

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, August 5, 2024 at 6:00 P.M.

1. CALL TO ORDER

2. ROLL CALL

INVOCATION Pastor Andrew Tewell, Lighthouse Baptist Church
PLEDGE OF ALLEGIANCE

PRESENTATION: Swearing in of Junior City Council

PRESENTATION: Beautification Award – Resurrection Church

3. APPROVE MINUTES: July 15, 2024 regular meeting

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Phillips
Review the minutes from the July 15th meeting.
Treasurer’s Report for June 2024: Unrestricted Fund Balance - \$26,545,341;
Total Cash Balance - \$48,260,318
Sales Tax for May 2024: \$2,369,989.12; Lodging Tax for May 2024: \$152,567.30
Debt Summary – June 2024: Warrants - \$30,808,902
Capital Leases: General Fund - \$516,147; Enterprise Fund - \$551,268

B. BUILDINGS & PROPERTY COMMITTEE – Goodlin

C. PUBLIC SAFETY COMMITTEE – Hughes

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

E. PUBLIC WORKS COMMITTEE – Conaway

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DAPHNE PUBLIC SCHOOL COMMISSION – Conaway

C. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway
Review the minutes from the June meeting.

D. INDUSTRIAL DEVELOPMENT BOARD – Scott

E. LIBRARY BOARD – Goodlin

F. PLANNING COMMISSION – Olen
Review the minutes from the June 27th meeting and the report from the July 25th meeting.

G. RECREATION BOARD – Hughes

H. UTILITY BOARD – Coleman

City Council Agenda – August 5, 2024

6. PUBLIC PARTICIPATION

7. MAYOR’S REPORT

8. CITY ATTORNEY REPORT

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK’S REPORT

MOTION to approve the road closure of 6th Street on October 20, 2024 from 8:00am – 6:00pm for the Christ the King Pumpkin Fest.

11. RESOLUTIONS:

2024 – 38 - Acceptance of Roads and Rights-of-Way, The Reserve at Daphne, Phase Three

2024 –39 – Appropriation: Wiring and Installation of Fans at the Splash Pads and Inclusive Playground Pavilion - \$12,000

2024 – 40 – Purchasing Policy for All Grant Programs

2024 – 41 – Declaring Certain Property Surplus and Authorizing the Mayor to Dispose of Such Property – 2011 Chevy Tahoe

2024 – 42 – Declaring Certain Property Surplus and Authorizing the Mayor to Dispose of Such Property – Children’s Table and Chairs, Storage Shelf/Unit

12. 2nd READ ORDINANCES:

2024 – 25 – Ordinance to Pre-Zone Property Located Southeast of the intersection of Milton Jones Road and Alabama Highway 181 – Bertolla Properties, LLC YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni

2024 – 26 – Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne – Property Located Southeast of the intersection of Milton Jones Road and Alabama Highway 181 – Bertolla Properties, LLC YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni

2024 – 27 – Ordinance to Pre-Zone Property Located North of the intersection of County Road 64 and Montelucia Way – 68V Baldwin Land Holdings, LLC

2024 – 28 – Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne – Property Located North of the intersection of County Road 64 and Montelucia Way – 68V Baldwin Land Holdings, LLC

13. 1st READ ORDINANCES:

14. COUNCIL COMMENTS

15. ADJOURN

City of Daphne Beautification Committee

presents this

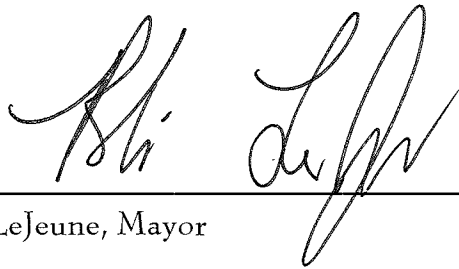
Certificate of Recognition

to

Resurrection Church

for your excellence in beautifying the City of Daphne.

Awarded on this 5th day of August 2024.



Robin LeJeune, Mayor



July 15, 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, Joel Coleman, Ron Scott, Steve Olen, Doug Goodlin and Angie Phillips

COUNCIL MEMBERS ABSENT: Ben Hughes

Also Present: Chief Gulsby, Police, Captain Ardis, Police; 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 Troy Strunk, City Development.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Councilman Ron Scott.

PRESENTATION: Chief Gulsby and Captain Ardis recognized Corporal John Erdlitz on his recent promotion.

PUBLIC HEARING: Adrienne Jones presented on 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.

Public hearing opened at 6:10pm.

Chloe Kelly, 68Ventures, gave details regarding the proposed project.

Jessica McDill, attorney for Bertolla Properties, said she would answer any questions for Bertolla Properties.

Councilwoman Phillips asked Mrs. Jones how the Planning Commission felt as well as the normal density of homes per acre.

Public hearing closed at 6:21pm.

PUBLIC HEARING: Adrienne Jones presented on the Bertolla Properties, LLC YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni Annexation Petition.

Public hearing opened at 6:23pm. No one came forward to speak.

Public hearing closed at 6:23pm.

PUBLIC HEARING: Adrienne Jones presented on the 68V Baldwin Land Holdings, LLC Pre-Zoning Amendment located North of the intersection of County Road 64 and Montelucia Way.

Public hearing opened at 6:23pm.

Chloe Kelly, 68Ventures, gave details on the proposed amendment.

Public hearing closed at 6:25pm.

PUBLIC HEARING: Adrienne Jones presented on the 68V Baldwin Land Holdings, LLC Annexation Petition located North of the intersection of County Road 64 and Montelucia Way.

Public hearing opened at 6:25pm. No one came forward to speak.

Public hearing closed at 6:26pm.

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3. **APPROVAL OF MINUTES:**

The minutes from the July 1, 2024 regular meeting were approved.

4. **REPORT OF STANDING COMMITTEES:**

A. **FINANCE COMMITTEE**

Councilwoman Phillips said the Committee met earlier and the minutes will be in the next Council Packet.

B. **BUILDINGS & PROPERTY COMMITTEE**

Councilman Goodlin said the minutes from the June 10th meeting were in the packet and gave the June 2024 new construction and building report: certificates of occupancy – 43; permits issued – 237; new residential home permits – 8; total fees collected - \$60,811.91. He said the next meeting is August 12th at 5:15pm.

**MOTION by Councilman Goodlin to reclassify the Library Technical Operations Coordinator, Grade 20, to the Circulation Supervisor, Grade 19. No second was needed.
MOTION CARRIED UNANIMOUSLY.**

C. **PUBLIC SAFETY COMMITTEE**

Councilman Hughes was absent.

D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE**

Councilman Scott said the next meeting is August 5th at 4:30pm.

E. **PUBLIC WORKS COMMITTEE**

**MOTION by Councilwoman Conaway to reappoint Noel Yoho to the Environmental Advisory Committee for a two-year term until July 2026. No second was needed.
MOTION CARRIED UNANIMOUSLY.**

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

5. **REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

A. **Board of Zoning Adjustments**

Mrs. Jones said there will be a meeting on August 1st.

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 July 18th at 5:30pm.

D. **Industrial Development Board**

Councilman Scott said the next meeting is July 16th at 4:30pm.

E. **Library Board**

Councilman Goodlin said the next meeting is August 8th at 4:30pm at the Library.

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F. Planning Commission

Councilman Olen said the minutes from the June 28th meeting are in the packet and the next meeting is July 25th at 5:00pm.

G. Recreation Board

Councilman Hughes was absent.

H. Utility Board

Councilman Coleman said the minutes from the May 29th meeting are in the packet and the next meeting is July 31st at 5:00pm.

6. PUBLIC PARTICIPATION:

Public participation opened at 6:30pm.

Curt Fonger, 1443 Randall Avenue, expressed his concern about the Animal Control Ordinance that is up for adoption. He would like “cat” inserted in the new Animal Control Ordinance.

Public participation closed at 6:31pm.

7. MAYOR’S REPORT:

Mayor LeJeune said County Road 13 from Daphne High School to Whispering Pines Road and open. He said the Lavender Lane traffic light is flashing now and should be in full operation by the end of the month. He mentioned that Daphne High School football stadium turf is being installed.

8. CITY ATTORNEY REPORT:

City Attorney said there was no report.

9. DEPARTMENT HEAD COMMENTS:

Chief Tacon, Fire, commended the Fire Department for their care for citizens and shared the firefighters were planning to build a new ramp for a citizen.

Emmie Powell, Library, shared about the summer programs. said the summer reading program for kids is wrapping up and said the next Library meeting is July 11th at 4:30pm.

