmill Road
Fairhope, AL 36532
Larry Smith, PE Lic 26348
David Diehl, PLS Lic 26014

Developer

68 Ventures
707 Belrose Avenue
Daphne, AL 36526



A Planned Unit Development

TOTAL AREA	134.31 AC
Commercial	11.61 AC
Residential	125.26 AC
Townhomes 24' Wide	60
Townhomes 20' Wide	72
Multi-Family	204
42.5'x130's	90
52.5'x130's	100
77'x130's	59
TOTAL	385
Density	4.66 / Ac
Open Space	29.6 Ac (23.6%)

Current Zoning	RMF-6, RSF-2, RSF-E & B3(Baldwin County)
Proposed Zoning	P.U.D. (Daphne)
Impervious Area	41.8 Acres (33%)

Parking

Single Family	
2 Sp / unit	496
Additional	74
Townhomes	
3 Sp / unit	396
Additional	46
Multi-Family	
2 Sp / unit	408
Additional	45
Total Parking	1465

Handicap Parking is provided for each Phase and Building Type based on current Daphne Land Use Ordinance

Utility Providers

Water	Belforest Water
Sewer	Daphne Utilities
Power	Riviera
Telephone	AT&T

Building Data

Type	Max. Bldg. Ht.	Max. Stories	Max. Coverage
Single Family	35 Ft.	2-1/2	35% (Lot)
Townhomes	35 Ft.	2-1/2	30% (Site)
Multi-Family	50 Ft.	4	30% (Site)



APRIL 24, 2024

LEGAL DESCRIPTION
PID 05-43-01-12-0-000-023.000

EXHIBIT "A"

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 89 DEGREES 41 MINUTES 38 SECONDS EAST, A DISTANCE OF 1320.22 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (ILLEGIBLE) FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 23 MINUTES 24 SECONDS EAST, A DISTANCE OF 660.28 FEET TO A ONE AND ONE-HALF INCH OPEN TOP IRON PIPE FOUND; THENCE RUN SOUTH 89 DEGREES 51 MINUTES 40 SECONDS EAST, A DISTANCE OF 995.86 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 00 DEGREES 42 MINUTES 39 SECONDS EAST, A DISTANCE OF 663.41 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 89 DEGREES 57 MINUTES 41 SECONDS EAST, A DISTANCE OF 316.88 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 00 DEGREES 12 MINUTES 38 SECONDS WEST, A DISTANCE OF 1327.87 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (19254); THENCE RUN NORTH 89 DEGREES 42 MINUTES 08 SECONDS WEST, A DISTANCE OF 1320.60 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 24.93 ACRES, MORE OR LESS.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: April 29, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: 68V Baldwin Land Holdings, LLC, Sharon and John Boni, Sharon, Thomas and John Boni, and Sharon Boni, representative of Thelma Boni Estate Annexation Petition

PRESENT ZONING: RSF-E, Residential Single Family Estate, RMF-6, Multiple Family, RSF-2, Single Family Residential, and B-3, General Business, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

LOCATION: Southwest of the intersection of County Road 13 and Milton Jones Road

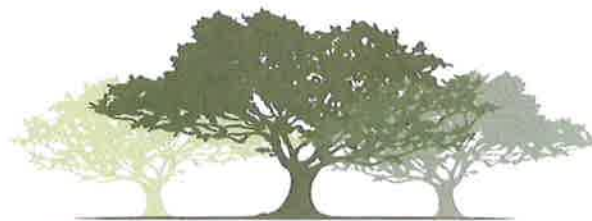
RECOMMENDATION: At the April 25, 2024 regular meeting of the City of Daphne Planning Commission, seven members were present and the motion carried unanimously for a favorable recommendation for the above mentioned annexation petition.

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

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

Thank you,
ADJ/jv

1. PUD Statement and Narrative Revision
2. PUD Master Plan Revision



ROWAN OAK

D A P H N E

PUD Statement and Narrative



A Planned Unit Development

Developer:

68Venturës

707 Bellrose Avenue
Daphne, AL 36526
251-625-1198

Engineer/ Surveyor:



9969 Windmill Road
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Landscape Architects:



landscape architects

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851 East I-65 Service Road
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- 6) Construction by the Developer of two pickleball courts within the future public park, a value of approximately \$140,000.⁵
- 7) Annexation of 11.61 acres of Commercial Property for a potential tax revenue of approximately \$535,821.71 annually.⁶

Total direct Public Benefit Value as a result of Developer's actions = \$893,700.

There are various Private benefits that will be realized as a result of this development, including:

¹ The Developer acknowledges that the City of Daphne is in no way obligated to construct or cause to be constructed any of the Milton Jones road extension and intersection improvements referenced herein, and that the construction by the City of Daphne of such improvements is contingent upon the availability of sufficient funds as determined solely by the City of Daphne.

² Based on valuation of \$35k/ AC x 6.12 AC

³ Based on Developer-executed proposal for surveying and design services of Milton Jones Rd, Extension with Southeast Civil Engineering in the amount of \$144,500.

⁴ Based on valuation of \$47.5k/ AC x 2 AC

⁵ Based on estimated construction cost of \$70k per pickleball court x 2 Quantity.

⁶ Estimated figure calculated based on data published in City of Daphne's 2022 Annual Comprehensive Financial Report

- 1) Providing improved direct access to a Public Road for the privately owned Commercial lots in Friendship Park Subdivision via the new Milton Jones Road Extension.

Land Use Summary

Of the 134.31-acre Rowan Oak property, the majority will be utilized for Single Family Residential Lots. The proposed uses are outlined below:

72' Lots	27.4 AC
52' Lots	29.9 AC
42' Lots	25.5 AC
Townhomes	16.3 AC
Multifamily	17.5 AC
Commercial	11.61 Acres
ROW Donation for Milton Jones Extension and Roundabout	6.12 Acres

Streets, Drainage and Utilities

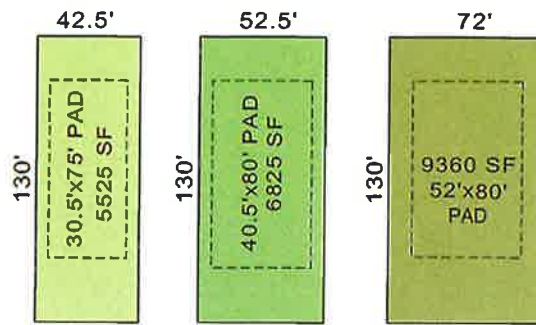
All streets and drainage will be designed to the current standards of the City of Daphne Land Use Ordinance. No deviations or variances will be requested. Traffic Calming is provided using Traffic Circles, Speed Tables, and Stop Signs. Utilities will be provided by Daphne Utilities (sewer), Belforest Water (water), Riviera Utilities (power), and AT&T (telephone).

Parking

All Single-Family Residences will provide two spaces per house, with additional guest parking provided in strategic locations in the higher density neighborhood areas. Each Townhome unit will provide a garage plus two driveway spaces, with the addition of guest parking as required in the Land Use Development Ordinance. Multi-Family units will have two spaces per dwelling unit. Detailed plans have not been developed for the Commercial lots but any future Site Plans proposed will meet the current standards of the City of Daphne regarding parking.

Zoning Relaxations

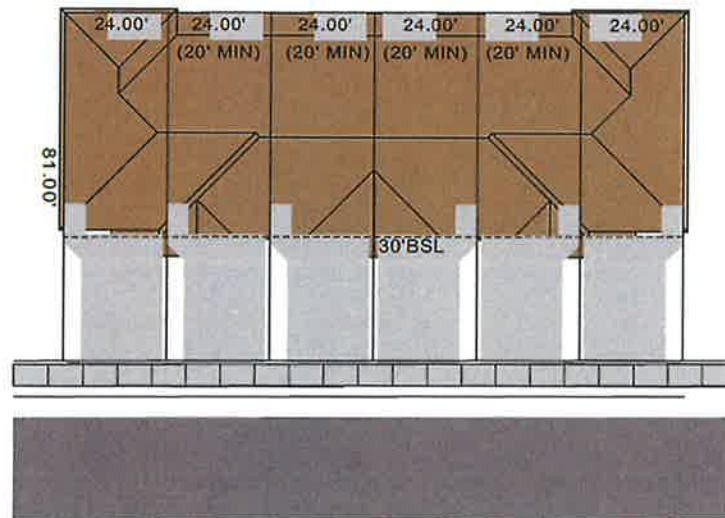
In general, the various aspects of the Zoning Ordinance will be met in Rowan Oak in regards to Streets, Buffers, Parking and Open Space. However, the unique spatial characteristics of the various Lots proposed do not meet the specifics of the defined Zoning designations of the Land Use Ordinance. The Lots proposed and their related Building Setbacks are as follows:



Typical Single Family Lots

Building Setbacks

42.5' Lots		52.5' Lots		72' Lots	
Front	30 Ft.	Front	25 Ft.	Front	25 Ft.
Rear	25 Ft.	Rear	20 Ft.	Rear	20 Ft.
Side	6 Ft.	Side	6 Ft.	Side	10 Ft.
Side Street	15 Ft.	Side Street	15 Ft.	Side Street	20 Ft.



Typical Townhome Lots

Building Setbacks

Front	30 Ft.
Rear	0 Ft.
Side	0 Ft.
Side Street	20 Ft.

Amenities

Various amenities are included in the Rowan Oak development plan within an overall 29.6 acres of open space. Open areas with trails, water features and a public park with two pickle ball courts are proposed in the Single-Family areas. A pool and cabana are proposed in the Townhome section next to two open play

areas and a water feature. The Multi-Family portion will include a clubhouse, pool, two pickle ball courts, and a water feature.

Architectural Themes

- I. Building materials including brick, stone, textured traditional cement stucco (i.e., real stucco) and cement siding are required as the primary veneer on new dwellings.
- II. Roofs must be varied in roofline treatments.
- III. The front facing garage (i.e., garage fronts) on single family homes shall be recessed and constitute not more than forty-two percent (42%) of the residential facade (as measured from the outside edge of garage doors, not including the frame).
- IV. Recessed garage doors oriented toward the front property line shall be as follows:
 - a. Garage doors must be positioned between five (5) feet and twenty (20) feet behind the front wall plane of the house. The front wall plane is defined as the principal building façade facing the primary street right of way.
 - b. The minimum front yard setback for said garage shall be forty (40) feet.
 - c. The minimum front yard setback for the principal structure may be reduced to twenty (20) feet.
 - d. The 42.5' foot lots will be subject to the 5' recessed garage requirement except for the Bluewater plan/elevations as submitted.
- V. The side-street facing garage setback shall be a minimum of twenty-two (22) feet from the sidewalk and recessed three (3) feet behind the side facade
- VI. Where the garage is located at the rear of the primary structure, the front yard setback shall be reduced to fifteen (15) feet, or ten (10) feet with an open air front porch.
- VII. Colored elevations shall illustrate that a minimum of three (3) different elevations are provided in each block face.
- VIII. Developments of thirty-five (35) dwelling units or more should offer a minimum of five (5) different elevations and ten percent (10%) of each respective elevation shall be provided in each block face.

Additional Stipulations

- i. The use of vinyl siding shall be limited to fascia and soffits.
- ii. Minimum Building Setbacks for Single Family Detached Homes shall be as follows:
 - a. Front Setbacks for the 42.5' lots shall be 30 feet.
 - b. Rear Setbacks for the 42.5' lots shall be 25 feet.
 - c. Front Setbacks for the 52.5' lots shall be 25 feet.
 - d. Rear Setbacks for the 52.5' lots shall be 20 feet.
 - e. Front Setbacks for the 72' lots shall be 25 feet
 - f. Rear Setbacks for the 72' lots shall be 20 feet.
 - g. Side Setbacks for the 72 foot wide Lots shall be 10 feet.
 - h. Side Setbacks for the 42.5 foot wide and 52.5 foot wide Lots shall be 6 feet.
 - i. Side Street Setbacks for the 42.5 foot wide and 52.5 foot wide Lots shall be 15 feet.

- j. Side Street Setbacks for the 72 foot wide Lots shall be 20 feet.
 - k. The 42.5' lots shall include a 2-car wide driveway (minimum width of 16 ft).
- iii. Minimum Building Setbacks for Townhomes shall be as follows:
 - a. Front Setbacks shall be 30 feet.
 - b. Side and Rear Setbacks shall be 0 (zero) feet
 - c. Side Street Setbacks shall be 20 feet.
 - d. Minimum Spacing between buildings shall be 24 feet with spacing between eaves being a minimum of 20 feet.
- iv. Developer responsibility for traffic improvements will be limited to the following, per the Traffic Impact Study conducted by Neel Schaffer:
 - a. The northbound approach of Friendship Road to County Road 64 will be widened to provide a dedicated left turn lane within the existing Right-of-Ways. In the event the proposed northbound left turn lane will require additional Right-of-Way may limit the ability of constructing the proposed turn lane improvements if additional Right-of-Way can't be acquired. See Exhibit 1, herein.
- v. Access points and unit density are limited to counts provided in the proposed plan.
- vi. Developer reserves the right to alter the proposed phasing plan and change the order of construction from the proposed plan at a later date.
- vii. Rowan Oak PUD will be subject to City of Daphne Land Use & Development Ordinance, with latest codifications dated 01/12/2024, including all subsequent Plats, Phases, and Building Permits.
- viii. Non jurisdictional grady ponds to be filled in as a part of development.
- ix. Commercial property to be site-planned at a later date, subject to City of Daphne Land Use & Development Ordinance. Traffic studies to be conducted at time of development and any improvements, as applicable, to be constructed at time of development.
- x. Commercial land uses shall be consistent with the B-2, General Business, district as provided in the City of Daphne Land Use & Development Ordinance with latest codifications dated through 01/12/24 except that the following uses shall not be permissible in the Rowan Oak PUD:
 - Adult entertainment or adult/sex retail sale facilities;
 - Jail facilities, housing of detainees or inmates, community correction facilities of any kind

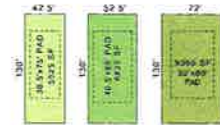


EXHIBIT 1
Intersection Improvements by Developer
At Friendship Rd. and County Rd. 64



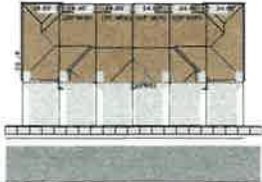
Vicinity Map
1 Inch = 1 Mile

"Landscaping"
Detailed Landscaping Plans will be provided for each Plan and Site Plan submitted for approval in accordance with Article 19 of the Daphne Land Use Development Ordinance.