Ronnie Huskey, Public Works, updated the Council on the many projects ongoing in the City.

Charlie McDavid, Recreation, said there was a Pickleball Tournament over the weekend. He commended the Daphne Girls’ 8U softball team for their recent win.

10. CITY CLERK’S REPORT:

MOTION by Councilwoman Phillips to approve the 020 – Restaurant Retail Liquor for JML Holdings LLC dba Whiskey Bay Bar and Grill located at 28975 US Highway 98, Daphne. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to approve the Back to School Bash on August 23, 2024 from 5:00 – 8:00pm at Joe Louis Patrick Park. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

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**MOTION by Councilman Scott to approve the Daphne Witches' Ride on October 27, 2024 from 4:00 – 5:00pm in Olde Towne Daphne. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to approve the publication and set a public hearing on August 19, 2024 for the John Tolbert Zoning Amendment located Southeast of Main Street and Adams Avenue.
Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to approve the publication and set a public hearing on August 19, 2024 for the City of Daphne Proposed Redistricting. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

11. **RESOLUTIONS:**

12. **2ND READ ORDINANCES:**

2024 - 21 – Ordinance Amending the City of Daphne's Garbage Collection Ordinance 2017-59, as Codified in Chapter 12, Article III, Daphne Code of Ordinances, and Repealing and Replacing Ordinance 2020-21, an Ordinance Addressing Solid Waste Enterprise Fund Losses

2024 – 22 – Animal Control Ordinance

2024 – 23 – Ordinance Granting a Non-Exclusive Authorization to Southern Light, LLC for the Purpose of Constructing and Maintaining a Fiber-Optic Transmission Line within the Public Rights-of-Way in the City of Daphne, Alabama for the Provision of Broadband Services

2024 – 24 – Ordinance Granting a Non-Exclusive Authorizing to Uniti Fiber GulfCo, LLC for the Purpose of Constructing and Maintaining a Fiber-Optic Transmission Line within the Public Rights-of-Way in the City of Daphne, Alabama for the Provision of Broadband Services

**MOTION by Councilman Scott to waive the reading of Ordinance 2024-21. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2024-21. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to waive the reading of Ordinance 2024-22. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Ordinance 2024-22. Seconded by Councilwoman Phillips.
Councilman Coleman asked if they should consider adding cats into the Ordinance. Councilman Scott said he felt the Ordinance was thorough and there was no need.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to waive the reading of Ordinance 2024-23. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

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MOTION by Councilman Scott to adopt Ordinance 2024-23. Seconded by Councilman Coleman. Councilman Goodlin asked if there were any fees associated with the Ordinance. City Attorney noted this was a renewal.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to waive the reading of Ordinance 2024-24. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2024-24. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.

13. 1ST READ ORDINANCES:

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2024 – 27 – Ordinance to Pre-Zone Property Located North of the intersection of County Road 64 and Montelucia Way – 68V Baldwin Land Holdings, LLC

2024 – 28 – Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne – Property Located North of the intersection of County Road 64 and Montelucia Way – 68V Baldwin Land Holdings, LLC

14. COUNCIL COMMENTS:

Councilwoman Phillips commended Emmie Powell for the work at the Library. She thanked Public Works for working out in the heat.

Mayor LeJeune thanked Ange Baggett, Police, Fire, Parks and Rec and Public Works for the fireworks' show.

Council President Olen congratulated Mayor LeJeune and his father for finishing 2nd in the pickleball tournament, congratulated Corporal Erdlitz for his promotion and the 8U girls' softball team for their win.

15. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 7:01PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, MMC, City Clerk

Steve Olen, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
JULY 15, 2024
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

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

Present were:

Chairperson Mrs. Angie Phillips
Councilwoman Mrs. Tommie Conaway
Councilman Mr. Steve Olen

Councilman Mr. Joel Coleman
Councilman Mr. Ron Scott
Councilman Mr. Doug Goodlin

Also Present: Mayor Robin LeJeune, Finance Director Mrs. Kelli Reid, Revenue Officer Mrs. Julie Koptis, Human Resources Director Mrs. Vickie Hinman, City Clerk Mrs. Candace Antinarella, Executive Director of City Development Mr. Troy Strunk, Fire Chief Mrs. LeAnn Tacon, Director of Events and Marketing Mrs. Ange Baggett, Public Works Director Mr. Ronnie Huskey, and City Attorney Mr. Patrick Dungan.

II. PUBLIC PARTICIPATION

There was no public participation.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous meeting minutes were approved.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resources Report:

- Posted/Reposted Positions – 7
- Reviewing/Testing/Interviewing/Background check - 14
- Promotion/Internal Transfer - 4
- New Hires – 5

Mrs. Hinman reviewed the monthly Safety Committee meeting topics and discussed other Human Resources projects and events. Mrs. Hinman noted the July Employee Spotlight was Jane Ellis, Community Services Program Manager and the Employee Benefits Fair: July 29-31. Mrs. Hinman discussed the Blue Cross Blue Shield 4% annual renewal rate increase: Individual rates will increase \$1.57/month (new rate - \$43.07/month) and Family rates will increase \$11.58/month (new rate \$352/month).

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – June, 2024

Mrs. Koptis reviewed the following reports and information:

- Code enforcement issued 15 warnings resulting in businesses becoming compliant and \$4,763.90 in revenue.
- New Businesses with a physical location in Daphne - 10
- Simplified Sellers Use Tax collections - \$180,867.43 and YTD collections - \$1,673,035.99
- Total Business Licenses issued were 54 new and 67 renewals for a total of 121 in June 2024

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: May, 2024

Mrs. Reid reviewed the Sales & Use Tax Reports: \$2,369,989.12 was collected for May, 2024 which was up \$56,522.44 from May 2023's collections:

- YTD Variance over Budget - \$1,437,994.10

B. Lodging Tax Collections, May, 2023

Mrs. Reid reviewed the Lodging Tax Collections Report and noted the collections for May, 2024 were \$152,567.30 which is down (\$14,538.70) from May 2023's collections.

- YTD Variance over Budget - (\$1,503.58)

C. Lodging Tax Analysis Report, June, 2024

Mrs. Reid reviewed the Lodging Tax Analysis report:

- Recreation balance for related purchases - \$639,747.54
- Unreserved balance for Bayfront related purchases - \$1,511,708.34
- Reserved balance for Occupancy Fee - \$166,051

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: June, 2024

Mrs. Reid reviewed the Treasurer's Report:

TREASURER'S REPORT					
As of June 30, 2024					
Account Type/Title	6/30/2024	5/31/2024	Increase (Decrease) from last Month	6/30/2023	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	\$ 15,897,099	\$ 14,337,700	\$ 1,559,398	\$ 16,823,144	\$ (926,045)
INVESTMENT FUND	10,648,242	10,564,084	84,158	10,198,918	\$ 449,324
Total Unrestricted Cash Balance	26,545,341	24,901,785	1,643,556	27,022,062	(476,721)
SPECIAL REVENUE FUNDS					
4 CENT GAS TAX	318,224	312,549	5,675	228,699	89,525
7 CENT GAS TAX	322,826	315,711	7,115	227,781	95,045
10 CENT GAS TAX	320,308	300,927	19,381	148,330	171,978
TREE & FLOWER	10,287	10,287	-	22,660	(12,373)
COVID RELIEF FUND	-	-	-	804,844	(804,844)
ANIMAL SHELTER FUND	261,041	265,586	(4,545)	748,920	(487,879)
MOBILE INFIRMARY BUILDING	86,986	82,395	4,591	49,109	37,877
FEDERAL DRUG FORFEITURES	347,454	356,103	(8,649)	196,138	151,316
LOCAL DRUG FORFEITURES	95,435	95,435	-	87,896	7,539
LIBRARY	66,661	52,589	14,072	23,372	43,289
COURT TRAINING & EQUIPMENT	43,557	42,991	567	41,741	1,816
COURT/CORRECTION	516,831	490,796	26,035	576,465	(59,634)
LODGING TAX	2,317,507	2,217,346	100,161	3,587,083	(1,269,576)
AGENCY FUNDS					
SELF INSURANCE	235,348	229,460	5,888	225,157	10,191
OPEB TRUST INVESTMENT FUND	1,559,213	1,545,285	13,929	1,214,594	344,619
	6,501,678	6,317,460	184,218	8,182,789	(1,681,111)
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	6,545,116	7,269,066	(723,950)	6,651,751	(106,635)
2023 CONSTRUCTION FUND	8,870,235	8,831,731	38,505	-	8,870,235
	15,415,351	16,100,797	(685,446)	6,651,751	8,763,600
DEBT SERVICE FUNDS					
DEBT SERVICE	(202,052)	762,371	(964,423)	(102,311)	(99,741)
Total Restricted Cash Balance	21,714,977	23,180,628	(1,465,651)	14,732,229	6,982,748
Total City Cash Balance	\$ 48,260,318	\$ 48,082,413	\$ 177,905	\$ 41,754,291	\$ 6,506,027
Encumbrance Total as of			6/30/2024	\$ 37,267.48	

The Treasurer's Report as of June, 2024 Total Unrestricted Cash Balance - \$26,545,341 and Total City Cash Balance - \$48,260,318 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance - \$37,267.48 as of June, 2024.

Mrs. Reid reviewed the Encumbrance Report.

3. Outstanding Appropriations

Mrs. Reid reviewed the Outstanding Appropriations Report.

4. Financial Overview: Debt Summaries & Monthly Financial Statements

Mrs. Reid reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), June, 2024
 - Outstanding Warrant Balance as of June, 2024: \$30,808,902
 - Outstanding Capital Lease Balance as of June, 2024:
 - General Fund: \$516,147
 - Enterprise Fund: \$551,268
- Overtime Summary by Departments Through June 3, 2024
 - Total Overtime – Over Budget (\$244,618.15)
- Monthly Financial Statements, May 2024
 - General Fund YTD Budgetary Net Income: \$1,564,030 which is less (\$3,214,843) than the prior YTD net Income Solid Waste Fund Transfers \$74,542
 - Civic Center Fund Transfers \$199,954

5. Summary of Budgetary Amendments

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

- Total Appropriations Year to Date – \$6,266,947
- Adjusted Expenses over Revenue – (\$6,264,766)

6. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary.

B. Bills Paid Reports – June, 2024

The Bills Paid Report was previously presented electronically.

VIII. APPROPRIATIONS (Resolution)

A. Appropriation: Wiring & Installation of Fans at the Splash Pad & Inclusive Playground Pavilions - \$12,000

Mrs. Reid reviewed the need for a \$12,000 appropriation for the Wiring & Installation of Fans at the Splash Pad & Inclusive Playground Pavilions. Discussion continued on the impact the fans will have at the pavilions.

MOTION BY Mr. Scott to recommend to Council to adopt a Resolution amending the budget to appropriate \$12,000 out of the General Fund for Wiring & Installation of Fans at the Splash Pad & Inclusive Playground Pavilion. Seconded by Mrs. Phillips.
MOTION CARRIED UNANIMOUSLY

IX. SURPLUS

A. 2011 Chevy Tahoe – V#311

Mrs. Reid noted the new Chevy Tahoes have come in so Police would like to surplus the 2011 Chevy Tahoe.

MOTION BY Mr. Scott to recommend to Council to declare certain property surplus and authorize the Mayor to dispose of the following surplus property: 2011 Chevy Tahoe – V#311. Seconded by Mr. Goodlin.
MOTION CARRIED UNANIMOUSLY

B. Library – Children’s Table with Chairs and Storage Shelf/Unit

Mrs. Reid noted that the Library has some children’s furniture they no longer need and Mrs. Henson had reached out to the Daphne Elementary Schools to see if any of them could use the items and Daphne Elementary responded.

MOTION BY Mr. Olen to recommend to Council to declare certain property surplus and authorize the Mayor to dispose of the following surplus property: Children’s Table with Chairs and Storage Shelf/Unit. Seconded by Mr. Goodlin.
MOTION CARRIED UNANIMOUSLY

X. NEW BUSINESS

A. Update to Ordinance Authorizing the Mayor to Enter Into Certain Contracts

Mrs. Reid discussed adding the verbiage to the annual budget ordinance to authorize the Mayor to enter into certain contracts and asked if Council wanted to increase the threshold amount from \$15,000. Mrs. Reid noted that there is not a formal action needed now but that the updated verbiage would be included each year when the annual budget ordinance is adopted. Discussion continued that the threshold could be increased not to exceed \$30,000 and must be reviewed by legal.

B. Purchasing Policy for All Grant Programs

Mrs. Reid discussed the need to update the bid threshold amounts in the Purchasing policy for grants to match the State bid law threshold and also add verbiage to allow the policy to be updated as needed internally.

MOTION BY Mr. Goodlin to recommend to Council to adopt a Resolution updating the verbiage in the Purchasing Policy for all Grant Programs to follow the State Bid Law threshold and to allow the policy to be updated internally. Seconded by Mr. Olen.
MOTION CARRIED UNANIMOUSLY

C. Authorization for Nuisance Coyote Removal

Discussion was made on the issues with coyotes attacking citizens' cats. Discussion continued on hiring a professional to discretely remove the coyotes.

D. Excess Funds in FY2024 Legislative Operating Budget

Mrs. Antinarella discussed using unused training and travel budgeted monies for City Hall door swipes for the Council Workroom and City Clerk's office and purchasing more chairs for the Jubilee Conference Room. Discussion continued that Council needed to be aware of the transfer since the amount was approximately \$10,000 more than the previous year's transfer amount from this account. Mrs. Reid noted a formal motion is not needed but Council just needed to be aware and in favor of transferring those funds for purchasing the listed items.

XI. OLD BUSINESS

A. Bay Bridge Project

Mr. Goodlin brought up getting an update on the Bay Bridge project and the impact the bridge would have on the City of Daphne.

XII. ADJOURN The meeting adjourned at 5:59 p.m.

Daphne Downtown Redevelopment Authority

Thursday

June 20, 2024

5:30 p.m.

Members:

Daphne Robinson,	Chairperson	Present
Monica Kurth	Vice Chair	Present
Dayna Oldham	Treasurer	Absent
Laura Johnson	Member	Present
Jason Goffinet	Member	Absent
Pamela Marks	Member	Present
Shawn Mitchell	Member	Present
Tommie Conaway	Council Liaison	Absent
Steve Olen	Councilman	Present

Also present: Troy Strunk, Executive Director of City Development and Jessica Linne, Asst. City Clerk

Public Participant: Curt Fonger

A. Call to Order:

- a. Prayer/Pledge of Allegiance
- b. Member present roll Sheet / Greet Public Participants
- c. Approve May minutes:
 - I. Dayna motioned to approve the \$10,000 premium for D&O insurance. Jason seconded the motion. Motion passes unanimously.
 - II. Update- Pre-construction meeting for the proposed building will be May 21 at 9AM

B. Public Participation

- a. Mr. Fonger reviewed the Entertainment District decision for Downtown

C. Treasurer Report

- a. There are currently \$97,422.78 available funds in the bank account

D. City Council update

- a. Mr. Olen provided details on the under-construction dog shelter scheduled to be completed October 2024. Work on the Bayfront project is also underway.

E. Committee Progress Reports

- a. Website and Social Media Pages: Monica Kurth
 - a. No changes
- b. Directional signs: (Tabled) Dayna Oldham
- c. Lea Avenue Development: (Tabled) Daphne Robinson
- d. Main Street Development: Daphne Robinson
 - a. Directors and Officers Insurance is currently in effect for DRA members
 - b. Bryant Bank and The First are offering loan options to cover \$1.5M in building costs
 - c. Pam motions to approve moving forward with Bryant Bank for the loan, Monica seconds the motion. Motion passes unanimously.

F. New Business

- a. Next meeting: **Thursday July 18th, 2024**
 - 1. Minutes and agenda to be emailed no later than Tuesday July 16th
 - 2. Agenda items are due the Monday prior to scheduled meeting.
- b. Adjourn

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: July 26, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Planning Commission Minutes and Report

A handwritten signature in blue ink, appearing to be "A. Jones", written over the "FROM:" line of the memorandum.

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of the June 27, 2024 and the report of the regular meeting of July 25, 2024 for placement on the August 5, 2024 City Council agenda for review.

Should you have any questions or comments in this regard, please do not hesitate to call.

ADJ/jv

**The City of Daphne
Planning Commission Minutes
Regular Meeting of June 27, 2024
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

The Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:02 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs, Secretary
Oliver Roberts
John Peterson, Vice Chairman
Andrew Prescott, Chairman
Richard Johnson
Steve Olen
Nathan Jones

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Natasha Miles, Planner
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Joshua Newman, City Engineer

The Chairman asked for input regarding the May 23, 2024 regular meeting minutes presented by staff. There being none, minutes stand approved as submitted.

The next order of business is an administrative presentation of proposed amendments to the Envision Daphne 2042 Comprehensive Plan.