Typical Single Family Lots

42.5' Lots	52.5' Lots	72' Lots
Front: 30 Ft.	Front: 30 Ft.	Front: 30 Ft.
Rear: 35 Ft.	Rear: 30 Ft.	Rear: 30 Ft.
Side: 6 Ft.	Side: 6 Ft.	Side: 10 Ft.
Side Street: 15 Ft.	Side Street: 15 Ft.	Side Street: 20 Ft.



Typical Townhome Lots

Building Setbacks
Front: 30 Ft.
Rear: 0 Ft.
Side: 0 Ft.
Side Street: 20 Ft.

Owners

Sharon Boni
126 Iron Bridge Road
Savner, PA 16055

John Christopher Boni
1365 Orchard Dr
New Kensington, PA 15068

68V Baldwin Holdings, LLC
707 Beltrose Ave
Daphne, AL 36526

Estate of Thelma Marie Boni

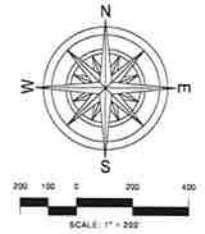
Thomas Boni
1208 Belle Chene Drive
Mobile, AL 36693

Frederick Boni
2605 Springhill Ave
Mobile, AL 36607

Engineers/Surveyor

S.E. Civil Engineering & Surveying
9909 Windmill Road
Fairhope, AL 36532
Larry Smith, PE Lic 26348
David D'hehl, PLS Lic 26014

Developer
68 Ventures
707 Beltrose Avenue
Daphne, AL 36526



A Planned Unit Development

TOTAL AREA	134.31 AC
Commercial	11.01 AC
Residential	123.30 AC
Townhomes 24' Wide	60
Townhomes 20' Wide	72
Multi-Family	204
42.5'x130'	90
52.5'x130'	100
72'x130'	59
TOTAL	585
Density	4.66 / Ac
Open Space	29.6 Ac (23.6%)

Current Zoning	RMF-6, RSF-2, RSF-E & B3(Baldwin County)
Proposed Zoning	P.U.D. (Daphne)
Impervious Area	41.8 Acres (33.9%)

Parking

Single Family	
2 Sp / unit	496
Additional	74
Townhomes	
3 Sp / unit	396
Additional	46
Multi-Family	
2 Sp / unit	408
Additional	45
Total Parking	1465

Handicap Parking is provided for each Phase and Building Type based on current Daphne Land Use Ordinance

Utility Providers

Water	Belforest Water
Sewer	Daphne Utilities
Power	Riviera
Telephone	AT&T

Building Data

Type	Max. Bldg. Ht.	Max. Stories	Max. Coverage
Single Family	35 Ft.	2-1/2	35% (Lot)
Townhomes	35 Ft.	2-1/2	30% (Site)
Multi-Family	50 Ft.	4	30% (Site)

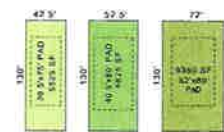


APRIL 24, 2024



Vicinity Map
1 Inch = 1 Mile

"Landscaping"
Detailed Landscaping Plans will be provided for each Plat and Site Plan submitted for approval in accordance with Article 19 of the Daphne Land Use Development Ordinance.



Typical Single Family Lots

42'x130' Lots			52'x130' Lots			72'x130' Lots		
Building Setbacks			Building Setbacks			Building Setbacks		
Front	30 Ft.		Front	25 Ft.		Front	25 Ft.	
Rear	25 Ft.		Rear	20 Ft.		Rear	20 Ft.	
Side	6 Ft.		Side	6 Ft.		Side	10 Ft.	
Side Street	15 Ft.		Side Street	15 Ft.		Side Street	20 Ft.	



Typical Townhome Lots

Building Setbacks		
Front	30 Ft.	
Rear	0 Ft.	
Side	0 Ft.	
Side Street	20 Ft.	

Owners

Sharon Boni
126 Iron Bridge Road
Sarver, PA 16055

John Christopher Boni
1365 Orchard Dr
New Kensington, PA 15068

68V Baldwin Holdings, LLC
707 Belrose Ave
Daphne, AL 36526

Estate of Thelma Marie Boni

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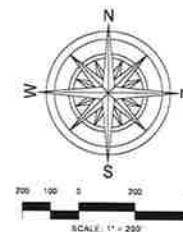
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S.E. Civil Engineering & Surveying
9969 Windmill Road
Fairhope, AL 36532
Larry Smith, PE Lic 26348
David Diehl, PLS Lic 26014

Developer

68 Ventures
707 Belrose Avenue
Daphne, AL 36526



A Planned Unit Development

TOTAL AREA	134.31 AC
Commercial	11.61 AC
Residential	125.26 AC
Townhomes 24'Wide	60
Townhomes 20'Wide	72
Multi-Family	204
42.5'x130's	90
52.5'x130's	100
72'x130's	59
TOTAL	585
Density	4.66 / Ac
Open Space	29.6 Ac (23.6%)

Current Zoning	RMF-6, RSF-2, RSF-E & B3(Baldwin County)
Proposed Zoning	P.U.D. (Daphne)
Impervious Area	41.8 Acres (33 %)

Parking

Single Family	
2 Sp / unit	496
Additional	74
Townhomes	
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Additional	46
Multi-Family	
2 Sp / unit	408
Additional	45
Total Parking	1465

Handicap Parking is provided for each Phase and Building Type based on current Daphne Land Use Ordinance

Utility Providers

Water	Belforest Water
Sewer	Daphne Utilities
Power	Riviera
Telephone	AT&T

Building Data

Type	Max. Bldg. Ht.	Max. Stories	Max. Coverage
Single Family	35 Ft.	2-1/2	35% (Lot)
Townhomes	35 Ft.	2-1/2	30% (Site)
Multi-Family	50 Ft.	4	30% (Site)



APRIL 24, 2024

**June 3, 2024
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 6:00pm.

2. ROLL CALL:

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

COUNCIL MEMBERS ABSENT: Joel Coleman

Also Present: Patrick Dungan, City Attorney; Mayor LeJeune; Candace Antinarella, City Clerk; Chief Tacon, Fire; Charlie McDavid, Recreation; Adrienne Jones, Planning; Kellie Reid, Finance; Emmie Powell, Library; Ange Baggett, Marketing/Tourism; Vickie Hinman, Human Resources; Ronnie Huskey, Public Works; and Kent Ward, Junior Councilmember.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Councilman Ron Scott.

PRESENTATION: Chief Tacon and Mayor LeJeune presented new pins for the promotions in the Fire Department: Battalion Chief Adam Queen, Captain Joe Staska, Lieutenant Adam Ogletree, Lieutenant Dexter Lyon, Apparatus Engineer Cameron Boyington and Apparatus Engineer Kyle Ard.

PRESENTATION: Chief Gulsby and Mayor LeJeune presented Police Department promotions to Sergeant Joshua Reeves and Sergeant Heith Brown.

3. APPROVAL OF MINUTES:

The minutes from the May 20, 2024 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Phillips said the minutes from the May 20th meeting are in the packet gave the Treasurer's Report for April 2024: Unrestricted Fund Balance-\$26,513,517; Total Cash Balance-\$49,373,366; Sales tax for March 2024 -\$2,424,359; Lodging Tax for March 2024-\$152,833; Debt Summary for April 2024: Warrants-\$31,763,902; Capital Leases: General Fund-\$524,980; Enterprise Fund -\$551,268.

Councilwoman Phillips said the next meeting is June 17th at 4:30pm.

MOTION by Councilwoman Phillips to approve a temporary Patrol Office position due to extended Military leave with no additional funding needed. No second was needed. MOTION CARRIED UNANIMOUSLY.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Goodlin said the next meeting is June 10th at 5:15pm.

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the next meeting is June 10th at 4:30pm.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Scott said the next meeting is July 1st at 4:30pm.

June 3, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

**MOTION by Councilman Scott to authorize the Mayor to execute a lease extension with Eastern Shore Repertory Theatre. No second was needed.
MOTION CARRIED UNANIMOUSLY.**

E. PUBLIC WORKS COMMITTEE

Councilwoman Conaway said the next meeting is July 1st at 5:15pm.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said there was no report.

B. Daphne Public School Commission

Councilwoman Conaway said the next meeting is August 26th at 5:30pm.

C. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting is June 20th at 5:30pm.

D. Industrial Development Board

Councilman Scott said the next meeting is June 18th at 4:30pm.

E. Library Board

Councilman Goodlin said the next meeting is June 20th at the Library at 4:30pm.

F. Planning Commission

Councilman Olen said the next meeting is June 27th at 5:00pm.

G. Recreation Board

Councilman Hughes said the next meeting will be June 12th at 6:00pm.

H. Utility Board

Councilman Coleman was absent.

6. PUBLIC PARTICIPATION:

Public participation opened at 6:22pm.

Curt Fonger, 1443 Randall Avenue, said the Jubilee Pickleball Club donated \$1,000 to the new Animal Shelter.

Public participation closed at 6:24pm.

7. MAYOR'S REPORT:

Mayor LeJeune said it was great to recognize promotions in the meetings. He said the City received a \$160,000 Federal Grant for safe roads and streets. last days of school are this week and he spoke about the recent high school graduations. He said a few of them recently did a walk through at the new animal shelter.

8. CITY ATTORNEY REPORT:

City Attorney said there was no report.

9. **DEPARTMENT HEAD COMMENTS:**

Chief Gulsby, Police, said E-Shore Café has offered to cohost an event titled “Ice Cream with the Kids” to be held Monday, 2-4pm. He shared about trainings and those in the Academy.

Chief Tacon, Fire, thanked the Council for recognizing the promotions at the meeting and said there are currently two openings for fire medics.

Ange Baggett, Marketing, said they have wrapped up on graduations and recitals at the Civic Center and shared about a library event as well as other upcoming events.

Emmie Powell, Library, said the Summer Reading Program kicked off with 500 people and updated the Council on upcoming events.

Ronnie Huskey, Public Works, said they are addressing the concerns about mosquitoes. He thanked the Public Works’ team for their diligence with addressing some after hours downed trees in the area.

Charlie McDavid, Recreation, said there was a baseball tournament the last weekend and the turf that was installed is paying off.

Adrienne Jones, Planning, introduced Eva McDonald who will be shadowing Mrs. Jones.

Troy Strunk, City Development, reminded everyone starting tomorrow there will be a road closure on County Road 13 from Seho subdivision to Diamante subdivision for about two months.

Kent Ward, Junior City Council, said the interviews for the 2024-2025 Junior Council will begin this week.

10. **CITY CLERK’S REPORT:**

City Clerk commended Junior Councilmember Kent Ward for his continued attendance after graduation and said there were 14 applicants for the 2024-2025 Junior Council.

**MOTION by Councilman Scott to approve the publication and set a public hearing on July 15, 2024 for the Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni Pre-Zoning Amendment located Southeast of the intersection of Milton Jones Road and Alabama Highway 181. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Hughes to approve the publication and set a public hearing on July 15, 2024 for the Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni Annexation Petition. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to approve the publication and set a public hearing on July 15, 2024 for the 68V Baldwin Land Holdings, LLC Pre-Zoning Amendment located North of the intersection of County Road 64 and Montelucia Way. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to approve the publication and set a public hearing on July 15, 2024 for the 68V Baldwin Land Holdings, LLC Annexation Petition located North of the intersection of County Road 64 and Montelucia way. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

June 3, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

11. **RESOLUTIONS:**

2024 – 24 – Appropriation: Impact Fee Study Update - \$59,875

2024 – 25 – Appropriation: Preliminary Engineering for ALDOT Project #STPSU-0181(): Installation of a Traffic Signal at SR-181 and Corte Rd/Austin Rd - \$10,000

2024 – 26 – Resolution Appointing Directors to the Board of Directors of the Renaissance Improvement District

2024 – 27 – Resolution Appointing Directors to the Board of Directors of the Renaissance Improvement District

2024 – 28 – Resolution Appoint Directors to the Board of Directors of the Renaissance Improvement District

2024 - 29 – Appropriation: Employee Compensation Study

**MOTION by Councilwoman Conaway to waive the reading of Resolutions 2024-24, 2024-25, 2024-26, 2024-27, 2024-28 and 2024-29. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Resolution 2024-24. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Resolution 2024-25. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Resolution 2024-26. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

MOTION by Councilman Scott to adopt Resolution 2024-27. Seconded by Councilwoman Phillips.

MOTION by Councilman Olen to amend the Resolution to only appoint Craig Valenti. Seconded by Councilman Hughes.

**AYE – Conaway, Olen, Goodlin, Hughes, Phillips NAY - Scott
MOTION CARRIED.**

MOTION TO ADOPT RESOLUTION 2024-27 CARRIED.

**MOTION by Councilman Scott to adopt Resolution 2024-28. No Second was given.
MOTION FAILED FOR LACK OF SECOND.**

**MOTION by Councilman Goodlin to adopt Resolution 2024-29. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

Councilman Scott asked if the City Clerk could reach out to Ms. Fassbender to receive some recommendations/resumes for the open positions on the Board.