Ms. Jones provided an overview of the proposed amendments and noted the modifications to the Comprehensive Plan are related to the zoning requests associated with the Reserve at Daphne Subdivision and Irongate Subdivision.

Commissioners discussed whether the amendments could be approved by the Commission prior to action by the City Council on the pre-zoning amendments.

Mr. Dungan stated although the Comprehensive Plan was ratified by the City Council, it was adopted by the Planning Commission for its use.

Mr. Spriggs noted that the Comprehensive Plan is a planning guide, not an ordinance.

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

**The City of Daphne
Planning Commission Minutes
Regular Meeting of June 27, 2024
Council Chamber, City Hall - 5:00 P.M.**

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

A Motion was made by Mr. Johnson and **Seconded** by Mr. Spriggs to approve an amendment to the Envision Daphne 2042 Comprehensive Plan for land located west of the Reserve at Daphne (PPIN #3638) from an Agricultural and Rural Placetype to Suburban Neighborhood Placetype.

There was no discussion. The motion carried unanimously.

A Motion was made by Mr. Peterson and **Seconded** by Mr. Prescott to approve an amendment to the Envision Daphne 2042 Comprehensive Plan regarding land located east of the intersection of Alabama State Highway 181 and Rebel Road (PPIN #108577) from a Suburban Neighborhood Placetype to Traditional Neighborhood Development Placetype.

There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: Infirmary Health Malbis ACS/Imaging Office Site Plan Review.

An introductory presentation was given by the agent, Nicholas Combs. He provided a summary of the site plan for the second phase of development as shown on the Infirmary Health Systems Master Plan, the Infirmary Health Malbis ACS/Imaging Office, as presented on the meeting agenda and advised that staff comments have been addressed.

Chairman asked for staff comments. Mr. Newman stated that his comments have been addressed and confirmed that the proposed access won't impact the U.S. Highway 90 road-widening project.

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

A motion was made by Mr. Olen and seconded by Mr. Jones to approve the Infirmary Health Malbis ACS/Imaging Office site plan. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: Bradley-Cina Preliminary/Final Subdivision Plat Review.

An introductory presentation was given by the agent, Michael Johnson. He provided a summary of the preliminary final subdivision plat as presented on the meeting agenda and stated the purpose of the resubmission of the plat is to realign the ingress and egress easement from Van Avenue to U.S. Highway 98 with the overall site layout.

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

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

The City of Daphne
Planning Commission Minutes
Regular Meeting of June 27, 2024
Council Chamber, City Hall - 5:00 P.M.

A motion was made by Mr. Roberts and seconded by Mr. Peterson to approve Bradley-Cina preliminary/final subdivision plat. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: The Reserve at Daphne, Phase Three Final Subdivision Plat Review and Street Acceptance.

An introductory presentation was given by the agent, Cathy Barnette. She provided a summary of the final subdivision plat and the petition for street acceptance as presented on the meeting agenda and stated that all staff comments have been addressed.

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

A motion was made by Mr. Johnson and seconded by Mr. Jones to approve the Reserve at Daphne, Phase Three. There was no discussion. The motion carried unanimously.

A motion was made by Mr. Johnson and seconded by Mr. Peterson to set forth a favorable recommendation for street acceptance for the Reserve at Daphne, Phase Three. There was no discussion. The motion carried unanimously.

Chairman called for the next order of business: John Tolbert Rezoning Request.

An introductory presentation was given by the agent, Stephen Weirup. He summarized the rezoning request as presented on the agenda. He stated the owner of the property was given a grant to reconstruct his home, but his property has to first be rezoned to residential.

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

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

A motion was made by Mr. Olen and seconded by Mr. Johnson to set forth a favorable recommendation to the City Council to rezone the subject property from a B-2, General Business, to R-2, Medium Density Single Family Residential. There was no discussion. The motion carried unanimously.

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

The Chairman opened the floor for public participation.

None presented.

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

**The City of Daphne
Planning Commission Minutes
Regular Meeting of June 27, 2024
Council Chamber, City Hall - 5:00 P.M.**

Mr. Dungan had no report.

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

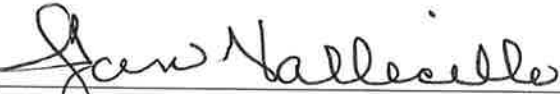
Richard Johnson asked about the cooperative project in the DISC Subdivision. Mr. Olen said there is a three-way contract between the Industrial Development Board, City of Daphne and 68 Ventures for a proposed multi use development.

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

Director presented the upcoming meeting dates: Site Preview is July 17th and Regular Meeting is July 25, 2024.

There being no further business, the meeting was adjourned at 5:22 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: July 25, 2024


Andrew Prescott, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JULY 25, 2024
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report 

1. **CALL TO ORDER:** 5:00 p.m.
2. **CALL OF ROLL:** John Peterson, Kevin Spriggs, Nathan Jones, Richard Johnson, Ronnie Huskey, and Steve Olen
3. **APPROVAL OF MINUTES:** Review of minutes of the regular meeting of June 27, 2024. (**Approved**)
4. **NEW BUSINESS:**
 - A. **AUSTIN PLACE COMMERCIAL PARK, LOT 17 SITE PLAN REVIEW:**
 1. File SP24-05: (**Approved contingent upon recording a cross access easement between the subject property and the adjacent lot to the south**)

Site: Austin Place Commercial Park, Lot 17

Zoning: B-2, General Business

Location: Northwest of County Road 64 and Equity Drive
Area: 0.51 Acres ±
Owner: Bass & Company, LLC - Richard Bass
Engineer: Jade Consulting - Jason Prescott
5. **PUBLIC PARTICIPATION:** Presentation by Brandon Willisson, No Off Season, of an improvement contribution plan for a turn lane at County Road 64 and Friendship Road. (**Approval of Option #3, "No Off Season" pays \$11,000 six months after final Certificate of Occupancy on the project. Second payment of \$12,000 one year after the date of the first payment. Last payment of \$12,000 the following year" with a condition that a city legal representative creates an instrument, a legal agreement to be signed by both parties, to tie the failure to make payment installations to the revocation of the business license.**)
6. **ATTORNEY'S REPORT:** No report.
7. **COMMISSIONER'S COMMENTS:** None presented.
8. **DIRECTOR'S COMMENTS:** None presented.
9. **ADJOURNMENT:** 5:25 p.m.



City of Daphne Event Permit Application

TYPE OF PERMIT:

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

APPLICANT & ORGANIZATION INFORMATION

ORGANIZATION NAME: Christ the King Catholic School
APPLICANT NAME: Holly Horne
STREET: 708 Dryer Ave CITY, STATE, ZIP: Daphne, AL
CONTACT PHONE: 251-626-1692 EMAIL: hhorne@cniqa.com
"ON SITE" CONTACT PERSON DAY OF EVENT: Holly Horne
CELL PHONE: (601) 218-0565 EMAIL: hhorne@cniqa.com

EVENT INFORMATION

EVENT NAME: Pumpkin Fest 2024
TYPE OF/PURPOSE OF EVENT: School Event / Fundraiser
EVENT DATE: 10/20/2024 TIME (START- END): 8:00am - 6:00pm
Day of event
ASSEMBLY TIME: 8:00am - 6:00pm # PARTICIPANTS/VEHICLES: ~ 20 participants
~ 20 vehicles
EVENT LOCATION: Christ the King Catholic School
FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE): Tents on School property and on 6th Street.
Stage on adjacent field to school on 6th Street.

SPECIAL REQUESTS

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

Closure of 6th St.