**June 3, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

12. 2ND READ ORDINANCES:

2024 – 12 – Ordinance Amending the City of Daphne’s Land Use and Development Ordinance 2011-54 – Article XIII, District Requirements

2024 – 13 – Ordinance to Re-Zone Property Located Southeast of the Intersection of Whispering Pines and US Highway 98

2024 – 14 – Ordinance to Pre-Zone Property Located Due West of the Intersection of Plantation Drive and Alabama Highway 181 – Malbis Plantation, Inc.

2024 – 15 – Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne – Property Located Due West of the Intersection of Plantation Drive and Alabama Highway 181 – Malbis Plantation, Inc.

MOTION by Councilman Hughes to waive the reading of Ordinance 2024-12. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Hughes to adopt Ordinance 2024-12. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to waive the reading of Ordinance 2024-14. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2024-14. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to waive the reading of Ordinance 2024-15. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2024-15. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

13. 1ST READ ORDINANCES:

2024- 16 – Intergovernmental Agreement – Industrial Development Board Dedication of DISC Right-of-Way Improvements to City, and Acceptance of Same by City

2024 – 17 – Ordinance Repealing and Replacing Ordinance 2005-31 and Setting Forth a Newly Compiled Ordinance Regarding the Abatement of Unsafe Buildings and Structural Nuisances

COUNCIL COMMENTS:

Councilwoman Phillips thanked Mr. Huskey for what he does with clean-up and quick response when there is damage from storms. She welcomed Ms. McDonald to the City. Good luck to those interviewing for Junior City Council.

June 3, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

Councilman Hughes congratulated all the promotions this evening.

Councilman Scott spoke regarding the Yancey Branch event.

Mayor LeJeune said he is excited about the historical marker regarding the Yancey Branch. Thanked Kent Ward for his dedicated to the Junior Council.

Council President Olen congratulated all the promotions in the Fire Department and Police Department. He commended E-Shore Café for their support for the City.

15. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 6:56PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, MMC, City Clerk

Steve Olen, Council President

City of Daphne Building Department

2020 / 2021 / 2022 / 2023 / 2024 Comparison Report

	Fees Collected					Permits Issued					CO's Issued				
	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024
Oct	\$93,181.87	\$94,131.53	\$84,303.63	\$47,086.96	\$83,798.35	215	357	308	192	224	11	31	40	28	32
Nov	\$62,198.00	\$109,387.14	\$91,672.49	\$50,279.03	\$27,147.62	223	378	351	286	166	26	30	30	36	24
Dec	\$233,529.32	\$101,471.36	\$128,605.99	\$57,070.59	\$39,504.17	252	383	296	216	178	33	43	53	36	33
Jan	\$118,498.03	\$132,049.79	\$259,810.62	\$33,804.54	\$171,783.56	270	372	350	152	296	14	24	36	33	22
Feb	\$140,560.44	\$97,396.64	\$129,315.56	\$44,081.76	\$84,812.81	308	350	292	169	231	33	32	32	31	23
Mar	\$77,067.98	\$95,472.42	\$116,358.20	\$30,603.28	\$57,725.99	362	391	431	181	240	45	52	84	44	24
Apr	\$94,394.17	\$80,088.89	\$60,816.35	\$76,873.19	\$173,085.70	272	373	324	212	352	32	40	42	27	15
May	\$95,010.56	\$101,848.37	\$65,454.25	\$147,875.62	\$205,491.78	294	380	306	288	371	39	42	48	20	28
June	\$179,966.08	\$100,508.32	\$147,395.66	\$234,524.02		399	394	355	308		49	50	34	25	
July	\$77,442.81	\$78,547.74	\$87,733.72	\$100,809.42		323	408	305	267		45	29	23	13	
Aug	\$105,147.77	\$59,376.50	\$61,504.63	\$60,342.37		307	309	299	192		34	30	19	4	
Sept	\$71,226.36	\$93,879.09	\$140,065.18	\$108,322.22		352	442	328	277		35	48	40	34	
Total	\$1,348,223.39	\$1,144,157.79	\$1,373,036.28	\$991,701.56	\$843,349.98	3577	4537	3945	2740	2,058	396	451	481	331	201
Percent	NA	-15.14%	20.00%	-27.77%		NA	26.84%	-13.05%	-30.54%	%	NA	13.89%	6.65%	-31.19%	

May FY2024 Notes

Building Inspections- 485

371 Permits issued, 28 Certificate Of Occupancies issued, and 69 New home permits issued

BYLAWS

ARTICLE I. NAME AND LOCATION

The name of this organization shall be the City of Daphne Environmental Advisory Committee ("EAC"), and its principal place of business shall be 1705 Main Street; Daphne, AL 36526, mailing address is PO Box 400, Daphne, AL 36526.

ARTICLE II. AUTHORIZATION

The authorization for the establishment of this EAC is set forth by the Daphne City Council Resolution 2007-66, enacted on August 20, 2007. The purpose of the EAC as established by the City Council is to encourage citizen input and involvement through the formation of an advisory committee dedicated to studying and making recommendations on matters relating to the environment to the Public Works Committee and when needed the full City Council.

ARTICLE III. PURPOSE

The EAC duly organized under these bylaws shall have the power to study environmental issues independently and at the request of the Public Works Committee and/or City Council and to make recommendations to the Public Works Committee, City Council and/or Administration on those issues. The EAC will work with the Public Works Committee, City Council and/or Administration in an advisory capacity in an effort to help them analyze environmental issues and issue recommendations on courses of action necessary to protect the health, safety and welfare of the residents of the City of Daphne ("City").

ARTICLE IV. MEMBERSHIP

1. The EAC is composed of no less than twelve (12) or more voting members (Citizens of Daphne) appointed by the City Council for 2-year terms (staggered) throughout the year. Members should be re-appointed after each 2-year term.
2. The City Council may select among themselves two (2) Council members to attend meetings and to serve as voting members of the EAC. The Council members cannot be an officer of the EAC.
3. Daphne Utilities may choose to have one representative on the EAC. This is a non-voting position.
4. Any vacancy on the EAC, except Chair, shall be filled at the earliest convenience of the City Council. A vacancy of the Chair shall be filled automatically by the Vice-Chair at the time of the vacancy.
5. EAC members having three or more unexcused consecutive absences in a calendar year may be replaced by the City Council. Notification of potential dismissal from the EAC shall be sent by any means by the Chair to the affected EAC member following a second unexcused absence within a calendar year.
6. Throughout their term on the EAC, all EAC members must notify the EAC and the City Council of any potential conflicts of interest that could result in personal or professional gain either directly or indirectly to them, their families, or associates, by their involvement with the EAC.

ARTICLE V. MEETINGS AND VOTING

1. Monthly meetings. Regular meetings of the EAC shall be held at the Daphne City Hall, at 4:00 pm the fourth Monday of every month.
2. Special Meetings. Special meetings may be requested by the Chair, or by a majority of the EAC members. Such special meetings shall be held at the Daphne City Hall at such date and hour as may be designated by the person or persons authorized herein to call such a meeting.
3. Quorum. In the event a quorum is not present at any meeting, the members may reschedule the meeting for a later date with sufficient notice. A quorum shall consist of a majority of the current voting members.
4. Voting. Each voting member is entitled to one vote, with the voting governed by parliamentary procedure according to Robert's Rules of Order.
5. Minutes from meetings will be kept and copies of the meeting's minutes will be sent to each member of the EAC and to the Public Works Committee for inclusion in agendas for the City Council.
6. All meetings or portions of meetings shall be open to the public and subject to all applicable Open Meeting Laws.

ARTICLE VI. OFFICERS AND COMPENSATION

1. Officers. The EAC shall elect from among their members a Chair and a Vice-Chair at the first meeting of each fiscal year. Officers shall serve for one year or until their successors are elected.
2. Chair. The Chair shall preside at all meetings of the EAC and shall have the duties and powers normally invested in the Office of Chair. He/she shall enforce the bylaws of the EAC. He/she shall be the official spokesperson for the EAC.
3. Vice-Chair. The Vice-Chair shall carry out the Chair's duties in case of absence, incapacity, or resignation.
4. Secretary. The Secretary will be responsible for keeping the official minutes of the EAC and preparing all correspondence on behalf of the EAC. The secretary shall be the City's Environmental Programs Manager. A Treasurer is not required as the EAC neither owns nor manages any assets.
5. Compensation. No committee member shall receive any salary or payment for his/her services. Financial support of the EAC shall be provided by the City with the approval of the City Council.

ARTICLE VII. DUTIES OF ENVIRONMENTAL ADVISORY COUNCIL MEMBERS

1. Management of business. Given the EAC's mission of providing an objective set of recommendations to the Public Works Committee, City Council and/or Administration on any given issue, each member may assist in preparing an analysis of the strengths and weaknesses of potential courses of action.
2. Subcommittees and special task forces may be formed by a majority vote of a quorum of EAC members at any regular or special meeting of the EAC. The EAC may appoint members of the general public to a subcommittee or special task force as it deems necessary and appropriate.
3. The study of issues:

a. Environmental Education Outreach- The EAC will assist the City in the implementation and evaluation of its environmental public education and outreach program whose main objective is to inform the general public about stormwater and its impacts to local water bodies and the steps that the public can take to reduce pollution.

b. Recycling - The EAC should research, investigate, deliberate and make recommendations on how the City through Public Works/Solid Waste can increase the participation in and volume generated by our Recycling Program. The EAC could assist in the identification of potential sources of grants, help prepare grant proposals, and give support to outreach and education.

c. Environmental Project Funding -The EAC should establish Environmental Priorities needing mitigation within the City. The EAC may also have responsibility of identifying potential funding sources and assist in the research and writing/preparing of grant documents to obtain the necessary funding. This function of the Committee would work closely with the City's Environmental Programs Manager.

d. Regulatory Counsel - The EAC is charged with review of all City Ordinances and research of other jurisdiction's regulations, policies, ordinances and programs involving environmental stewardship and oversight. EAC should periodically make recommendations on changes, upgrades, clarifications and new policies for City ordinances. A main goal of this counsel will be to make recommendations for the establishment of City specific Post Development Storm Water Treatment Standards. Also in this role the EAC would serve as liaison to all other Environmental Advisory Groups within the County and Region.

e. Municipal Separate Storm Sewer System (MS4) – Assist with Permit maintenance, compliance and oversight.

f. Watershed Protection – EAC should be involved in all aspects of watershed protection and serve as an advisory body to recognize watershed issues and help determine solutions.

g. Other – Environmental issues that affect the City, as they arise or are identified.

ARTICLE VIII. ORDER OF BUSINESS FOR MEETINGS

1. CALL TO ORDER
2. APPROVAL OF MINUTES
3. PUBLIC PARTICIPATION & CORRESPONDENCE
4. OLD BUSINESS
 - A. Project updates
5. NEW BUSINESS

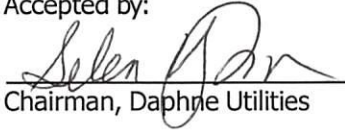
- 6. OTHER
 - A. FUTURE BUSINESS / LONG LEAD TIME
 - B. ITEMS WITH NO UPDATE
- 7. ADJOURNMENT

ARTICLE IX. AMENDMENTS

The EAC shall have the power to amend its bylaws subject to City Council approval. No amendment shall be recommended unless a copy of such proposed amendment has been included in or enclosed with the notice of such meeting and a minimum of 2 weeks notice. Amendments to the bylaws may be voted on at any regular or special meeting of the EAC with a two-thirds affirmative vote required for approval.

ARTICLE X. OTHER PROVISIONS

Accepted by:


Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ April 24, 2024 ♦ 5:00 p.m.

I. Call to Order

The regular April 2024 Board meeting for the Utilities Board of the City of Daphne was held on April 24, 2024, in the Council Chambers at Daphne City Hall and called to order at 5:06 p.m. by Chairwoman Selena Vaughn, followed by the Roll Call:

II. Roll Call

Members Present: Selena Vaughn, Chairwoman
Tim Patton, Vice Chairman
Billy Mayhand, Secretary/Treasurer
Mayor Robin LeJeune, Board Member
Councilman Joel Coleman, Board Member – arrived at 5:06pm

Members Absent:

Others Present: Jerry Speegle – Board Attorney
Scott Polk – General Manager
Bobby Purvis – Operations Manager
Alex Godfrey – Administrative Services Manager
Lori Wilson – Executive Assistant
Lexus Carlee – Finance Manager
Samantha Coppels – Communications Manager

Others Absent:

III. Pledge of Allegiance

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

IV. Approval of Minutes

Utilities Board Meeting Minutes March 27, 2024

The Chairwoman requested any additions, corrections, or deletions for the submitted minutes of the regular Daphne Utilities Board meeting of March 27, 2024.

With no additions, deletions or corrections, the Chairwoman declared that the submitted minutes of the regular Daphne Utilities Board meeting of March 27, 2024, would stand approved.

V. OLD BUSINESS –

A. None

VI. NEW BUSINESS –

A. Resolution 2024-01 – Resolution to Adopt and Approve the MWPP (Municipal Water Pollution Prevention) Program for 2024 (Board Action – RESOLUTION)

Chief Executive Officer/General Manager Scott Polk announced that this resolution is part of the annual report that is submitted to ADEM for the Municipal Water Pollution Prevention program, noting that the highlights are included in the board book but the actual report is more extensive, the program has been reviewed by staff and engineers and no issues were discovered.

Mr. Patton did point out one typographical error which was noted and would be corrected by staff.

MOTION by Vice Chairman Tim Patton to approve Resolution 2024-01 to adopt and approve the MWPP (Municipal Water Pollution Prevention program for 2024; Seconded by Secretary/Treasurer Billy Mayhand.

AYE: Coleman, LeJeune, Mayhand, Patton NAY: ABSENT: ABSTAIN: Vaughn

MOTION CARRIED

VII. BOARD ATTORNEY'S REPORT

Board Attorney Jerry Speegle had nothing further to report for this month.

VIII. FINANCIAL REPORT

Finance Manager Lexus Carlee reviewed for the Board: total assets, revenue for the year, metered services, except for natural gas, were over budget, year-to-date revenue current under projections; she gave the explanation for the natural gas revenues under budget; expenses under budget. She concluded with a clarification of the monthly cash payments.

IX. GENERAL MANAGER'S REPORT

A. GM Report

General Manager Scott Polk updated the Board members on: the Rehab of Well #2 (#15), cleaning up some submissions at ADEM's request; the demolition of the Malbis Storage Water Tank delays and possible suggestions for the debris to be used for an art sculpture by local artist Bruce Larsen; completion of the gas line hook-up for the back-up generator at the WRF in preparation for hurricane season; completion of the Trojan elevated water storage tank project; explanation of the EPA's final drinking water standards for PFAS; and lastly, clarified the recent Standard and Poors Global Ratings analytical error in their assessments of municipal utilities.

Samantha Coppels advised of recent media coverage regarding the Malbis tank and Daphne Utilities staff involvement with the Chamber of Commerce's STEP (student training exploration program) students offering insight into working in the utilities industry.

B. Operations Report

Mr. Bobby Purvis offered to answer questions regarding his submitted report and updated the board on a few projects: 9 of 12 lift station upgrades have been completed; purchase order had been released on smart meters and awaiting the delivery; purchased equipment listed on the budget that included a track-lift, 4 trucks, the automatic transfer switch for the large

generator at the WRF is not expected to be received until mid-2025, the WRF software had been completed, 12 by-pass connections and suction pipes had also been installed; lastly a sod-cutter had been purchased. He answered questions regarding the Utilities' assistance at the Justice Center project.

C. Engineering & Consulting Reports – nothing to add to the submitted reports

X. BOARD ACTION – previously addressed.

XI. PUBLIC PARTICIPATION – Chairwoman Vaughn opened Public Participation at 5:26 pm. With no participants the Chairwoman closed Public Participation at 5:26 pm.

XII. BOARD COMMENTS –

Councilman Joel Coleman apologized for running a bit late.

Mr. Billy Mayhand had no comment.

Mr. Tim Patton gave kudos to everyone and commented on getting prepared for hurricane season.

Mayor LeJeune had no comment.

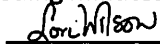
Chairwoman Vaughn congratulated Mr. Tim Patton on his first grandchild.

XII. ADJOURNMENT

With no additional comments, the Chairwoman Vaughn called for a motion to adjourn the meeting. Mr. Billy Mayhand made the Motion to Adjourn.

The meeting adjourned at 5:27pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024 - 30**

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

WHEREAS, the Court has ruled that items scheduled on the attached list are unclaimed, forfeited and/or condemned and awarded to the property of the City of Daphne Police Department; and

WHEREAS, the Police Department of the City of Daphne has determined that the items scheduled on the attached list are not required for public or municipal purposes; and;

WHEREAS, the items scheduled on the attached list are recommended for disposal.

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

1. The items scheduled on the attached list are hereby declared to be surplus property; and

DEPT	DESCRIPTION
PD	UNCLAIMED, FORFEITED AND/OR CONDEMNED ITEMS - SEE ATTACHED LIST

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

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

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

Komatsu Blower	Conex
Bag with misc. car parts	Conex
Push Mower	Conex
Grinder	Conex
Grinder w/case	Conex
Hammer Drill (black case)	Conex
Chainsaw	Conex / Bn: 7/Sh: 3
Work light	Conex / Bn: 1/Sh: 3
Ratchet set	Conex / Bn: 1/Sh: 3
Compound Miter Saw	Conex / Bn: 1/Sh: 3
Push Lawn Mowing Machine	Conex
TV	Conex
Bicycle 21"	Conex
Weed eater	Conex
Bicycle	Conex
Tent (safe keeping)	Conex
Craftsman 7 ¼ inch Circular Saw	Conex
McCullough 14 inch Chainsaw	Conex
Homelite 14 inch Chainsaw	Conex
Ryobi Table Saw	Conex
Legend 7 ¼ inch Circular Saw	Conex
Handheld Hedge Trimmer, gas powered	Conex
Bicycle	Conex
Folding Table	Conex
Bicycle	Conex
Bicycle	Conex
Bicycle	Conex
Backpack	Conex
Scooter	Conex

Baby Stroller	Conex
Bicycle	Conex
Propane Tank, 15lb	Conex / Behind Conex
Box on wheels; full of electrical equipment	Conex
Bicycle	Conex
Hedge Trimmer	Conex
Kayak	Conex
Bicycle	Conex
Bicycle	Conex
Mountain Bike: 18 speed	Conex
Bicycle	Conex
Bicycle	Conex
Mountain Bike	Conex
Electric Scooter	Conex
Bicycle	Conex
Chainsaw: 16 inch; 36cc	Conex
Bicycle	Conex
Bicycle	Conex
Bicycle 26"; women's	Conex
Electric Chainsaw	Conex
Bicycle	Conex
Commercial Chemical Sprayer	Conex
Bicycle 20"; boy's	Conex

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024 - 31**

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

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

WHEREAS, the item listed below is recommended for disposal.

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

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

DEPT	EQ/VEH #	DESCRIPTION
PD	N/A	CONEX METAL CONTAINER 9'.5"H x 8'Wx 40' L

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

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

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024-32**

2024-A-RENOVATION & ADDITION FOR DAPHNE JUSTICE CENTER

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

WHEREAS, The City of Daphne acknowledges that the cost for the 2024-A-Renovation & Addition for Daphne Justice Center will exceed this amount; and

WHEREAS, two bids were received for the Renovation & Addition for Daphne Justice Center; and

WHEREAS, Staff has reviewed the bids for the 2024-A-Renovation & Addition for Daphne Justice Center and determined that the low bid for the base bid amount of \$5,702,275.51 as presented is reasonable; and

WHEREAS, the subject bid is hereby certified contemporaneously with the passing of this resolution that the bid was let in compliance with all applicable provisions of Alabama law; and

WHEREAS, Staff recommends the bid be awarded to Persons Services Corporation as the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the City accept the bid of Persons Services Corporation for the base bid in the amount of **\$5,702,275.51** as the lowest responsive and responsible bidder for BID SPECIFICATION NO: 2024-A-RENOVATION & ADDITION FOR DAPHNE JUSTICE CENTER.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2024

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024- 33**

**APPROPRIATION: 2024-A RENOVATION AND ADDITION FOR DAPHNE JUSTICE
CENTER**

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, in November 2023, the City authorized the issuance of General Obligation Warrants, Series 2023-A, in the amount of \$8,895,000 be used to assist in funding the construction of the new animal shelter and the expansion of the Justice Center; and

WHEREAS, the proceeds from the issuance of the aforementioned warrants were deposited into the 2023 Construction Fund; and

WHEREAS, the 2024-A Renovation and Addition for Daphne Justice Center project has been bid with a total project cost of \$6,209,389 (Construction Bid - \$5,702,275; Engineering - \$140,000; Miscellaneous - \$82,000; Contingency - \$285,114); and

WHEREAS, the City desires to fund the Renovation and Addition for Daphne Justice Center project from remaining proceeds of the General Obligation Warrants, Series 2023-A, in the amount of \$6,209,389; and

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

1. Funds in the amount of **\$6,209,389** from the **2023 Construction Fund** are appropriated and made a part of the Fiscal Year 2024 budget for the City's portion of the project herein described.
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.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024-34**

APPROPRIATION: GARBAGE CARTS AND MARKETING MATERIALS

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's plans for recycling services have been adjusted to account for the Baldwin County Solid Waste Authority expanding its curbside recycling program to include the City of Daphne; and

WHEREAS, in anticipation of this curbside recycling program, the City will need to remove all blue recycling carts used by citizens from its current Solid Waste routes and replace the blue recycling cart with a green 96" garbage cart if requested by the citizen; and

WHEREAS, the City will need to notify and educate the citizens on this process with door hangers, postcard mailers, Daphne Utilities bill inserts, and recycling cart labels; and

WHEREAS, quotes have been received for an additional 2,148 green Toter garbage costs (\$132,529) and marketing materials to notify the citizens on the process (\$11,500).

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

1. An appropriation in the amount of **\$144,029** from the **General Fund** is appropriated and made a part of the Fiscal Year 2024 Budget for additional 96" green garbage carts and marketing materials to notify and educate citizens on the removal of all blue recycling carts from the current Solid Waste routes.
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.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024-35
2024-F-RESURFACING ON CR13 PHASE 2**

WHEREAS, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$ 100,000; and

WHEREAS, the City of Daphne acknowledges that the Resurfacing on CR13 Phase 2 project will exceed \$100,000; and

WHEREAS, the City of Daphne did receive and review bids for the project and has determined that the bid as presented is reasonable; and

WHEREAS, the subject bid is hereby certified contemporaneously with the passing of this resolution that the bid was let in compliance with all applicable provisions of Alabama law; and

WHEREAS, staff recommends the Base Bid (\$218,272.05) and Alternate-Section 2 (\$177,105.72) for a total of \$395,377.77 for the Resurfacing on CR13 Phase 2 bid be awarded to John G. Walton Construction Company, Inc.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City hereby accept the bid from John G. Walton Construction Company, Inc. in the amount of **\$395,377.77** as specified in BID SPECIFICATION NO. 2024-F-RESURFACING ON CR13 PHASE 2 project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2024

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE
ORDINANCE 2024-16**

**INTERGOVERNMENTAL AGREEMENT
INDUSTRIAL DEVELOPMENT BOARD DEDICATION OF DISC RIGHT-OF-WAY
IMPROVEMENTS TO CITY, AND ACCEPTANCE OF SAME BY CITY**

WHEREAS, the Industrial Development Board of the City of Daphne, Alabama (the “IDB”) was duly created by the City Council of the City of Daphne (the “City”) pursuant to Section 11-54-80, *et seq.*, of the Code of Alabama; and

WHEREAS, on September 22, 2016, the United States Department of Commerce, Economic Development Administration (the “EDA”) approved a grant that was applied toward the IDB’s total cost of developing certain infrastructure improvements related to the proposed Daphne Innovations and Science Complex (DISC), consisting of certain roadway infrastructure and related drainage improvements (as further described herein, the “Improvements”); and

WHEREAS, construction of the Improvements was completed in September of 2019, and the IDB has continued to own and maintain the Improvements thereafter; and

WHEREAS, the IDB is nearing the completion of its oversight of the DISC project, having entered into a purchase and sale agreement to convey all parcels of real property owned by the IDB, excluding the Improvements, to a third party for development; and

WHEREAS, the Improvements are public in nature, located within the corporate boundaries of the City, and appropriate for future maintenance by the City as public right-of-way improvements; and

WHEREAS, the City and the IDB have completed all actions necessary to obtain approval from the EDA for the IDB to transfer ownership and maintenance responsibilities of the Improvements to the City; and

WHEREAS, the IDB wishes to dedicate, and the City wishes to accept, the Improvements, subject to the terms and conditions of an Intergovernmental Agreement, in substantially the form attached hereto as Appendix 1.

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

1. That the City Council hereby accepts the dedication by the IDB of the following rights-of-way, along with related drainage and other improvements located within said rights-of-way, as further depicted and described on Exhibit A attached hereto (the “Improvements”):

Name of Right-of-way	Length (linear feet)	Width (feet)
DISC Drive	1,638.38	100
Technology Lane	711.18	60
Innovation Way	697.22	100

2. That the Mayor and Clerk of the City are each hereby authorized to execute the Intergovernmental Agreement and such other documents related to the closing and acceptance of the Improvements as deemed necessary by the City Attorney.

3. That the Clerk of the City is hereby directed to record this Ordinance in the records of the Judge of Probate of Baldwin County, Alabama.

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

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

EXHIBIT A

Depiction and Description of Improvements

The “Improvements” include all of the real property described below, and all improvements located on said property.