WILL YOUR EVENT REQUIRE BARRICADES: ☒ Yes* ☐ No *If Yes, please indicate quantity & location:

Barricades

on each end of Sixth Street behind Christ the King Catholic School

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

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

OTHER SPECIAL ITEMS FOR RENT:

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

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

OTHER SPECIAL REQUESTS: _____

MARKETING & COMMUNICATIONS

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

Is your event open to the general public? ☒ Yes* ☐ No

* If Yes, do you wish for your event to be listed and/or shared on:

www.daphneal.com? ☒ Yes ☐ No

Facebook.com? ☒ Yes ☐ No

Instagram? ☒ Yes ☐ No

LinkedIn? ☒ Yes ☐ No

MARKETING CONTACT (IF DIFFERENT THAN EVENT APPLICANT OR "ON SITE" EVENT CONTACT):

NAME: _____ CONTACT PHONE: _____

OTHER MARKETING REQUESTS: _____

REVENUE/BUSINESS LICENSE

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

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

INDEMNITY & HOLD HARMLESS AGREEMENT

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

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

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

APPLICANT SIGNATURE: _____



DATE: _____

6/18/2024

INTERNAL USE ONLY

DATE REC'D: _____

7-12-2024

CITY CLERK: _____

FIRE DEPT: _____

L.S. Tower

APPROVED ROUTE: _____

POLICE DEPT: _____



ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS: _____

SPORTS & RECREATION: _____



EVENT FEE: ☐ Paid \$ _____ CHK# _____

MARKETING & EVENTS: _____

☐ Waived: _____

** REVENUE: _____

PROOF OF INSURANCE REC'D: ☐ Yes ☐ No

**CITY OF DAPHNE
RESOLUTION 2024-38**

Acceptance of Roads and Rights-of-Way: The Reserve at Daphne, Phase Three

WHEREAS, the City Council of the City of Daphne, Alabama has received notice that the Daphne Planning Commission has given Final Plat approval to The Reserve at Daphne, Phase Three on June 27, 2024, and the City of Daphne hereby recommends acceptance of the roads and rights-of way located in The Reserve at Daphne, Phase Three; and

WHEREAS, an inspection was made by the Director of Community Development, and all reports and other related documents have been provided stating that said streets and associated storm water drainage have been installed in conformity with City standards; and

WHEREAS, an inspection was made by the Director of Public Works, and said director has recommended acceptance of said streets and associated storm water drainage, to the extent such drainage facilities affect the rights-of-way, of The Reserve at Daphne, Phase Three; and

WHEREAS, the developer has provided to the City a two-year maintenance bond in the amount of \$261,318.45 as required and now requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the Procedures for Subdivision Review, of the City of Daphne Land Use and Development Ordinance; and

WHEREAS, the developer has caused the plat to be recorded on slide 2134203 of the records in the Baldwin County Judge of Probate Office; and

WHEREAS, the City Council of the City of Daphne believes it is in the best interest of the citizens of the City for the City to accept said rights-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS: that the following rights-of-way within The Reserve at Daphne, Phase Three, according to the plat presented by Dewberry Engineers Inc. as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, are hereby accepted by the City of Daphne, Alabama as city streets for maintenance:

a portion of Sonesta Drive (1101 linear feet), a 50-ft right of way; a portion of Allegria Drive (863 linear feet), a 50-ft right of way; a portion of Cloister Drive (1042 linear feet), a 50-ft right of way; and a portion of Setal Court (455 linear feet), a 50-ft right of way.

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

SECTION 11
SECTION 12
SECTION 13
SECTION 14

(UT 102W 38E 10S 23E)

2134203
FALGOUT COUNTY, ALABAMA
HARVEY COUNTY, ALABAMA
HARVEY COUNTY, ALABAMA
HARVEY COUNTY, ALABAMA
TOTAL: 100.00 - 3 Pages
SLIP: 100.00 - 3

CERTIFICATE OF APPROVAL BY TELEPHONE (A&T)

CERTIFICATE OF APPROVAL BY BUREAU OF PUBLIC UTILITIES (BPU)

CERTIFICATE OF APPROVAL BY BUREAU OF WATER SYSTEM

CERTIFICATE OF APPROVAL BY BUREAU OF SEWER SERVICE

LEARNED ENGINEER'S CERTIFICATION OF IMPROVEMENTS

CERTIFICATE OF UNDERSIGNED AND DISCLOSURE

ACKNOWLEDGEMENT OF PUBLIC

MORTGAGEE'S ACCEPTANCE

SYDNEY MARIE HULLITT

CERTIFICATE OF APPROVAL FOR RESIDUAL

DIRECTOR OF COMMUNITY DEVELOPMENT

SITE DATA

REQUIRED SETBACKS

CERTIFICATE OF APPROVAL OF STREET, DRAINAGE

MORTGAGEE'S ACCEPTANCE FOR MORTGAGE

SYDNEY MARIE HULLITT

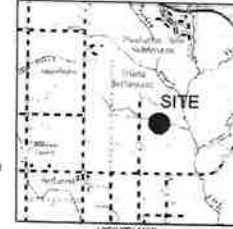
POINT OF BEGINNING



GENERAL NOTES

DEVELOPER

DEVELOPER



The Reserve at Daphne
Phase Three
A Planned Residential Development
FINAL PLAT
JUNE 27, 2024 - SHEET 1 OF 3 SHEETS
OVERALL PLAN

DATE	BY	FOR	BY	FOR
DATE	DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE	DATE

Dewberry

RECEIVED: 11/10/1964
11/10/1964



FINAL PLAT
JUNE 27, 2024 - SHEET 2 OF 3 SHEETS
PLAT OF SUBDIVISION

SEE SHEET 1 OF 3 FOR OVERALL BOUNDARY

10

[illegible]

The Reserve at Daphne Phase Three

Phase Three
A Planned Residential Development

FINAL PLAT
JUNE 27, 2024 - SHEET 3 OF 3 SHEETS

PLAT OF SUBDIVISION

DESIGN	B.M.A.	DRAWN	A.E.F.	CHECK	V.L.G.
ENG	J.N.E.	SUPERVISOR	V.L.G.	PROJ. MGR	J.N.E.

Dewberry

Project Engineering Board September 21, 2000
 (416) 593-9900 Fax (416) 593-9901

SCALE	1"=50'
PROJ. NO	50130862
FILE	50130862-PH3
SHEET	3 of 3

***SEE SHEET 1 OF 3 FOR OVERALL BOUNDARY:**

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024- 39**

**APPROPRIATION FOR WIRING AND INSTALLATION OF FANS AT THE PAVILIONS AT
THE SPLASH PAD AND INCLUSIVE PLAYGROUND**

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, fans are needed at the two pavilions located next to the Daphne Splash Pad and Inclusive Playground to help provide relief from the heat for our citizens; and

WHEREAS, a quote has been obtained to furnish labor and materials to provide electricity to the pavilions and install four fans with locking switches in the amount of \$12,000.

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

- 1) Funds in the amount of \$12,000 from the **General Fund** are hereby appropriated and made part of the Fiscal Year 2024 Budget for the wiring and installation of four fans at the pavilions at the Splash Pad and Inclusive Playground.
- 2) The Mayor is hereby authorized and directed to do or perform or cause to be done or performed in the name of and behalf of the City such other acts, and to execute, deliver, file and record such other instruments, documents, certificates, notifications and related documents, all as shall be required by law or necessary or desirable to carry out the provisions and purposes of this resolution.

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

ATTEST:

Robin LeJeune, Mayor

Candace G. Antinarella, City Clerk, MMC

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024-40**

PURCHASING POLICY FOR ALL GRANT PROGRAMS

WHEREAS, the City of Daphne receives grant funding from a variety of Federal, State, and Local governmental agencies for a wide range of projects and activities; and

WHEREAS, most grants require municipal governments to adopt and implement a policy regarding standards of conduct and a policy regarding procurement methods.

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

1. That the City's Methods of Procurement Policy for Grant Funded Projects and Standards of Conduct Policy are hereby adopted and ratified in the form attached to this Resolution, and as may be amended by direction of the Mayor from time to time as needed to conform to applicable law; and

2. That the latest version of said policies shall hereafter be kept in the records of the City and available for review by the public as requested.

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, MMC

METHODS OF PROCUREMENT POLICY FOR GRANT FUNDED PROJECTS

The City of Daphne will follow the procurement methods described below and will ensure that all contracts will be in writing, include the appropriate state, federal, and local clauses, and that all contracts will be authorized by the City of Daphne. The coordinator for the purchasing shall be the Finance Director. Further, the City of Daphne will ensure that the procurement of labor, services, or materials will be conducted in accordance with these local written procedures that conform to 2 CFR 200 UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL, Title 41, Code of Alabama (Bid Law), and Title 39, Code of Alabama (Public Works Law). All procurement follows one of the following methods:

1. Small Purchases

- a. See State Bid Law (Title 41, Code of Alabama) and Common Rule (24 CFR 85.36)
 - i. Price or rate quotations for purchases or contracts with an aggregate cost of \$30,000 or less must be obtained from at least three (3) qualified sources. (No purchase or contract involving an amount in excess of \$30,000 shall be divided into parts involving amounts \$30,000 or less for the purpose of avoiding the requirements of the Bid Law.) File documentation is required.
- b. See Public Works Law (Title 39, Code of Alabama) and Common Rule (24 CFR 85.36)
 - i. Price or rate quotations for professional services with an aggregate cost of \$100,000 or less must be obtained from at least three (3) qualified sources. File documentation and contract for professional services are required.
 - ii. Contracts for public works involving \$100,000 or less may be let without advertising or sealed bids. Price or rate quotations must be obtained from at least three (3) sources. (No public work involving a sum in excess of \$100,000 shall be split into parts involving sums of \$100,000 or less for the purposes of evading the Public Works Law.) File documentation is required.