COMMENCE AT THE CALCULATED NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST AND RUN THENCE NORTH 89 DEGREES 27 MINUTES 12 SECONDS WEST, A DISTANCE OF 115.25 FEET TO A CAPPED IRON PIN ON THE WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE ALONG SAID WEST RIGHT-OF-WAY, AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 20174.13 FEET, AN ARC LENGTH OF 145.55 FEET, (CHORD BEARS NORTH 00 DEGREES 52 MINUTES 14 SECONDS EAST, A DISTANCE OF 145.55 FEET) TO THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 27 MINUTES 12 SECONDS WEST, 20 FEET SOUTH OF, AND PARALLEL TO THE NORTH LINE OF LOT 7, DISC SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2568-E AND F, BALDWIN COUNTY PROBATE RECORDS, A DISTANCE OF 220.93 FEET; THENCE CONTINUING 20 FEET SOUTH OF, AND PARALLEL TO THE NORTH LINE OF SAID LOT 7, RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 360.00 FEET, AN ARC LENGTH OF 22.04 FEET, (CHORD BEARS NORTH 87 DEGREES 41 MINUTES 57 SECONDS WEST, A DISTANCE OF 22.04 FEET) TO A POINT ON THE WEST LINE OF SAID LOT 7; THENCE ALONG A COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 360.00 FEET, AN ARC LENGTH OF 202.16 FEET, (CHORD BEARS NORTH 69 DEGREES 51 MINUTES 27 SECONDS WEST, A DISTANCE OF 199.52 FEET); THENCE RUN NORTH 53 DEGREES 46 MINUTES 12 SECONDS WEST, A DISTANCE OF 382.76 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 420.50 FEET, AN ARC LENGTH OF 263.53 FEET, (CHORD BEARS NORTH 71 DEGREES 43 MINUTES 27 SECONDS WEST, A DISTANCE OF 259.24 FEET); THENCE RUN NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, A DISTANCE OF 596.23 FEET TO A POINT ON THE WEST LINE OF LOT 1 OF THE AFOREMENTIONED DISC SUBDIVISION; THENCE RUN NORTH 00 DEGREES 19 MINUTES 18 SECONDS EAST, ALONG SAID WEST LINE OF LOT 1, A DISTANCE OF 747.22 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF CHAMPIONS WAY; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 100.00 FEET; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN SOUTH 00 DEGREES 19 MINUTES 18 SECONDS WEST, A DISTANCE OF 597.22 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 78.54 FEET, (CHORD BEARS SOUTH 44 DEGREES 40 MINUTES 42 SECONDS EAST, A DISTANCE OF 70.71 FEET); THENCE RUN SOUTH 89 DEGREES 40 MINUTES 42 SECONDS EAST, A DISTANCE OF 480.00 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 78.54 FEET, (CHORD BEARS NORTH 45 DEGREES 19 MINUTES 18 SECONDS EAST, A DISTANCE OF 70.71 FEET); THENCE RUN NORTH 00 DEGREES 19 MINUTES 18 SECONDS EAST, A DISTANCE OF 597.22 FEET TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT-OF-WAY OF CHAMPIONS WAY; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF THE AFOREMENTIONED DISC SUBDIVISION; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN ALONG THE EAST AND NORTH MARGINS OF SAID LOT 1 THE FOLLOWING DESCRIBED COURSES: SOUTH 00 DEGREES 19 MINUTES 18 SECONDS WEST, A DISTANCE OF 664.82 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 340.00 FEET, AN ARC LENGTH OF 141.08 FEET, (CHORD BEARS SOUTH 65 DEGREES 39 MINUTES 25 SECONDS EAST, A DISTANCE OF 140.07 FEET); THENCE RUN SOUTH 53 DEGREES 46 MINUTES 12 SECONDS EAST, A DISTANCE OF 424.20 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 260.00 FEET, AN ARC LENGTH OF 138.91 FEET, (CHORD BEARS SOUTH 69 DEGREES 04 MINUTES 32 SECONDS EAST, A DISTANCE OF 137.26 FEET) TO THE SOUTHWEST CORNER OF LOT 4 OF THE AFOREMENTIONED DISC SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID LOT 4, AND A COMPOUND CURVE TO THE LEFT, HAVING A RADIUS OF 260.00 FEET, AN ARC LENGTH OF 23.02 FEET, (CHORD BEARS SOUTH 86 DEGREES 55 MINUTES 02 SECONDS EAST, A DISTANCE OF 23.01 FEET); THENCE RUN SOUTH 89 DEGREES 27 MINUTES 12 SECONDS EAST, ALONG THE SOUTH LINE OF LOT 4 AND LOT 6, DISC SUBDIVISION, A DISTANCE OF 222.10 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE ALONG SAID WEST RIGHT-OF-WAY, AND A CURVE TO THE LEFT, HAVING A RADIUS OF 20174.13 FEET, AN ARC LENGTH OF 100.01 FEET, (CHORD BEARS SOUTH 01 DEGREES 13 MINUTES 10 SECONDS WEST, A DISTANCE OF 100.01 FEET) TO THE POINT OF BEGINNING. EASEMENT TRACT CONTAINS 6.31 ACRES, MORE OR LESS.

The right-of-way being conveyed to the City is depicted on the attached sketch, labeled thereon as “Right-of-Way Easement.”

[Remainder of Page Intentionally Left Blank. Sketch Contained on Following Page.]

APPENDIX 1
FORM OF INTERGOVERNMENTAL AGREEMENT

(attached)

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2024-17**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE 2005-31 AND
SETTING FORTH A NEWLY COMPILED ORDINANCE REGARDING THE
ABATEMENT OF UNSAFE BUILDINGS AND STRUCTURAL NUISANCES**

WHEREAS, the existence of unsafe and dilapidated buildings and structures within the City of Daphne (“the City”) constitutes a public nuisance, the abatement of which burdens the city treasury and contributes to blight and crime in neighborhoods; and

WHEREAS, Sections 11-40-30 through 11-40-36 of the *Code of Alabama* (1975), permit the City, after meeting certain notice requirements, to move or demolish unsafe buildings; and

WHEREAS, Sections 11-53B-1 through 11-53B-16 of the *Code of Alabama* (1975), permit the City, after meeting certain notice requirements, to repair, move, or demolish unsafe buildings and to provide an effective means of collecting an assessment lien on the property for the costs of the work involved in abating the nuisance; and

WHEREAS, the Council desires that the City employ all tools provided by law to the City for the fixing of costs, creation of liens, making of assessments, and collection of costs associated with repairing, moving, or demolishing buildings and structures, or parts of buildings and structures, party walls, and foundations when found to be unsafe to the extent of being a public nuisance from any cause, including but not limited to Section 6-5-122 of the *Code of Alabama* (1975), Sections 11-40-30 through 11-40-36, inclusive, of the *Code of Alabama* (1975), Sections 11-47-117 through 11-47-118, inclusive, of the *Code of Alabama* (1975), Section 11-47-131, of the *Code of Alabama* (1975), Sections 11-53-1 through 11-53-4, inclusive, of the *Code of Alabama* (1975), and Sections 11-53B-1 through 11-53B-16, inclusive, of the *Code of Alabama* (1975); and

WHEREAS, the City Council has determined that the provisions of Ordinance 2005-31 are due to be updated to reflect the current state of the law on nuisance abatement and to provide the City with the ability to abate nuisances in a timelier manner.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, as follows:

SECTION 1. Definitions.

Unless the context clearly requires a different meaning, the words used in this chapter will have the meanings as set forth below:

Appropriate Municipal Official means the City building official and any other City official or City employee designated by the Mayor as the person to exercise the authority and perform the duties delegated by this Ordinance.

Assessment means the cost incurred to repair, move, or demolish a structure as provided by this chapter.

Building means any building, structure, part of a building or structure, party wall, or foundation used or intended for supporting or sheltering any use or occupancy.

City means the City of Daphne, Alabama.

Council means the City Council of the City of Daphne, Alabama.

Owner means the person or persons, firm, association, or corporation last assessing the property who is the record owner of the property for state taxes according to the county tax assessor records.

Person means any natural or legal person including partnerships, corporations, limited liability companies and the like.

Permanent improvement means all repairs, improvements, appurtenances, buildings, and equipment attached to property as fixtures.

Public nuisance means any condition that renders a building unsafe and dangerous to the public safety, health, or welfare.

SECTION 2. Duties of Appropriate Municipal Official.

(a) The Appropriate Municipal Official may:

(1) Inspect, or cause to be inspected, semiannually all public buildings, halls, churches, theatres, hotels, tenements, commercial manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render any such place a “dangerous building” as defined by this Ordinance;

(2) Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is, or may be, existing in violation of this Ordinance;

(3) Inspect any building, wall, or structure reported (as hereinafter provided for) by the fire department or police department as probably existing in violation of the terms of this Ordinance; and

(4) Perform such other duties as are set forth in this Ordinance.

(b) The Appropriate Municipal Official is hereby authorized and directed to enforce all of the provisions of this Ordinance. Upon presentation of the proper credentials, the Appropriate Municipal Official may enter any building, structure, part of building or structure, party wall, foundation, or premises for the purpose of inspection to prevent violation of the provisions of this Ordinance, and/or to carry out an order given pursuant to this Ordinance.

SECTION 3. Dangerous buildings defined.

Any building which has any of the following defects may be deemed a “dangerous building”:

(1) Those whose interior walls or other vertical structure members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

(2) Those which, exclusive of the foundation, show thirty-three percent (33%) or greater of damage or deterioration of one (1) or more supporting

members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering;

(3) Those which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;

(4) Those which have been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism, or any other cause so as to have become dangerous to life, health, property, morals, safety, or general welfare of the public or the occupants;

(5) Those which have become or are so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the life, health, property, morals, safety, or general welfare of the public or the occupants;

(6) Those having light, air, heating, cooling, and sanitation facilities which are inadequate to protect the life, health, property, morals, safety, or general welfare of the public or the occupants;

(7) Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of ingress and egress to and from said building;

(8) Those which do not provide minimum safeguards to protect or warn occupants in the event of fire;

(9) Those which contain unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to the life, health, property, morals, safety, or general welfare of the public or the occupants;

(10) Those which are so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible;

(11) Those which have parts thereof which are so attached that they may fall and damage property or injure the public or the occupants;

(12) Those, or any portion thereof, which are clearly unsafe for their use or occupancy;

(13) Those which are neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building to their danger; become a harbor for vagrants, criminals, or immoral persons; or enable persons to resort to the building for committing a nuisance or an unlawful act;

(14) Those which have any portion remaining on a site after the demolition or destruction of the same or whenever the building is abandoned so as to constitute such building as an attractive nuisance or hazard to the public;

(15) Those which because of their condition are unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants; and

(16) Those with a condition or conditions that violate the City's technical codes adopted from time to time if such violation(s) are unsafe to the extent of becoming a public nuisance.

SECTION 4. **(Reserved).**

SECTION 5. **Dangerous buildings constitute nuisances.**

All "dangerous buildings," upon a determination by the Appropriate Municipal Official and a finding of necessity by the Council after giving notice as provided in this Ordinance, may be repaired, vacated, moved, or demolished as provided by this Ordinance.

SECTION 6. **Standards for repair, removal, vacation, or demolition.**

The following standards may be followed in substance by the Appropriate Municipal Official in ordering a repair, removal, demolition, and/or vacation:

(1) If any building can reasonably be repaired within a reasonable time and at a reasonable cost relative to the value of the structure so that it will no longer exist in violation of the terms of this Ordinance, it may be ordered to be repaired.

(2) If any building can reasonably be moved so that it will no longer exist in violation of the terms of this Ordinance, it may be ordered to be moved.

(3) In any case where any building is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land), it may be demolished, and in all cases where any building cannot be reasonably repaired so that it will no longer exist in violation of the terms of this Ordinance, it may be demolished. In all cases where any building is a fire hazard existing in violation of the terms of this Ordinance, it may be demolished.

(4) If any building is in such condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants, it and/or the entirety or other portion of the premises upon which it is located may be ordered to be vacated.

Where one or more of the standards above may apply, the Appropriate Municipal Official may, in his or her sole discretion, choose to order any one, any combination, or all of the foregoing remedies.

SECTION 7. Notice from Appropriate Municipal Official of unsafe condition.

(a) Whenever the Appropriate Municipal Official of the City finds that any building situated in the City is unsafe to the extent that it is a public nuisance, the Appropriate Municipal Official shall, as set forth in this Section, give notice to remedy the unsafe or dangerous condition of the building or structure. The notice shall identify the street address, the legal description, and the parcel identification number of the property where the building, structure, part of building or structure, party wall, or foundation is located. The notice shall set forth in detail the basis for the Appropriate Municipal Official's finding and shall direct the owner or owners to take either of the following actions:

(1) In the case where repair is required, accomplish the specified repairs or improvements within forty-five (45) days of the date of the notice or if the same cannot be repaired within that time to provide the Appropriate Municipal Official with a work plan to accomplish the repairs. The work plan shall be submitted within forty-five (45) days of the making of the notice and shall be subject to the Council's approval.

(2) In the case where a move or demolition is required, move or demolish the building within forty-five (45) days of the notice.

In the case of repair, move, or demolition, the notice shall state that, in the event the owner does not comply within the time specified in the notice, the repairs, move, or demolition shall be accomplished by the City and the costs of the repairs, move, or demolition shall be assessed against the property.

The repair, move, or demolition must be completed to the Appropriate Municipal Official's satisfaction, or the same may be completed and accomplished by the City and the cost thereof assessed against the property.

The Appropriate Municipal Official may also order that any building, structure, or part of building or structure ordered to be repaired, moved, or demolished be vacated along such terms as the Appropriate Municipal Official deems appropriate.

(b) The Appropriate Municipal Official shall give the notice required by Subsection (a) of this Section by all of the following means:

(1) By certified or registered mail, properly addressed and postage prepaid, to all of the following persons or entities:

- i. The person or persons, firm, association, or corporation last assessing the property for state taxes to the address on file in the Baldwin County Revenue Commissioner's Office;
- ii. The record property owner or owners (including any owner or owners of an interest in the property) as shown from a title search of the records of the office of the Judge of Probate of Baldwin County, Alabama, at the owner or owners' last known address and at the address of the subject property;

- iii. All mortgagees of record as shown from a title search of the records of the office of the Judge of Probate of Baldwin County, Alabama, to the address set forth in the mortgage or, if no address for the mortgagee is set forth in the mortgage, to the address determined to be the correct address by the Appropriate Municipal Official;
- iv. All lien holders of record as shown from a title search of the records of the office of the Judge of Probate of Baldwin County, Alabama, to the address set forth in the statement of lien or, if no address for the lien holder is set forth in the statement of lien, to the address determined to be the correct address by the Appropriate Municipal Official; and
- v. Any person who is otherwise known to the Clerk or to the Appropriate Municipal Official to have an interest in the property;

(2) By filing a *lis pendens* in the Baldwin County Probate Court on or before the date of mailing required by Subsection (b)(1) of this Section to give notice to any subsequent purchasers of the repair, move, or demolition proceedings;

(3) By posting notice of the order, or a copy thereof, within three (3) days of the date of mailing required by Subsection (b)(1) of this Section, at or within three feet of an entrance to the building or structure. If there is no entrance, the notice may be posted at any location on the building or structure.

SECTION 8. Hearings, appeals, and extensions.

(a) Within thirty (30) days from the date appearing on the notice given pursuant to Section 7, any person or entity having an interest in the building may file a written request for a hearing before the Council, together with that person's objections to the finding that the building is a public nuisance.

(b) The filing of the request for a hearing shall hold in abeyance any action on the finding of the official until a determination is made by the Council.

(c) The Council shall hold a hearing not less than five (5) nor more than thirty (30) days after the filing of a written request for a hearing.

(d) In the event no hearing is timely requested, the findings of the Appropriate Municipal Official shall be on the Council's agenda no earlier than thirty-five (35) days from the date the notice is given and no later than fifty (50) days from the date the notice is given.

(e) The Council shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If the council finds that the building is a public nuisance, the Council shall order by resolution that the building or structure be repaired, moved, or demolished after the expiration of ten (10) days from the date of the resolution.

(f) Any person aggrieved by the Council's decision may, within ten (10) days thereafter, appeal to the Circuit Court of Baldwin County upon filing with the clerk of the court notice of the appeal and bond for security of costs in the form and amount to be approved by the circuit clerk.

(1) Upon filing of the notice of appeal and approval of the bond, the clerk of the court shall serve a copy of the notice of appeal on the City Clerk, and the appeal shall be docketed in the court, and shall be a preferred case therein.

(2) The City Clerk shall, upon receiving the notice of appeal, file with the clerk of the court a copy of the Council's findings. The proceedings and trials in the Baldwin County Circuit Court shall be held without jury upon the determination of the Council that the building is a public nuisance.

SECTION 9. Repair and demolition.

(a) If an appeal has not been taken to the Circuit Court as provided for by Section 8(f), then after the passing of ten (10) days from the date of the decision by the Council to repair, move, or demolish a building, the ordered action may be accomplished by the City by the use of its own forces or by contract.

(b) If an appeal is taken to the Circuit Court as provided for by Section 8(f), the filing of such appeal shall hold in abeyance any action on the determination made by Council until after a judgment upholding the Council's determination becomes final as provided by law.

(c) If the building or structure is to be repaired, and the cost to repair is greater than the anticipated cost to demolish, the Council shall be notified and determine whether or not the building or structure shall be repaired or demolished.

(d) A failure by the City to accomplish the repair, move, or demolition of a building within ninety (90) days of the passage of the resolution ordering the same shall constitute an abdication of the Council's order unless one of the following conditions is satisfied:

(1) An aggrieved party has filed an appeal pursuant to this Ordinance;

(2) A court of competent jurisdiction has enjoined or otherwise halted the repair, removal, or demolition;

(3) All parties identified by the Appropriate Municipal Official pursuant to Section 7(b)(1) have entered into a written agreement allowing for an extended period of time within which the repair, removal, or demolition may be accomplished;

(4) All parties identified by the Appropriate Municipal Official pursuant to Section 7(b)(1) have noted at a meeting of the Council their agreement allowing for an extended period of time within which the repair, removal, or demolition may be accomplished and the agreement is reflected in the minutes of the Council; or

(5) Further action is taken by the Council as provided by Subsection (e) of this Section.

(e) If, for any reason, an ordered repair, move, or demolition cannot be accomplished within ninety (90) days of the passage of the resolution ordering the same, the Appropriate Municipal Official shall make a report of the same and the length of any desired extension to the Council. The Clerk shall distribute a copy of the report to the members of the Council. The Clerk shall set the report on the proposed extension for a public hearing at a meeting of the Council. The Clerk shall give no less than ten (10) days' notice of the meeting at which the proposed extension is to be considered by certified mail to all persons or entities listed in Section 7(b)(1). Notice shall be deemed complete upon mailing. Any person or entity having an interest in the property may be heard at the meeting as to any objection to the proposed extension or the length thereof. Following the public hearing, the Council may adopt a resolution extending the time for the repair, move, or demolition to be accomplished for such period of time as it deems necessary. The Council need not order an extension before the time to complete the repair, move, or demolition expires in order for the extension to be effective, but if the Council desires to extend the time to complete the repair, move, or demolition, then the Council must order the extension no more than thirty (30) days after the expiration of the then existing deadline to complete the repair, move, or demolition.

(f) Nothing in this Ordinance shall prevent the City from reinitiating the proceedings authorized by this Ordinance at any time so long as all the requirements of this Ordinance are satisfied anew.

(g) The City may sell or otherwise dispose of salvaged materials resulting from any demolition pursuant to this Ordinance; provided, however, that the proceeds of any monies received from the sale of salvaged materials shall be used or applied against the cost of the demolition.

SECTION 10. Fixing of costs as final assessment.

(a) Upon repair, move, or demolition of the building or structure, the Appropriate Municipal Official shall report to the Council the amount of the proposed assessment, and shall include an administrative fee in the amount of \$200.00 to offset the costs of administration.

(b) The Clerk shall, by first class mail, give no less than ten (10) days' notice of the meeting at which the fixing of the costs is to be considered to all persons or entities listed in Section 7(b)(1). Any person having an interest in the property may be heard at the meeting as to any objection to the fixing of such costs or the amounts thereof.

(c) Any person, firm, or corporation having an interest in the property may be heard at the meeting as to any objection to the fixing of the costs or the amounts thereof.

(d) Following the public hearing, the Council shall adopt a resolution fixing the amount that was reasonably incurred in the demolition or repair and assessing the same against the property including the \$200.00 administrative fee. The cost fixed by resolution shall constitute a final assessment against the lot(s) or parcel(s) of land upon which the building was/is located.

(e) A certified copy of the resolution fixing the final assessment shall also be recorded in the Baldwin County Probate Court.

SECTION 11. Tax lien for the final assessment of a repair, move, or demolition.

- (a) The final assessment for a repair, move, or demolition once made and confirmed by the Council shall constitute a lien on the property for the amount of the final assessment. The lien shall be superior to all other liens on the property except liens for taxes, and except for mortgages recorded prior to the creation of the lien for the final assessment, and shall continue in force until paid.
- (b) Upon the filing of the final assessment therewith, the Revenue Commissioner of Baldwin County shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax and remit the amount to the City.
- (c) The final assessment shall be assessed against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the nonpayment of taxes, and where such final assessment is made against the lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem or sale thereof by the state shall not operate to discharge, or in any manner affect the lien of the City for the assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to the assessment. The assessment shall then be added to the tax bill of the property, collected as a tax, and remitted to the City.

SECTION 12. Payment of assessments, sale of property upon default, and redemption.

- (a) Payment of a final assessment resulting from a move or demolition accomplished pursuant to this Ordinance shall be made in the manner and as provided for the payment of municipal improvement assessments in Section 11-48-48 of the *Code of Alabama* (1975), as the same has heretofore or may hereafter be amended. Upon the property owner's failure to pay the assessment, the officer designated by the City to collect the assessments shall proceed to collect the assessment as provided in Sections 11-48-49 to 11-48-60, inclusive, of the *Code of Alabama* (1975). The City may, in the latter notice, elect to have the Revenue Commissioner collect the assessment by adding the assessment to the tax bill. Upon the election, the Revenue Commissioner shall collect the assessment using all methods available for collecting ad valorem taxes.
- (b) Payment of a final assessment resulting from a repair accomplished pursuant to this Ordinance shall be made in the manner and as provided in Section 11-53B-7 of the *Code of Alabama* (1975), as the same has heretofore or may hereafter be amended. Upon the property owner's failure to pay the assessment, the officer designated by the City to collect the assessments shall proceed to collect the assessment as provided in Sections 11-53B-8 to 11-53B-14, inclusive, of the *Code of Alabama* (1975).
- (c) If the property owner fails to pay the final assessment within thirty (30) days, or having elected to make installment payments, fails to make any installment payment when due, the entire balance shall immediately become due and payable, and the City may proceed to sell the property to the highest bidder for cash, but in no event less than the amount of the lien plus interest through the date of default.
- (d) Prior to the sale, notice shall be given by publication once a week for three (3) consecutive weeks in the *Baldwin Times* or other publication of general circulation in

Baldwin County, setting forth the date and time of the sale and the purpose for which the same is made, together with a description of the property to be sold. If the official shall fail to advertise and sell any property on which the payments are past due, any taxpayer of the city shall have the right to apply for a writ of mandamus requiring the official to take such action to any court of competent jurisdiction, and the court shall, on proof, issue and enforce the writ.

(e) Any owner, notwithstanding his or her default, may pay the final assessment lien with interest and all costs if tendered before a sale of the property.

(f) The cost of any notice and sale resulting from a default shall constitute a charge against the property to be sold and shall be retained out of the proceeds of the sale.

(g) The official making the sale shall execute a deed to the purchaser, conveying all the right, title, and interest that the owner had or held on the date of the final assessment or on the date of sale.

(h) Any surplus arising from the sale shall be paid to the City treasurer to be kept as a separate fund by the treasurer for the owner upon the responsibility of his or her official bond. The City may, by its agents, purchase real estate sold as provided under this chapter and, in the event of the purchase, the deed for the same shall be made to the City.

(i) No mistake in the notice of sale in the description of the property or in the name of the owner shall vitiate the final assessment or the lien and if for any reason the sale is ineffectual to pass title, it shall operate as an assignment of the lien and, upon the request of the purchaser, supplementary proceedings of the same general character as required in this act may be had to correct the errors in the proceedings for his or her benefit or the lien so assigned to him or her may be enforced by civil action.

(j) Any real property heretofore or hereafter sold for the satisfaction of an assessment lien imposed thereon by the Council may be redeemed by the former owner, or his or her assigns, or other persons authorized to redeem property sold for taxes by the state, within two years from the date of the sale by complying with the requirements of Sections 11-53B-10 through 11-53B-14 of the *Code of Alabama* (1975).

SECTION 13. Emergency action.

Notwithstanding any other provisions of this Ordinance, the Appropriate Municipal Official may initiate immediate repair or demolition of a building when, in the opinion of the official so designated, such emergency action is required due to imminent danger of structural collapse endangering adjoining property, the public right-of-way or human life or health. The cost of the emergency action shall be fixed by the court and shall be assessed as provided in this chapter.

SECTION 14. Duties of the Fire Department.

The employees of the Fire Department may make a report in writing to the building official of all buildings or structures which are, may be, or are suspected to be “dangerous buildings.” Such reports should be delivered to the building official within twenty-four (24) hours of the discovery of such buildings by an employee of the Fire Department.

SECTION 15. **Duties of the Police Department.**

All employees of the Police Department may make a report in writing to the building official of all buildings or structures which are, may be, or are suspected to be “dangerous buildings.” Such reports should be delivered to the building official within twenty-four (24) hours of the discovery of such buildings by an employee of the Police Department.

SECTION 16. **Duties of the City Attorney.**

The City Attorney is hereby authorized to:

- (1) Assist and direct the Appropriate Municipal Official to ensure compliance with the notice requirements of this Ordinance and other applicable state and federal law.
- (2) Prosecute all persons performing any act or acts deemed unlawful under Section 17 of this Ordinance.
- (3) Appear at all hearings before the Council authorized by this Ordinance.
- (4) Bring suit to collect all municipal liens, assessments, expenditures or costs incurred by the City in repairing, causing to be vacated, moved, or demolished any building, structure, part of building or structure, party wall, or foundation pursuant to this Ordinance.
- (5) Take such other legal action as is necessary to carry out the terms and provisions of this Ordinance, including, but not limited to, those actions contemplated by Section 18 of this Ordinance.

SECTION 17. **Enforcement and penalties.**

- (a) It shall be unlawful for any person, or for any agent, servant, or employee of such person, to fail to comply with an order or notice given pursuant to this Ordinance.
- (b) It shall be unlawful for any person, or for any agent, servant, or employee of such person, to fail or refuse to perform any duty imposed by this Ordinance.
- (c) It shall be unlawful for any person, or for any agent, servant, or employee of such person, to obstruct or interfere with an Appropriate Municipal Official in carrying out the purposes of this Ordinance.
- (d) It shall be unlawful for any person, or for any agent, servant, or employee of such person, to obstruct or interfere with a repair, removal, or demolition ordered pursuant to this Ordinance by remaining upon the premises or in such proximity to the premises and at such a time and location where the work cannot be accomplished without endangering the life, health, safety, or general welfare of himself or herself or another person.
- (e) It shall be unlawful for any person, or for any agent, servant, or employee of such person, to mutilate, destroy, tamper with, or remove a notice posted pursuant to Section 7(b)(3).
- (f) It shall be unlawful for any person, including an occupant or lessee in possession, to fail to comply with any notice to vacate pursuant to this Ordinance.

(g) It shall be unlawful for any person to enter, access, or be upon the premises that the Appropriate Municipal Official has ordered to be vacated and that is the subject of a notice pursuant to Section 7 or a declaration pursuant to Section 13 except for the purposes of demolishing the same, of moving the same, or of making the required repairs.

(h) It shall be unlawful for any person who has received a notice pursuant to Section 7 or a declaration pursuant to Section 13 to sell, transfer, mortgage, lease, encumber, or otherwise dispose of such building, structure, part of building or structure, party wall, or foundation that is the subject of notice to another until such person shall first provide the grantee, transferee, mortgagee, or lessee a true copy of the notice and shall provide to the City building official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of the notice and fully accepting the responsibility without condition for making the corrections or repairs required by such notice.

(i) A violation of this Section shall be punishable by a fine not to exceed the sum of five hundred (\$500) for each offense, and if a willful violation, by imprisonment, not to exceed six months, or both, at the discretion of the court trying the same. Each day shall constitute a separate offense.

(j) The penalties and remedies provided by this Ordinance shall not apply to the City or any official (elected or appointed), agent, officer, or employee of the City who is administering this Ordinance or otherwise performing its, his, or her official duties.