2. Sealed Bids

- a. See State Bid Law (Title 41, Code of Alabama)
 - i. All purchases in excess of \$30,000 shall be advertised by posting notice thereof on a bulletin board maintained outside the Finance Director's office and in any other manner and for any length of time as may be determined. Sealed bids shall also be solicited by sending notice by mail or other electronic means to all persons, firms, or corporations who

have filed a request in writing that they be listed for solicitation on bids for the particular items that are set forth in the request. All bids shall be sealed when received and shall be opened in public at the hour stated in the notice.

- ii. All original bids together with all documents pertaining to the award of the contract shall be retained in accordance with a retention period of at least seven years established by the Local Government Records Commission and shall be open to public inspection.

b. See Public Works Law (Title 39, Code of Alabama)

- i. Definition of Public Works: The construction, repair, renovation, or maintenance of public buildings, structures, sewers, waterworks, roads, bridges, docks, underpasses, and viaducts as well as any other improvement to be constructed, repaired, renovated, or maintained on public property and to be paid, in whole or in part, with public funds or with financing to be retired with public funds in the form of lease payments or otherwise.
- ii. Before entering into any contract for a public work involving an amount in excess of \$100,000, the awarding authority shall advertise for sealed bids. If the awarding authority is the state or a Board, or an instrumentality thereof, it shall advertise for sealed bids at least once each week for three consecutive weeks in a newspaper of general circulation in the Board or counties in which the improvement or some part thereof, is to be made. If the awarding authority is a municipality, or an instrumentality thereof, it shall advertise for sealed bids at least once in a newspaper of general circulation published in the municipality where the awarding authority is located. If no newspaper is published in the municipality, the awarding authority shall advertise by posting notice thereof on a bulletin board maintained outside the Finance office and in any other manner and for the length of time as may be determined. In addition to bulletin board notice, sealed bids shall also be solicited by sending notice by mail to all persons who have filed a request in writing with the official designated by the awarding authority that they be listed for solicitation on bids for the public works contracts indicated in the request.
- iii. The advertisements shall briefly describe the improvement, state that plans and specifications for the improvement are on file for examination in a designated office of the awarding authority, state the procedure for obtaining plans and specifications, state the time and place in which bids shall be received and opened, and identify whether prequalification is required and where all written prequalification information is available for review. All bids shall be opened publicly at the advertised time and place.

3. Competitive Negotiations. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
- a. See 2 CFR 200 UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS
 - b. Requests for proposals will be publicized and identify all evaluation factors and their relative importance.
 - c. Proposals will be solicited from an adequate number of qualified sources.
 - d. Grantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees.
 - e. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
 - f. Grantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby 'competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
4. Noncompetitive Negotiations. Procurement by noncompetitive proposals or "sole source" is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies: the item is available only from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; the awarding agency authorizes noncompetitive proposals; and after solicitation of a number of sources, competition is determined inadequate.
- a. Proper documentation that one or more of the above circumstances existed.
 - b. There is no conflict of interest by the parties involved.
 - c. Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

5. Price/Cost Analysis. Grantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals.
- a. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts.
 - b. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation.
 - c. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.
 - d. Grantees will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed.
 - e. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
 - f. Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred, or cost estimates included in negotiated prices are consistent with Federal cost principles (see Sec. 85.22). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.
 - g. The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

STANDARDS OF CONDUCT POLICY

No employee, officer, or agent of the City of Daphne shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved (such a conflict would arise when the employee, officer, or agent, or any member of his/her immediate family, his/her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.)

The officers, employees, or agents of the City of Daphne will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. The City of Daphne may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

To the extent permitted by the State (Title 36, Chapter 25, Alabama Code) or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the officers or employees of the City of Daphne, or agents, or by contractors or their agents.

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024 -41**

**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	VIN/SN
PD-PATROL	311	2011 CHEVY TAHOE	1GNLC2E02BR373703

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, MMC

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024 - 42**

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	DESCRIPTION
LIBRARY	CHILDREN'S TABLE & CHAIRS
LIBRARY	CHILDREN'S U-SHAPE TABLE & CHAIRS
LIBRARY	STORAGE SHELF/UNIT

2. The Mayor is authorized to donate such personal property to Daphne Elementary School; and
3. The Mayor is further authorized to sell such personal property through Govdeals.com to the highest bidder and deposit any and all proceeds to the appropriate City Fund if for any reason the donation is not needed 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

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-25**

**Ordinance to Pre-Zone Property Located Southeast of the intersection of Milton Jones
Road and Alabama Highway 181
Bertolla Properties, LLC YOTA Properties, LLC, Frederick G. & Thomas Boni, and
Sharon and John Christopher Boni**

WHEREAS, Bertolla Properties, LLC YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni , 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, Residential Single Family 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 Southeast of the intersection of Milton Jones Road and Alabama Highway 181, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

PARCEL 1 DESCRIPTION:

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE MARKER AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.73 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 05 DEGREES 43 MINUTES 41 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 232.06 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 12 MINUTES 02 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 325.02 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 19 DEGREES 31 MINUTES 58 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 133.06 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 13 MINUTES 33 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 642.92 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 02 DEGREES 31 MINUTES 47 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 106.69 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 875.16 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 04 DEGREES 27 MINUTES 30 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 304.35 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE ALONG SAID EAST RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 9629.51 FEET, AN ARC LENGTH OF 88.46 FEET, (CHORD BEARS NORTH 01 DEGREES 51 MINUTES 58 SECONDS WEST, A DISTANCE OF 88.46 FEET); THENCE DEPARTING SAID EAST RIGHT-OF-WAY, RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 72.33 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1018.00 FEET, AN ARC LENGTH OF 76.27 FEET, (CHORD BEARS SOUTH 88 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 76.26 FEET); THENCE RUN SOUTH 86 DEGREES 02 MINUTES 44 SECONDS EAST, A DISTANCE OF 69.17 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 982.00 FEET, AN ARC LENGTH OF 73.58 FEET, (CHORD BEARS SOUTH 88 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 73.56 FEET); THENCE RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 47.00 FEET; THENCE RUN NORTH 00 DEGREES 21 MINUTES 08 SECONDS EAST, A DISTANCE OF 505.24 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (SMITH-CLARK); THENCE RUN NORTH 00 DEGREES 14 MINUTES 08 SECONDS EAST, A DISTANCE OF 793.10 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (ILLEGIBLE); THENCE RUN NORTH 89 DEGREES 45 MINUTES 39 SECONDS EAST, A DISTANCE OF 353.14 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS) ON THE SOUTH RIGHT-OF-WAY OF REBEL ROAD; THENCE

ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 363.27 FEET, AN ARC LENGTH OF 206.85 FEET, (CHORD BEARS SOUTH 71 DEGREES 27 MINUTES 42 SECONDS EAST, A DISTANCE OF 204.07 FEET) TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE RUN SOUTH 87 DEGREES 46 MINUTES 29 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 129.87 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 1710.45 FEET, AN ARC LENGTH OF 185.00 FEET, (CHORD BEARS NORTH 88 DEGREES 33 MINUTES 54 SECONDS EAST, A DISTANCE OF 184.91 FEET) TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 1882.12 FEET, AN ARC LENGTH OF 135.42 FEET, (CHORD BEARS NORTH 87 DEGREES 31 MINUTES 40 SECONDS EAST, A DISTANCE OF 135.39 FEET) TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN SOUTH 00 DEGREES 17 MINUTES 19 SECONDS EAST, A DISTANCE OF 625.89 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (10675); THENCE RUN NORTH 89 DEGREES 45 MINUTES 56 SECONDS EAST, A DISTANCE OF 397.33 FEET TO A THREE-QUARTER INCH CRIMP TOP IRON PIPE FOUND; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 15 SECONDS EAST, A DISTANCE OF 645.62 FEET TO A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL); THENCE RUN NORTH 89 DEGREES 35 MINUTES 52 SECONDS EAST, A DISTANCE OF 148.35 FEET TO A THREE-QUARTER INCH CRIMP TOP IRON PIPE FOUND; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 2278.21 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR) ON THE NORTH LINE OF WATERFORD PHASE II SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN SLIDE 2320-A, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 17 MINUTES 12 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 440.18 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR); THENCE RUN NORTH 00 DEGREES 05 MINUTES 10 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 51.36 FEET TO A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL); THENCE RUN SOUTH 89 DEGREES 54 MINUTES 53 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (ILLEGIBLE); THENCE RUN SOUTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 19.04 FEET; THENCE RUN SOUTH 89 DEGREES 17 MINUTES 11 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 170.44 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (PREBLE-RISH) TO THE WEST LINE OF SAID WATERFORD PHASE II SUBDIVISION; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 27 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 352.91 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR); THENCE RUN NORTH 89 DEGREES 11 MINUTES 54 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 20.09 FEET TO A ONE-HALF INCH REBAR FOUND (NO CAP); THENCE RUN SOUTH 00 DEGREES 06 MINUTES 42 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 1344.98 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR) ON THE NORTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 31 MINUTES 47 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 20.19 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 00 DEGREES 07 MINUTES 10 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 9.72 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 89 DEGREES 36 MINUTES 55 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 132.40 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE ALONG SAID NORTH RIGHT-OF-WAY AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 472.01 FEET, (CHORD BEARS NORTH 63 DEGREES 16 MINUTES 37 SECONDS WEST, A DISTANCE OF 454.67 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 36 DEGREES 13 MINUTES 13 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 189.66 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE ALONG SAID NORTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 700.00 FEET, AN ARC LENGTH OF 524.56 FEET, (CHORD BEARS NORTH 57 DEGREES 42 MINUTES 39 SECONDS WEST, A DISTANCE OF 512.37 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 40 DEGREES 24 MINUTES 07 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 69.42 FEET TO A FIVE-EIGHTHS INCH REBAR FOUND (NO CAP) ON THE AFOREMENTIONED EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN NORTH 00 DEGREES 05 MINUTES 56 SECONDS EAST, A DISTANCE OF 597.92 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 169.62 ACRES, MORE OR LESS.

PARCEL 2 DESCRIPTION

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE MARKER AT THE SOUTHWEST

CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.73 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 56 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 769.38 FEET TO A FIVE-EIGHTHS INCH REBAR (NO CAP) FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 47 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 474.78 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN SOUTH 23 DEGREES 39 MINUTES 46 SECONDS EAST, A DISTANCE OF 61.83 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND ON THE NORTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 698.62 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY) ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 580.00 FEET, AN ARC LENGTH OF 260.92 FEET, (CHORD BEARS NORTH 49 DEGREES 07 MINUTES 14 SECONDS WEST, A DISTANCE OF 258.72 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 36 DEGREES 13 MINUTES 13 SECONDS WEST, A DISTANCE OF 189.65 FEET TO A FIVE-EIGHTHS INCH REBAR FOUND (DEWBERRY); THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 620.00 FEET, AN ARC LENGTH OF 450.09 FEET, (CHORD BEARS NORTH 57 DEGREES 02 MINUTES 23 SECONDS WEST, A DISTANCE OF 440.27 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 50 DEGREES 10 MINUTES 14 SECONDS WEST, A DISTANCE OF 57.95 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 5.59 ACRES, MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on May 23, 2024, the Commission considered said request and voted to set forth a favorable recommendation to the City Council to pre-zone the property PUD, Planned Unit Development; 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 July 15, 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 as RSF-E, Residential Single Family Estate, Residential Single Family 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

BERTOLLA LLC, YOTA LLC, BONI & BONI PRE-ZONING REQUEST



**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-26**

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

**Property Located Southeast of the intersection of Milton Jones Road and Alabama
Highway 181
Bertolla Properties, LLC YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon
and John Christopher Boni**

WHEREAS, on the 28th day of February, 2024, the Bertolla Properties, LLC YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni, 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 May 23, 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 July 15, 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-__ 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:

PARCEL 1 DESCRIPTION:

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE MARKER AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.73 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 05 DEGREES 43 MINUTES 41 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 232.06 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 12 MINUTES 02 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 325.02 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 19 DEGREES 31 MINUTES 58 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 133.06 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 13 MINUTES 33 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 642.92 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 02 DEGREES 31 MINUTES 47 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 106.69 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 875.16 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 04 DEGREES 27 MINUTES 30 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 304.35 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE ALONG SAID EAST RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 9629.51 FEET, AN ARC LENGTH OF 88.46 FEET, (CHORD BEARS NORTH 01 DEGREES 51 MINUTES 58 SECONDS WEST, A DISTANCE OF 88.46 FEET); THENCE DEPARTING SAID EAST RIGHT-OF-WAY, RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 72.33 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1018.00 FEET, AN ARC LENGTH OF 76.27 FEET, (CHORD BEARS SOUTH 88 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 76.26 FEET); THENCE RUN SOUTH 86 DEGREES 02 MINUTES 44 SECONDS EAST, A DISTANCE OF 69.17 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 982.00 FEET, AN ARC LENGTH OF 73.58 FEET, (CHORD BEARS SOUTH 88 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 73.56 FEET); THENCE RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 47.00 FEET; THENCE RUN NORTH 00 DEGREES 21 MINUTES 08 SECONDS EAST, A DISTANCE OF 505.24 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (SMITH-CLARK); THENCE RUN NORTH 00 DEGREES 14 MINUTES 08 SECONDS EAST, A DISTANCE OF 793.10 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (ILLEGIBLE); THENCE RUN NORTH 89 DEGREES 45 MINUTES 39 SECONDS EAST, A DISTANCE OF 353.14 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS) ON THE SOUTH RIGHT-OF-WAY OF REBEL ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 363.27 FEET, AN ARC LENGTH OF 206.85 FEET, (CHORD BEARS SOUTH 71 DEGREES 27 MINUTES 42 SECONDS EAST, A DISTANCE OF 204.07 FEET) TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE RUN SOUTH 87 DEGREES 46 MINUTES 29 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 129.87 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 1710.45 FEET, AN ARC LENGTH OF 185.00 FEET, (CHORD BEARS NORTH 88 DEGREES 33 MINUTES 54 SECONDS EAST, A DISTANCE OF 184.91 FEET) TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 1882.12 FEET, AN ARC LENGTH OF 135.42 FEET, (CHORD BEARS NORTH 87 DEGREES 31 MINUTES 40 SECONDS EAST, A DISTANCE OF 135.39 FEET) TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN SOUTH 00 DEGREES 17 MINUTES 19 SECONDS EAST, A DISTANCE OF 625.89 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (10675); THENCE RUN NORTH 89 DEGREES 45 MINUTES 56 SECONDS EAST, A DISTANCE OF 397.33 FEET TO A THREE-QUARTER INCH CRIMP TOP IRON PIPE FOUND; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 15 SECONDS EAST, A DISTANCE OF 645.62 FEET TO A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL); THENCE RUN NORTH 89 DEGREES 35 MINUTES 52 SECONDS EAST, A DISTANCE OF 148.35 FEET TO A THREE-

QUARTER INCH CRIMP TOP IRON PIPE FOUND; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 2278.21 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR) ON THE NORTH LINE OF WATERFORD PHASE II SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN SLIDE 2320-A, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 17 MINUTES 12 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 440.18 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR); THENCE RUN NORTH 00 DEGREES 05 MINUTES 10 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 51.36 FEET TO A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL); THENCE RUN SOUTH 89 DEGREES 54 MINUTES 53 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (ILLEGIBLE); THENCE RUN SOUTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 19.04 FEET; THENCE RUN SOUTH 89 DEGREES 17 MINUTES 11 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 170.44 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (PREBLE-RISH) TO THE WEST LINE OF SAID WATERFORD PHASE II SUBDIVISION; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 27 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 352.91 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR); THENCE RUN NORTH 89 DEGREES 11 MINUTES 54 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 20.09 FEET TO A ONE-HALF INCH REBAR FOUND (NO CAP); THENCE RUN SOUTH 00 DEGREES 06 MINUTES 42 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 1344.98 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR) ON THE NORTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 31 MINUTES 47 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 20.19 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 00 DEGREES 07 MINUTES 10 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 9.72 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 89 DEGREES 36 MINUTES 55 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 132.40 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE ALONG SAID NORTH RIGHT-OF-WAY AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 472.01 FEET, (CHORD BEARS NORTH 63 DEGREES 16 MINUTES 37 SECONDS WEST, A DISTANCE OF 454.67 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 36 DEGREES 13 MINUTES 13 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 189.66 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE ALONG SAID NORTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 700.00 FEET, AN ARC LENGTH OF 524.56 FEET, (CHORD BEARS NORTH 57 DEGREES 42 MINUTES 39 SECONDS WEST, A DISTANCE OF 512.37 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 40 DEGREES 24 MINUTES 07 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 69.42 FEET TO A FIVE-EIGHTHS INCH REBAR FOUND (NO CAP) ON THE AFOREMENTIONED EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN NORTH 00 DEGREES 05 MINUTES 56 SECONDS EAST, A DISTANCE OF 597.92 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 169.62 ACRES, MORE OR LESS.

PARCEL 2 DESCRIPTION

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE MARKER AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.73 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 56 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 769.38 FEET TO A FIVE-EIGHTHS INCH REBAR (NO CAP) FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 47 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 474.78 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN SOUTH 23 DEGREES 39 MINUTES 46 SECONDS EAST, A DISTANCE OF 61.83 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND ON THE NORTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 698.62 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY) ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 580.00 FEET, AN ARC LENGTH OF 260.92 FEET, (CHORD BEARS NORTH 49 DEGREES 07 MINUTES 14 SECONDS WEST, A DISTANCE OF 258.72 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 36 DEGREES 13 MINUTES 13

SECONDS WEST, A DISTANCE OF 189.65 FEET TO A FIVE-EIGHTHS INCH REBAR FOUND (DEWBERRY); THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 620.00 FEET, AN ARC LENGTH OF 450.09 FEET, (CHORD BEARS NORTH 57 DEGREES 02 MINUTES 23 SECONDS WEST, A DISTANCE OF 440.27 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 50 DEGREES 10 MINUTES 14 SECONDS WEST, A DISTANCE OF 57.95 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 5.59 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

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-27**

**Ordinance to Pre-Zone Property Located North of the intersection of
County Road 64 and Montelucia Way
68V Baldwin Land Holdings, LLC**

WHEREAS 68V Baldwin Land Holdings, LLC, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently unzoned by Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as R-6(G), Garden or Patio Home, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located intersection of County Road 64 and Montelucia Way, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

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.

WHEREAS, at the regular Planning Commission meeting on May 23, 2024, the Commission considered said request and voted to set forth a unanimously favorable recommendation to the City Council to pre-zone the property R-6(G) Garden or Patio Home; 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 July 15, 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 R-6(G), Garden or Patio Home, 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 Unzoned, 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

PROPERTY IS LOCATED IN THE SW QUARTER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA



VICINITY MAP
1 INCH = 1 MILE

05-43-01-12-0-000-024.003
PIN: 273168
68V RESERVE AT DAPHNE 2021 L L C
707 BELROSE AVE
DAPHNE AL 36526

SURVEYOR'S NOTES:

1. THERE WAS NO RECORD OF UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAY, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF THIS SURVEY.
2. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
3. THE LINES REPRESENTING THE CENTRAL AND BOUNDARY LINES OF THE TRACTS ARE SHOWN FOR YOUR REFERENCE. THEY ARE NOT SURVEYED.
4. SURVEY WAS CONDUCTED IN WINTER 2024 AND IT RECORDED IN AN ELECTRONIC FIELD BOOK.
5. BEARINGS AND DISTANCES SHOWN HEREON WERE COMPUTED FROM ACTUAL FIELD TRAPERS, AND ARE BASED ON STATE PLANE COORDINATE SYSTEM (NAD 83) USING GPS OBSERVATIONS.
6. NO FURTHER RECORD OF THIS SURVEY WAS PROVIDED FOR THE SURVEYOR. THE SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA EFFECTIVE JANUARY 1, 2021.

SURVEYOR'S CERTIFICATE

ME, S.E. CIVIL, LLC, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF ALABAMA, ALABAMA, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

COMMENCEMENT AT THE RECORD LOCATION OF A HIGHWAY SPINE AT THE SOUTHWEST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 88 DEGREES 41 MINUTES 38 SECONDS EAST, A DISTANCE OF 1320.22 FEET TO A ONE-HALF INCH CARVED REBAR FOUND (SLOBBLE) FOR THE POINT OF BEGINNING. THENCE RUN NORTH 00 DEGREES 23 MINUTES 24 SECONDS EAST, A DISTANCE OF 860.28 FEET TO A ONE AND ONE-HALF INCH OPEN TOP IRON PIPE FOUND. THENCE RUN SOUTH 88 DEGREES 51 MINUTES 40 SECONDS EAST, A DISTANCE OF 851.84 FEET TO A FIVE- EIGHTH INCH CARVED REBAR FOUND (DEWBERRY). THENCE RUN NORTH 00 DEGREES 47 MINUTES FIVE EIGHTH INCH CARVED REBAR FOUND (DEWBERRY). THENCE RUN SOUTH 88 DEGREES 51 MINUTES 40 SECONDS EAST, A DISTANCE OF 863.41 FEET TO A FIVE- EIGHTH INCH CARVED REBAR FOUND (DEWBERRY). THENCE RUN SOUTH 88 DEGREES 51 MINUTES 40 SECONDS WEST, A DISTANCE OF 1327.87 FEET TO A ONE-HALF INCH CARVED REBAR FOUND (SLOBBLE). THENCE RUN NORTH 88 DEGREES 47 MINUTES 08 SECONDS WEST, A DISTANCE OF 1330.60 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 24.93 ACRES, MORE OR LESS.

(DESCRIPTION COMPOSED FROM AN ACTUAL FIELD SURVEY)

S.E. CIVIL, LLC
DAVID L. DUCH
DATE 03-23-2024
P.L.S. NO. 2024
SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL



PROPERTY BOUNDARY SURVEY

68 BALDWIN LAND HOLDINGS, LLC



DRAWN	ROC
CHECKED	JAF
DESIGNED	DES
SCALE	1"=100'
PROJECT	2024-123
FILE	2024-123-001
SHEET	1 OF 1

EXHIBIT "B"

05-43-01-12-0-000-008.000
PIN: 475557
TAYLOR, ALFRED L ETAL TAYLOR, BAILEY L AND HARRIS, LUCILLE TAYLOR (HARRIS, RUS -AT AND 17-IN-FACT- FOR TAYLOR, ALFRED) (HARRIS AND LUCILLE -SUCCESSOR-ATTY-IN-FACT- FOR TA AND YLOR, ALFRED) 5304 WINDMILL DR MOBILE AL 36693

05-43-01-12-0-000-020.000
PIN: 475553
ARMSTRONG, COREY BLAKE ETAL ARMSTRONG, J AND ACQUELINE IVY 11375 ALABASTER DR DAPHNE AL 36526

05-43-01-12-0-000-021.003
PIN: 8905
HOLLAWAY, BELL 11375 HOLLAWAY LANE DAPHNE AL 36526

05-43-01-12-0-000-021.002
PIN: 20469
HOLLAWAY, BELL OLYMPIA DAMS 11375 HOLLAWAY LANE DAPHNE AL 36526

05-43-01-12-0-000-027.000
PIN: 41859
PERQUE, JOHNNIE P O BOX 850 DAPHNE AL 36526

05-43-01-12-0-000-021.004
PIN: 475556
HOLLAWAY, BELL OLYMPIA DAMS 11375 HOLLAWAY LANE DAPHNE AL 36526

05-43-05-13-0-000-002.004
PIN: 25348
LAZZARI, VICTOR II 5285 ROGER RD DAPHNE AL 36526

05-43-05-13-0-000-002.000
PIN: 25334
68V RESERVE AT DAPHNE 2021 L L C 707 BELROSE AVE DAPHNE AL 36526

05-43-05-13-0-000-002.010
PIN: 255523
68V RESERVE AT DAPHNE 2021 L L C 25881 WOODROW LN SPANISH FORT AL 36597

- LEGEND:
- RRP - RAILROAD SPINE FOUND IN PLACE
 - CH - CARVED REBAR FOUND
 - OPF - OPEN END PIPE FOUND
 - SL - SECTION LINE
 - PF - POST & RING FENCE



POINT OF BEGINNING

POINT OF COMMENCEMENT
SOUTHWEST CORNER
OF SECTION 12,
TOWNSHIP 5 SOUTH,
RANGE 2 EAST

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-28**

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

**Property Located North of the intersection of
County Road 64 and Montelucia Way
68V Baldwin Land Holdings, LLC**

WHEREAS, on the 16th day of April, 2024, 68V Baldwin Land Holdings, LLC 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 May 23, 2024, and the Commission set forth a unanimously 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 July 15, 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-__ was adopted pre-zoning the said property as R-6(G), Garden or Patio Home, 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 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.

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