SECTION 18. **Civil remedies.**

The continued or recurrent performance of any act or acts deemed unlawful under Section 17 of this Ordinance is hereby declared to be detrimental to the health, safety, comfort and convenience of the public and is a nuisance. The City, as an additional or alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same or proceed as otherwise authorized under law to address nuisances.

SECTION 19. **No effect on immunities.**

This Ordinance is adopted only to provide a service for the public as a whole, and is not for the benefit of any individual person or entity. By the adoption of this Ordinance, the City and its agents, officers, and employees accept no duty for the benefit (intended or unintended) of any person, including but not limited to any owner, mortgagee, lien holder, landlord, tenant, occupant, roomer, invitee of any type, trespasser, or any of their agents, officers, or employees. Any duty alleged to arise under this Ordinance on the part of the City or any of its agents, officers, or employees for the benefit of any person is hereby expressly rejected. The City and its agents, officers, and employees hereby expressly reserve all applicable immunities existing under any doctrine, authority, or law (whether under the common law, statute, or otherwise), including but not limited to substantive immunity, qualified immunity, and discretionary function immunity. Save for the powers and remedies that this Ordinance gives to the City and to its agents, officers, and employees who are administering this Ordinance or otherwise performing its, his, or her official duties, this Ordinance does not create any private cause of action for the benefit of any person.

SECTION 20. Cumulative effect.

This Ordinance is cumulative in nature and is in addition to any power and authority that the City may have under any other law.

SECTION 21. REPEALER.

This Ordinance expressly repeals and replaces Ordinance 2005-31 in its entirety. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 22. EFFECT ON EXISTING PROSECUTIONS AND ACTIONS.

The adoption of this ordinance shall not in any manner affect any prosecution of any act illegally done contrary to the provisions of any ordinance now or heretofore in existence, and every such prosecution, whether begun before or after the enactment of this ordinance shall be governed by the law under which the offense was committed; nor shall a prosecution, or the right to prosecute, for the recovery of any penalty or the enforcement of any forfeiture or lien be in any manner affected by the adoption of this ordinance; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this ordinance be affected in any manner by its adoption.

SECTION 23. INCORPORATION IN THE CODE OF ORDINANCES.

The provisions of this Ordinance shall be included in and incorporated in the Code of Ordinances of Daphne, Alabama, as an addition or amendment thereto, and shall be renumbered, if appropriate, to conform to the uniform numbering system of the Code.

SECTION 24. SEVERABILITY.

The provisions, sections, paragraphs, sentences, clauses, phrases, and parts thereof of this Ordinance are severable, and if any provision, section, paragraph, sentence, clause, phrase, or part thereof of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, then such ruling shall not affect any other provision, section, paragraph, sentence, clause, phrase, or part thereof, since the same would have been enacted by the Council without the incorporation of any such unconstitutional or invalid provision, section, paragraph, sentence, clause, phrase, or part thereof.

SECTION 24. EFFECTIVE DATE.

This Ordinance shall become effective upon its adoption and publication as provided by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this the ____ day of _____, 2024.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-18**

**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 April 25, 2024, 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, Ordinance 2022-51 and Ordinance 2023-44; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance No. 2023-44; 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 June 15, 2024; 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, Ordinance 2022-51 and Ordinance 2023-44 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 JULY, 2024.**

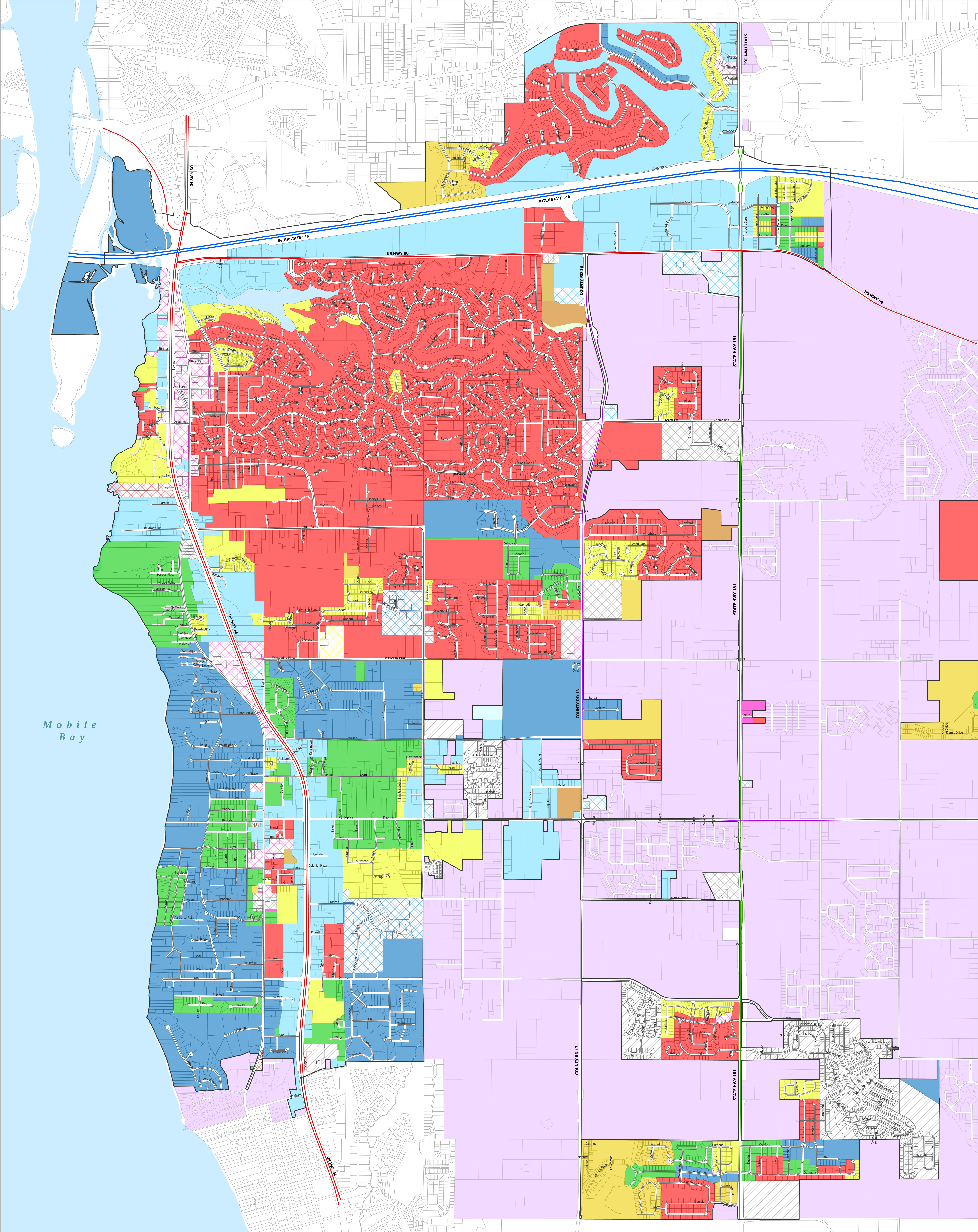
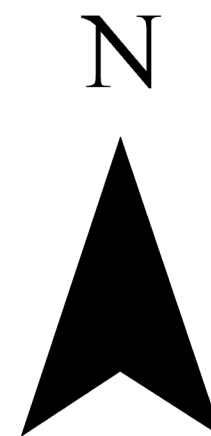
Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

City of Daphne Zoning Map

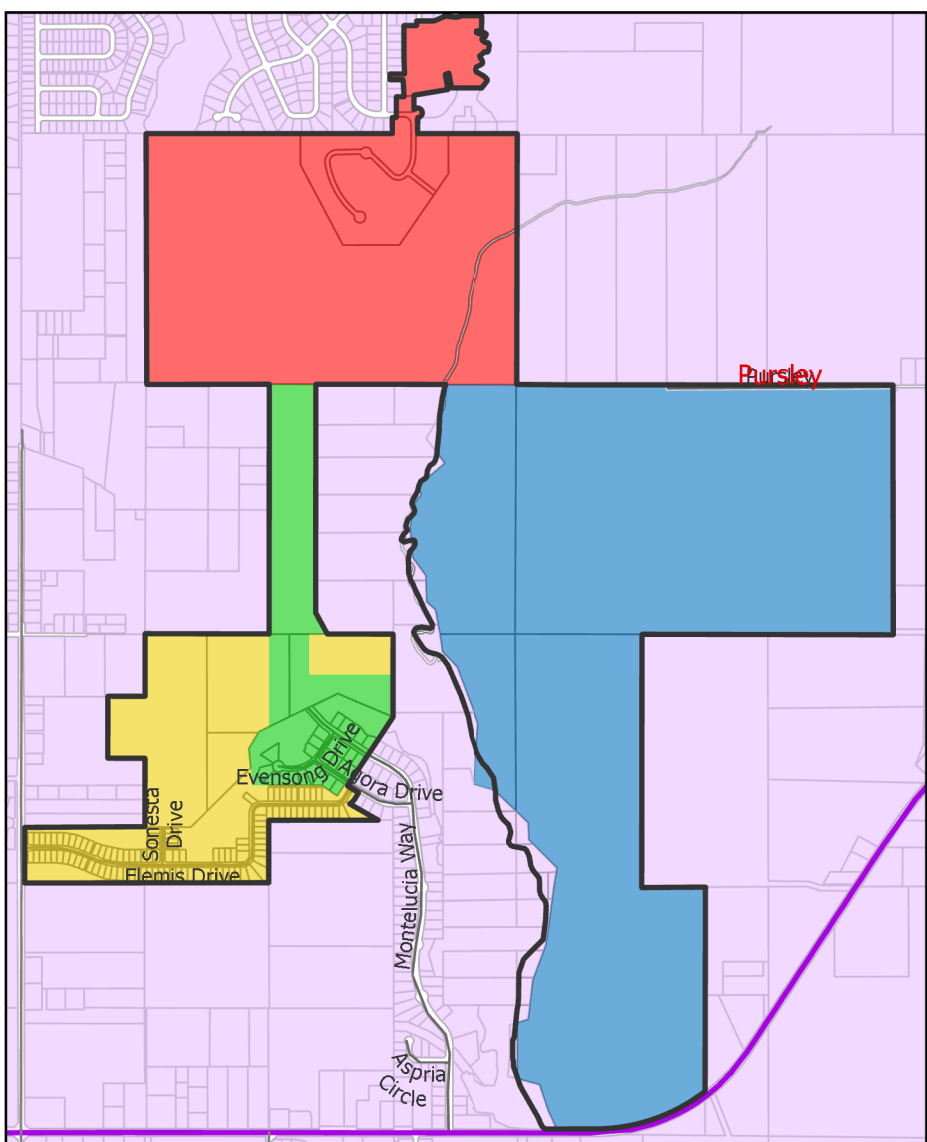
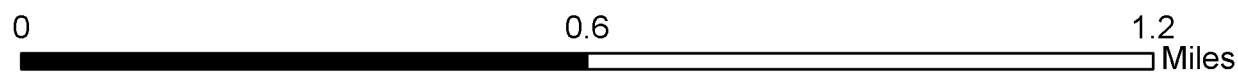
Per Ordinance 2024-XX Adopted by City Council on [REPLACE WITH DATE]



Maps serve a purely illustrative function and do not constitute a legally certified survey.

The information within the datasets disseminated by the City of Daphne is sourced from a diverse range of both public and private origins, which are generally considered to be reliable. However, the City of Daphne does not provide guarantees as to the accuracy, comprehensiveness, or completeness of this information. The City of Daphne disclaims all express or implied warranties concerning the accuracy, comprehensiveness, currency, reliability, or appropriateness of the information or data originating from the City Geographic Information System.

Furthermore, the City of Daphne, its representatives, agents, or employees assume no liability associated with the utilization of this data and accept no responsibility for its maintenance in any manner or form. For any inquiries related to zoning or any dataset, please direct your queries to the City of Daphne, Community Development Department at 251-620-1000.



- ET JURISDICTION
Zoning as of 04/30/2024
- B-1 Local Business
 - B-1(A) Limited Local Business District
 - B-2 General Business
 - B-2(B) General Business Alternate
 - B-3 Professional Business
 - C-1 Commercial/Residential
 - GC Golf Course
 - HQ Mixed Use
 - PUD Planned Unit Development
 - R-1 Low Density Single Family Residential
 - R-2 Medium Density Single Family Residential
 - R-3 High Density Single Family Residential
 - R-4 High Density Single Multi-Family Residential
 - R-5 Medium Density Residential
 - R-6(D) Duplex - Two Family
 - R-6(C) Garden or Patio Home
 - R-7(A) Apartment
 - R-7(B) Mid-Rise Condominium
 - R-7(C) Townhouse
 - Park
 - Streets
 - Daphne City Limits
 - Water Bodies

Date Exported: 4/16/2024 2:24 PM

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-19**

**Ordinance to Pre-Zone Property Located Southwest of the intersection of
County Road 13 and Milton Jones Road
68V Baldwin Land Holdings, LLC, Sharon and John Boni, Sharon, Thomas and John
Boni, and Sharon Boni, representative of Thelma Boni Estate**

WHEREAS, 68V Baldwin Land Holdings, LLC, Sharon and John Boni, Sharon, Thomas and John Boni, and Sharon Boni, representative of Thelma Boni Estate, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned by the County as RSF-E, Residential Single Family Estate, RMF-6 Multiple Family, RSF-2, Single Family Residential, and B-3, General Business, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as PUD, Planned Unit Development, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located Southwest of the intersection of County Road 13 and Milton Jones Road, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 19 MINUTES 24 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 667.52 FEET; THENCE RUN NORTH 89 DEGREES 23 MINUTES 03 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS) ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD NUMBER 13 FOR THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY, CONTINUE NORTH 89 DEGREES 23 MINUTES 03 SECONDS WEST, A DISTANCE OF 1280.51 FEET TO A 1/2" CAPPED REBAR FOUND (MOORE); THENCE RUN NORTH 89 DEGREES 27 MINUTES 54 SECONDS WEST, A DISTANCE OF 667.54 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS); THENCE RUN SOUTH 00 DEGREES 09 MINUTES 34 SECONDS EAST, A DISTANCE OF 661.03 FEET TO A 3/4" OPEN TOP PIPE FOUND; THENCE RUN NORTH 89 DEGREES 13 MINUTES 25 SECONDS WEST, A DISTANCE OF 247.59 FEET TO A 1/2" REBAR FOUND; THENCE RUN NORTH 00 DEGREES 46 MINUTES 35 SECONDS EAST, A DISTANCE OF 40.00 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS) ON THE NORTH RIGHT-OF-WAY OF GLOVER LANE; THENCE RUN NORTH 89 DEGREES 13 MINUTES 25 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY OF SAID GLOVER LANE, A DISTANCE OF 375.33 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS) ON THE EAST RIGHT-OF-WAY OF FRIENDSHIP ROAD; THENCE RUN NORTH 00 DEGREES 14 MINUTES 02 SECONDS EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID FRIENDSHIP ROAD, A DISTANCE OF 1003.65 FEET TO A 1/2" CAPPED REBAR FOUND (MOORE); THENCE DEPARTING SAID RIGHT-OF-WAY, RUN SOUTH 89 DEGREES 33 MINUTES 10 SECONDS EAST, A DISTANCE OF 253.20 FEET TO A 1/2" CAPPED REBAR FOUND (MOORE); THENCE RUN NORTH 00 DEGREES 10 MINUTES 23 SECONDS EAST, A DISTANCE OF 294.79 FEET TO A 1/2" CAPPED REBAR FOUND (MOORE) ON THE SOUTH LINE OF BUSINESS CENTER OF FRIENDSHIP ROAD SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2090-C AND SLIDE 2090-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 38 MINUTES 14 SECONDS EAST, A DISTANCE OF 147.62 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS); THENCE RUN NORTH 00 DEGREES 07 MINUTES 58 SECONDS EAST, ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 281.34 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS) AT THE SOUTHEAST CORNER OF LOT 7 OF SAID SUBDIVISION; THENCE RUN NORTH 89 DEGREES 51 MINUTES 43 SECONDS WEST, ALONG THE SOUTH OF SAID LOT 7, A DISTANCE OF 400.21 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS) AT THE SOUTHWEST CORNER OF SAID LOT 7 AND THE EAST RIGHT-OF-WAY OF THE AFOREMENTIONED FRIENDSHIP ROAD; THENCE RUN NORTH 00 DEGREES 07 MINUTES 50 SECONDS EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 279.50 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS) AT THE NORTHWEST CORNER OF LOT 6 OF SAID SUBDIVISION; THENCE DEPARTING SAID RIGHT-OF-WAY, RUN SOUTH 89 DEGREES 51 MINUTES 35 SECONDS EAST, ALONG THE NORTH

LINE OF SAID LOT 6, A DISTANCE OF 400.14 FEET TO A 1/2" CAPPED REBAR FOUND (CA-1167-LS) AT THE NORTHEAST CORNER OF SAID LOT 6; THENCE RUN NORTH 00 DEGREES 06 MINUTES 55 SECONDS EAST, ALONG SAID SUBDIVISION, A DISTANCE OF 750.83 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS) ON THE SOUTH LINE OF A RESUBDIVISION OF LOTS 2 & 3 OF FRIENDSHIP PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2422-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 25 MINUTES 42 SECONDS EAST, ALONG THE SOUTH LINE OF SAID RESUBDIVISION OF LOTS 2 & 3 OF FRIENDSHIP PARK SUBDIVISION, A DISTANCE OF 635.09 FEET TO A 1/2" CAPPED REBAR FOUND (LS #10675) AT THE SOUTHWEST CORNER OF LOT 4 OF TRIONE TRACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 1594-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 21 MINUTES 56 SECONDS EAST, ALONG THE SOUTH LINE OF LOT 4 OF SAID TRIONE TRACE SUBDIVISION AND A PROJECTION THEREOF, A DISTANCE OF 911.38 FEET TO A 5/8" CAPPED REBAR FOUND (CA-0568-LS); THENCE RUN NORTH 00 DEGREES 15 MINUTES 57 EAST, A DISTANCE OF 1328.23 FEET TO 1/2" CAPPED REBAR FOUND (ILLEGIBLE) AT THE SOUTHWEST CORNER OF LOT 4 OF BONI SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2055-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 30 MINUTES 22 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 621.85 FEET TO A 1/2" REBAR FOUND ON THE AFOREMENTIONED WEST RIGHT-OF-WAY OF SAID COUNTY ROAD NUMBER 13; THENCE RUN SOUTH 00 DEGREES 08 MINUTES 04 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 1319.16 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS); THENCE RUN SOUTH 00 DEGREES 19 MINUTES 24 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 2001.88 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 134.31 ACRES, MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on April 25, 2024, the Commission considered said request and voted to set forth an unanimously favorable recommendation to the City Council to pre-zone the property PUD, Planned Unit Development contingent upon the following: providing an updated narrative that includes provisions about Architectural Theme design standards (c)(1)(iii) regarding recessed front facing garages; (c)(1)(iv)(1.b) regarding garage locations; (c)(1)(iv)(1.c) regarding reduction to front yard setback and (c)(2) regarding recessed garages along side streets; reduction of the rear setback from 25 to 20 feet for 52.5 feet wide residential lots and 72 feet side residential lots; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at City Hall, and a public hearing was held before the City Council on June 17, 2024; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property and as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A" is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby pre-zoned PUD, Planned Unit Development, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map shall be amended to reflect said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed into the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-E, Residential Single Family Estate, RMF-6 Multiple Family, RSF-2, Single Family Residential, and B-3, General Business, Baldwin County District 15, Exterritorial Planning Jurisdiction.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the subject property shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the subject property is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law, this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS _____ day of _____, 2024.**

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-20**

**ORDINANCE TO ANNEX PROPERTY CONTIGUOUS TO THE
CORPORATE LIMITS OF THE CITY OF DAPHNE**

**Property Located Southwest of the intersection of
County Road 13 and Milton Jones Road
68V Baldwin Land Holdings, LLC, Sharon and John Boni, Sharon, Thomas and
John Boni, and Sharon Boni, representative of Thelma Boni Estate**

WHEREAS, on the 11th day of December, 2023, 68V Baldwin Land Holdings, LLC, Sharon and John Boni, Sharon, Thomas and John Boni, and Sharon Boni, representative of Thelma Boni Estate, being the owner of certain real property hereinafter described, did file with the City Clerk a petition requesting that said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama (the “City”); and

WHEREAS, said petition did contain an accurate description of the property to be annexed together with a map of the said territory showing its relationship to the corporate limits of the City of Daphne, Alabama, and the signatures of all owners of the property described; and

WHEREAS, said petition was presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on April 25, 2024, and the Commission set forth a favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property; and

WHEREAS, after proper publication, a public hearing was held by the City Council on June 17, 2024, concerning the petition for annexation.

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

SECTION ONE: ANNEXATION

The City Council of the City of Daphne finds and declares as the legislative body of the City that it is in the best interest of the citizens of the City and the citizens of the affected area to bring the property described in Section Three of this Ordinance into the corporate limits of the City, and has further determined that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, *et seq.*, Code of Alabama (1975); effective on publication as required by Section 11-42-21, Code of Alabama (1975), as amended.

SECTION TWO: ZONING

At the ____, regularly scheduled City Council meeting, Ordinance 2024-02 was adopted pre-zoning the said property as PUD, Planned Unit Development, with the apportionment of said zoning districts to the subject property described therein.

SECTION THREE: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 19 MINUTES 24 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 667.52 FEET; THENCE RUN NORTH 89 DEGREES 23 MINUTES 03 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS) ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD NUMBER 13 FOR THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY, CONTINUE NORTH 89 DEGREES 23 MINUTES 03 SECONDS WEST, A DISTANCE OF 1280.51 FEET TO A 1/2" CAPPED REBAR FOUND (MOORE); THENCE RUN NORTH 89 DEGREES 27 MINUTES 54 SECONDS WEST, A DISTANCE OF 667.54 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS); THENCE RUN SOUTH 00 DEGREES 09 MINUTES 34 SECONDS EAST, A DISTANCE OF 661.03 FEET TO A 3/4" OPEN TOP PIPE FOUND; THENCE RUN NORTH 89 DEGREES 13 MINUTES 25 SECONDS WEST, A DISTANCE OF 247.59 FEET TO A 1/2" REBAR FOUND; THENCE RUN NORTH 00 DEGREES 46 MINUTES 35 SECONDS EAST, A DISTANCE OF 40.00 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS) ON THE NORTH RIGHT-OF-WAY OF GLOVER LANE; THENCE RUN NORTH 89 DEGREES 13 MINUTES 25 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY OF SAID GLOVER LANE, A DISTANCE OF 375.33 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS) ON THE EAST RIGHT-OF-WAY OF FRIENDSHIP ROAD; THENCE RUN NORTH 00 DEGREES 14 MINUTES 02 SECONDS EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID FRIENDSHIP ROAD, A DISTANCE OF 1003.65 FEET TO A 1/2" CAPPED REBAR FOUND (MOORE); THENCE DEPARTING SAID RIGHT-OF-WAY, RUN SOUTH 89 DEGREES 33 MINUTES 10 SECONDS EAST, A DISTANCE OF 253.20 FEET TO A 1/2" CAPPED REBAR FOUND (MOORE); THENCE RUN NORTH 00 DEGREES 10 MINUTES 23 SECONDS EAST, A DISTANCE OF 294.79 FEET TO A 1/2" CAPPED REBAR FOUND (MOORE) ON THE SOUTH LINE OF BUSINESS CENTER OF FRIENDSHIP ROAD SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2090-C AND SLIDE 2090-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 38 MINUTES 14 SECONDS EAST, A DISTANCE OF 147.62 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS); THENCE RUN NORTH 00 DEGREES 07 MINUTES 58 SECONDS EAST, ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 281.34 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS) AT THE SOUTHEAST CORNER OF LOT 7 OF SAID SUBDIVISION; THENCE RUN NORTH 89 DEGREES 51 MINUTES 43 SECONDS WEST, ALONG THE SOUTH OF SAID LOT 7, A DISTANCE OF 400.21 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS) AT THE SOUTHWEST CORNER OF SAID LOT 7 AND THE EAST RIGHT-OF-WAY OF THE AFOREMENTIONED FRIENDSHIP ROAD; THENCE RUN NORTH 00 DEGREES 07 MINUTES 50 SECONDS EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 279.50 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS) AT THE NORTHWEST CORNER OF LOT 6 OF SAID SUBDIVISION; THENCE DEPARTING SAID RIGHT-OF-WAY, RUN SOUTH 89 DEGREES 51 MINUTES 35 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 400.14 FEET TO A 1/2" CAPPED REBAR FOUND (CA-1167-LS) AT THE NORTHEAST CORNER OF SAID LOT 6; THENCE RUN NORTH 00 DEGREES 06 MINUTES 55 SECONDS EAST, ALONG SAID SUBDIVISION, A DISTANCE OF 750.83 FEET TO A 1/2" CAPPED REBAR FOUND (CA-0604-LS) ON THE SOUTH LINE OF A RESUBDIVISION OF LOTS 2 & 3 OF FRIENDSHIP PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2422-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 25 MINUTES 42 SECONDS EAST, ALONG THE SOUTH LINE OF SAID RESUBDIVISION OF LOTS 2 & 3 OF FRIENDSHIP PARK SUBDIVISION, A DISTANCE OF 635.09 FEET TO A 1/2" CAPPED REBAR FOUND (LS #10675) AT THE SOUTHWEST CORNER OF LOT 4 OF TRIONE TRACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 1594-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 21 MINUTES 56 SECONDS EAST, ALONG THE SOUTH LINE OF LOT 4 OF SAID TRIONE TRACE SUBDIVISION AND A PROJECTION THEREOF, A DISTANCE OF 911.38 FEET TO A 5/8" CAPPED REBAR FOUND (CA-0568-LS); THENCE RUN NORTH 00 DEGREES 15 MINUTES 57 EAST, A DISTANCE OF 1328.23 FEET TO 1/2" CAPPED REBAR FOUND (ILLEGIBLE) AT THE SOUTHWEST CORNER OF LOT 4 OF BONI SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2055-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 30 MINUTES 22 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 621.85 FEET TO A 1/2" REBAR FOUND ON THE AFOREMENTIONED WEST RIGHT-OF-WAY OF SAID COUNTY ROAD NUMBER 13; THENCE RUN SOUTH 00 DEGREES 08 MINUTES 04 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 1319.16 FEET TO A 1/2" CAPPED REBAR SET (CA-1167-LS); THENCE RUN SOUTH 00 DEGREES 19 MINUTES 24 SECONDS WEST, ALONG SAID WEST

RIGHT-OF-WAY, A DISTANCE OF 2001.88 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 134.31 ACRES, MORE OR LESS.

SECTION FOUR: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama, as described in Section Three of this Ordinance, is set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit “B” showing its relationship to the corporate limits of the City of Daphne.

SECTION FIVE: EFFECTIVE DATE AND PUBLICATION

This Ordinance shall become effective upon its date of publication as required by Section 11-42-21 Code of Alabama (1975), as amended, and the property described herein shall be then annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama, in accordance with Section 11-42-21, Code of Alabama (1975), as amended.

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

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk