

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, August 19, 2024 at 6:00 P.M.

1. CALL TO ORDER

2. ROLL CALL

INVOCATION Pastor Jonathon Duke, 3 Circle Church
PLEDGE OF ALLEGIANCE

PRESENTATION: Daphne 8U Softball

PUBLIC HEARING: John Tolbert Zoning Amendment

PUBLIC HEARING: City of Daphne Proposed Redistricting

3. APPROVE MINUTES: August 5, 2024 regular meeting

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Phillips

B. BUILDINGS & PROPERTY COMMITTEE – Goodlin

Review the minutes from the July 8th meeting and the July 2024 new Construction and Building Reports.

Certificates of Occupancy: 33 Permits Issues: 276 New Residential Home Permits: 14
Total Fees: \$68,618.38

MOTION to authorize the City Clerk to send an initial 20-day letter for Abatement of a dangerous building located at 1408 Daphne Avenue, Daphne Alabama.

C. PUBLIC SAFETY COMMITTEE – Hughes

MOTION to authorize the Mayor to sign an agreement with Bay Nursing for jail nurse services.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

E. PUBLIC WORKS COMMITTEE – Conaway

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

Review the minutes from the April 4th meeting and the summarization from the August 1st meeting.

MOTION to reappoint Derek Wolstenholme to the Board of Zoning Adjustments for a 3-year term (August 2024 – August 2027).

B. DAPHNE PUBLIC SCHOOL COMMISSION – Conaway

C. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

D. INDUSTRIAL DEVELOPMENT BOARD – Scott

City Council Agenda – August 19, 2024

- E. **LIBRARY BOARD** – Goodlin
- F. **PLANNING COMMISSION** – Olen
- G. **RECREATION BOARD** – Hughes
- H. **UTILITY BOARD** – Coleman
Review the minutes from the June 26th meeting.

6. **PUBLIC PARTICIPATION**

7. **MAYOR’S REPORT**

8. **CITY ATTORNEY REPORT**

9. **DEPARTMENT HEAD REPORTS**

10. **CITY CLERK’S REPORT**

MOTION to approve the 020 – Restaurant Retail Liquor to Tulum Mexican Cuisine and Bar LLC located at 9878 Spanish Fort Blvd, Daphne, AL.

MOTION to approve the 020 – Restaurant Retail Liquor to Potters Wings Daphne LLC dba Buffalo Wild Wings located at 6840 US Highway 90, Daphne, AL.

MOTION to approve the AFJROTC Donut Sale Fundraiser at the entrance of Lake Forest at Windsor Drive from 6:30 – 11:00am on September 21, 2024, October 12, 2024, December 14, 2024, February 8, 2025, March 15, 2025 and April 26, 2025.

11. **RESOLUTIONS:**

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

13. **1st READ ORDINANCES:**

2024 – 29 – Ordinance Consenting to the Sale by the Utilities Board of the City of Daphne of Certain Surplus Personal Property

2024 – 30 – Ordinance to Re-Zone Property Located Southeast of Main Street and Adams Avenue

2024 – 31 – Amending City’s Employee Handbook (Section 10.10)

14. **COUNCIL COMMENTS**

15. **ADJOURN**

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: June 28, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: John Tolbert Zoning Amendment

A handwritten signature in black ink, appearing to be "AS" or similar initials.

PRESENT ZONING: B-2, General Business
PROPOSED PRE-ZONING: R-2, Medium Density Single Family Residential
LOCATION: Southeast of Main Street and Adams Avenue
RECOMMENDATION: At the June 27, 2024 regular meeting of the City of Daphne Planning Commission, seven members were present, and the motion carried unanimously for a favorable recommendation for the above captioned zoning amendment.

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

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

Thank you,
ADJ/jv

1. Community Development Report and Supplemental Documents
2. Pre-zoning Application
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)
5. Adjacent Property Owners List



JOHN TOLBERT

Rezoning Amendment

Zoning Classification:

B-2 (General Business)

Surrounding Zonings/Uses:

- **North**—B-2 (General Business)/Tractor Supply
- **South**—B-2 (General Business)/Residential dwelling
- **West**—B-2 (General Business)/Residential dwelling
- **East** —B-2 (General Business)/Residential dwelling

Existing Utility Service Providers: Riviera Utilities, AT&T, Daphne Utilities

Affected City Service Providers: Fire Station 1, Police Beat 1, Public Works

Staff Recommendation to PC: Favorable recommendation to City Council

Proposed Zoning:

R-2, Medium Density Family Residential

Development Concept:

Demolish and Rebuild a Single Family Residence

Council District:

1

Existing Conditions:

0.35 ac

PC Recommendation to Council:

Favorable recommendation to City Council

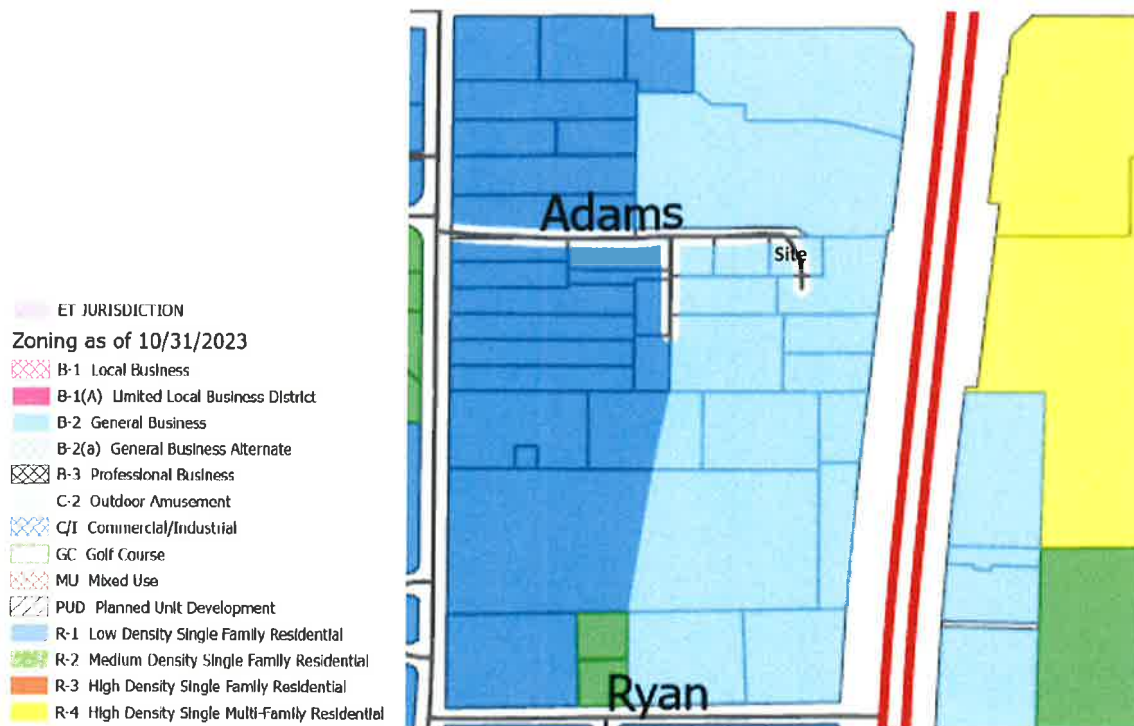
PROPOSAL:

The applicant proposes to rezone the subject property from B-2, General Business, to R-2, Medium Density Family Residential. The existing dwelling is in disrepair. A federal program has qualified the property owner for a new home on the existing site. The existing dwelling must be demolished.

The property and the surrounding property was rezoned to B-2 in 1987 through the City's initial comprehensive zoning process.

B-2 zoning doesn't allow single family dwellings. There is no other process that would allow such, therefore rezoning the property is the only solution.

CITY ZONING MAP EXCERPT



APPLICATION & SUPPLEMENTAL INFORMATION



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted

Application Number:

Planning Commission Public May 23, 2024

ZA-24-02pr

PZA-

Hearing Date: June 27, 2024

Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable.

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):

PPIN#(s):

707 Adams Avenue, Daphne, Alabama 36526

100

Gross Site Area (acreage): 0.35

Requested Zoning or Pre-Zoning: R-2

Current Zoning Designation(s): B-2

Amended Request:

Initials:

Date:

Current Land Use: Single Family Residence

Anticipated Land Use: Single Family Residence

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent **and provide a copy of Articles of Incorporation.*

Name of Current Owner: John Tolbert

Mailing Address: 707 Adams Avenue, Daphne, Alabama 36526

Phone/Fax: 251-487-0503

E-mail:

Name of Authorized Agent:

Mailing Address:

Phone/Fax:

E-mail:

Name of Developer*:

Phone/Fax:

E-mail:

Other:

Phone/Fax:

E-mail:

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature: John Tolbert

Date 5-11-2024

Agent's Signature:

Date

John Tolbert

Rezoning Request of Parcel Number 05-43-09-29-2-
000-019.000 in the City of Daphne

Exhibit A

State of Alabama

County of Baldwin

City of Daphne

Description of Property to be Re-Zoned to from zone B-2 (General Business District) to zone R-2 (Single Family Residential District)

Legal Description

From the Northwest Corner of Section 29, Township 5 South, Range 2 East, run South along the section line, 627 feet to the Northwest corner of the property of Willie Adams; thence continue North 89 degrees 31 minutes East along said Adams North boundary 277.1 feet to the Point of Beginning; thence continuing North 89 degrees 31 minutes East, 146.6 feet; thence run North 104.5 feet to the Point of Beginning. Lot lines in the Northwest Quarter of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, Baldwin County, Alabama.

POINT OF COMMENCEMENT
NORTH-EAST CORNER OF SECTION 29
TOWNSHIP 5 NORTH RANGE 1 EAST
BALDWIN COUNTY, ALABAMA

Exhibit B - Survey

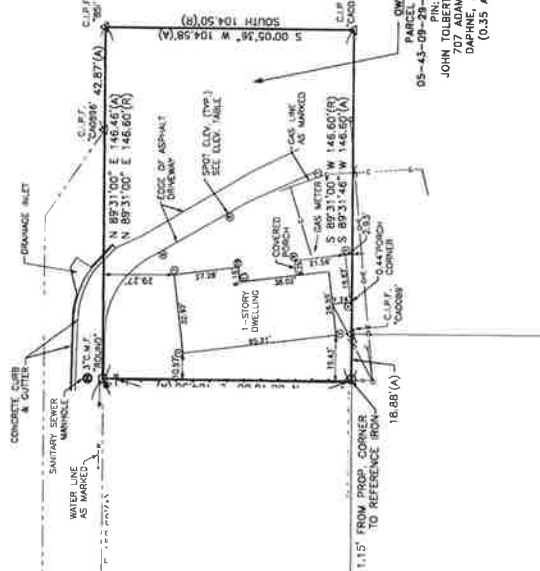
NOTES:

- 1) Type of Survey: As-Built. No improvements were located except those shown herein.
- 2) Bearing Base: Deed of Record, Instrument Number 1003488.
- 3) Survey Date: February 16, 2024.
- 4) Street Address: 207 Adams Avenue, Dainger, Alabama.
- 5) This survey was made by the Surveyor to locate underground improvements or environmentally sensitive conditions.
- 6) The Surveyor is not responsible for any errors or omissions in regard to subsurface conditions and/or utility lines.
- 7) This survey was made without the benefit of a Title Search.

LEGEND:

- INDICATES CAPED IRON PIN FOUND
- INDICATES 5/8" CAPED IRON PIN SET
- INDICATES OPEN TOP IRON PIN FOUND
- INDICATES REBAR FOUND
- INDICATES CONCRETE MONUMENT FOUND
- INDICATES CHAIN LINK FENCE
- INDICATES WIRE FENCE
- INDICATES OVERHEAD ELECTRIC LINES
- INDICATES POWER POLE
- INDICATES ACTUAL MEASUREMENT
- INDICATES RECORD MEASUREMENT

SPOT ELEVATION	DATE
11.70	101.20
11.71	101.20
11.72	101.20
11.73	101.20
11.74	101.20
11.75	101.20
11.76	101.20
11.77	101.20
11.78	101.20
11.79	101.20
11.80	101.20
11.81	101.20
11.82	101.20
11.83	101.20
11.84	101.20
11.85	101.20
11.86	101.20
11.87	101.20
11.88	101.20
11.89	101.20
11.90	101.20



STATE OF ALABAMA COUNTY OF BALDWIN

I, Gerald A. Smith, a Licensed Professional Land Surveyor in the State of Alabama, hereby state to the client only, that all parts of this survey and plat have been completed in accordance with the current requirements of the Standards of Practice for the Surveying and Mapping Professions, and that I am a duly Licensed Professional Land Surveyor in the State of Alabama, No. 2468.

Commencing at the Northwest Corner of Section 29, Township 5 North, Range 1 East, Baldwin County, Alabama; thence South 62° 27' 00" East along the West line of said section to a point on the South right-of-way line of Adams Avenue (25' R.O.W.) N 89° 31' 00" W 146.60' to the POINT OF BEGINNING of the property herein described; thence continue N 89° 31' 00" E 146.60' to a point, thence S 00° 00' 00" W 104.58' to a point, thence S 89° 31' 00" W 146.60' to a point, thence N 00° 00' 00" E 104.58' back to the POINT OF BEGINNING, containing 0.33 acres, more or less.

Also, a right of way easement over and under the North 10 feet of William Adams property (described as follows: From the Northwest corner of said Adams property, run N 89° 31' 00" E 277.10 feet; thence South 10 feet; thence S 89° 31' 00" W 277.10 feet; thence North 10 feet to the Point of Beginning; for the purpose of segment and egress to the within described property.

That the improvements on said lot are within the boundaries of the same; that there are no encroachments by adjoining property, except as shown; that there are no joint drives, rights-of-way, or easements over or under said lot, and that the Surveyor has no knowledge of any such encroachments, joint drives, or easements; and that the Surveyor has no knowledge of any such encroachments, joint drives, or easements.

I have consulted the PLMA Plotted Improvement Map Community Parcel No. 0109700014 M, dated April 10, 2019, and found, by graphic plotting only, that said map shows that the above described property is located in Zone "2-Undeveloped". The above statement does not represent this Surveyor's opinion of the probability of flooding.

According to my survey this 16th day of February, 2024.

Revised 5-20-2024 TO CORRECT
OMBER TO THE EAST



GERALD A. SMITH P.O. BOX 844 (251) 604-0261	BHL FEDERAL 576 AZALEA ROAD, SUITE 124 MOBILE, ALABAMA 36609
Note: This drawing does not reflect any title or easement interests by me, other than what is visible on the ground or provided by the client's conveyance.	
Scale: 1" = 30'	Date: FEBRUARY 16, 2024
Surveyor: GERALD A. SMITH	Client: BHL FEDERAL
Project: 240210_707ADAMS AVENUE.DWG	AS-BUILT SURVEY

Gerald A. Smith, P.L.S.
Alabama License No. 2468

John Tolbert
ADJACENT PROPERTY OWNERS LIST

EAST SIDE PROPERTY OWNERS

43-09-29-2-000-020.000

PIN: 146

Johnson, Robert

14623 Ramstad Dr.

San Jose, CA, 95127

SOUTH SIDE PROPERTY OWNERS

05-43-09-29-2-000-021.000

PIN: 49930

Johnson, Joseph

P.O. Box 961

Daphne, Al 36526

43-09-29-2-000-018.001

PIN: 91566

Adams, Mamie Lee

810 Adams Ave.

Daphne, Al 36526

NORTH SIDE PROPERTY OWNERS

05-43-09-29-2-000-009.000

PIN: 22593

Exchangeright Net Leased Portfolio 33 DS and T

1055 Colorado Blvd., E., Ste 310

Pasadena, CA 91106

WEST SIDE PROPERTY OWNERS

43-09-29-2-000-018.001

PIN: 91566

Adams, Mamie Lee

810 Adams Ave.

Daphne, Al 36526

PROPERTY OWNER

05-43-09-29-2-000-019.000

PIN: 100

Tolbert, John and Joyce

707 Adams Ave.

Daphne, Al 36526

COMMUNITY DEVELOPMENT



June 14, 2024

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission. John Tolbert proposes to rezone 0.35 acres +/- located southeast of Main Street and Adams Avenue from B-2(a), General Business Alternate, to R-2, Medium Density Single Family Residential.

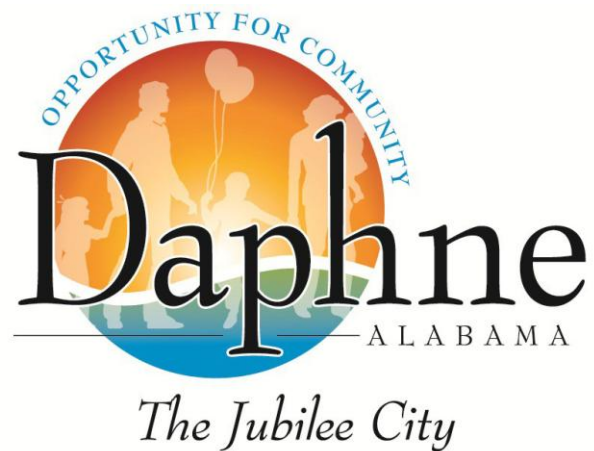
Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, June 19, 2024 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, June 27, 2024 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

Sincerely,
Adrienne D. Jones, AICP,
Director of Community Development

John Tolbert
Zoning Amendment

REVISION 3
AUGUST 19, 2024



PROPOSED CITY COUNCIL DISTRICTS 2024

PUBLIC HEARING



CAREY TECHNOLOGY

Presented by: Cynthia Feirman, MSGIS, MPA, GISP

Carey Technology, LLC

cynthiafeirman@gmail.com

August 19, 2024

City of Daphne
PO Box 400
1705 Main Street
Daphne, Alabama 36526
Steve Olen, City Council President

2025 CITY COUNCIL DISTRICTS REDISTRICTING PROPOSAL

Dear Council President Olen and City Council Members,

Thank you again for the opportunity to help in the redistricting for Daphne's city council for the 2025 election cycle using the 2020 Census.

Redistricting is not only a legal obligation, but an important process for a city and its citizens. Ensuring the principal ideal of One Person One Vote restores citizens' faith in our governmental process and their faith in you, their elected representatives.

Redistricting at its core is mathematical, using the decennial census and census blocks, to count the number of persons in your jurisdiction. There is a human element and outstanding principles used to guide the redistricting process. These elements include common sense, as well as physical, historical, and cultural boundaries to both enhance cohesiveness and to divide representation.

It has been a pleasure working with you and your staff in this important process.

Sincerely,

Cynthia Feirman, MGIS, MPA, GISP
Principal
Carey Technology



CAREY TECHNOLOGY

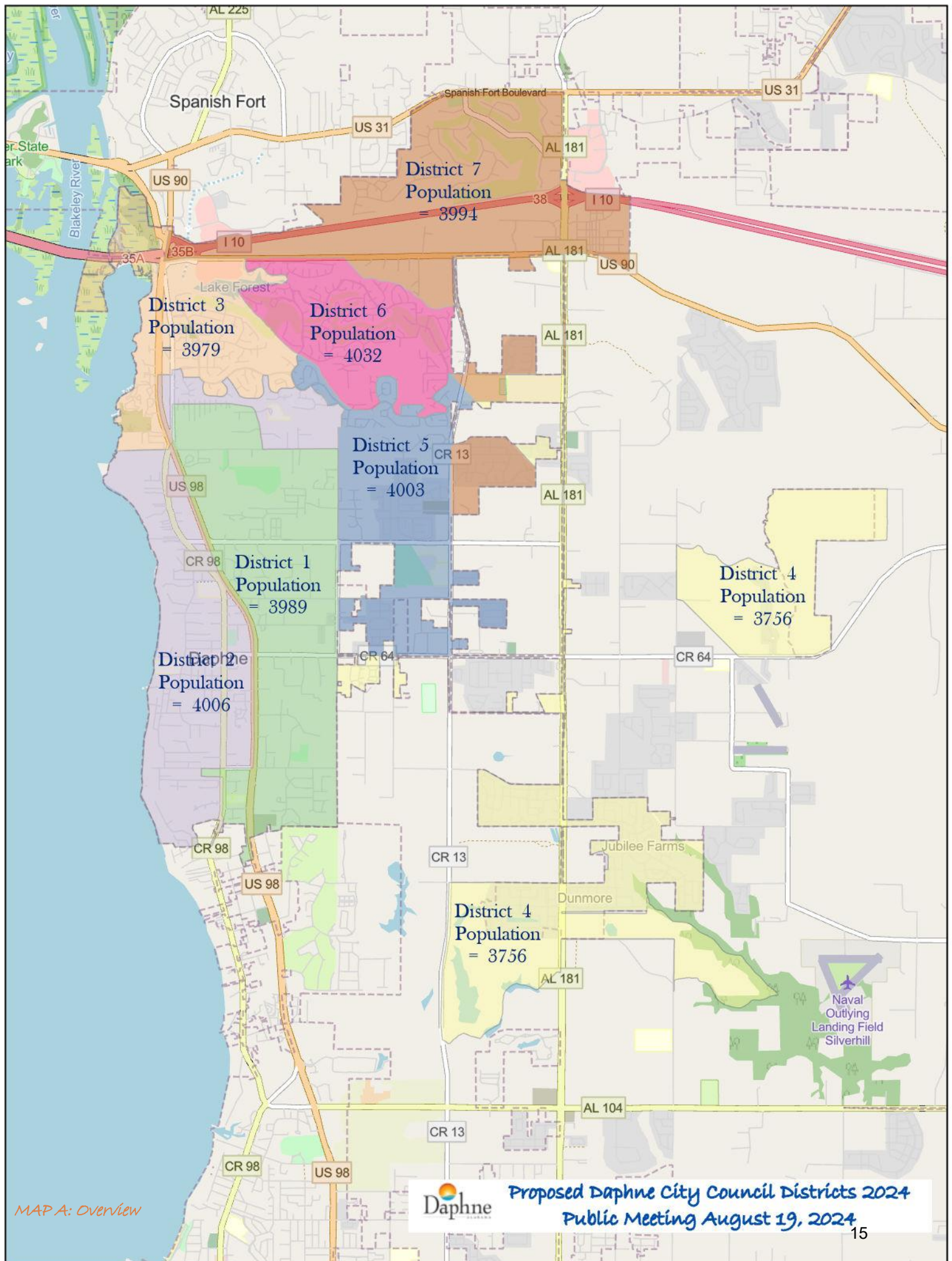
MAP & TABLE INDEX

MAP A: City of Daphne Overview



CAREY TECHNOLOGY

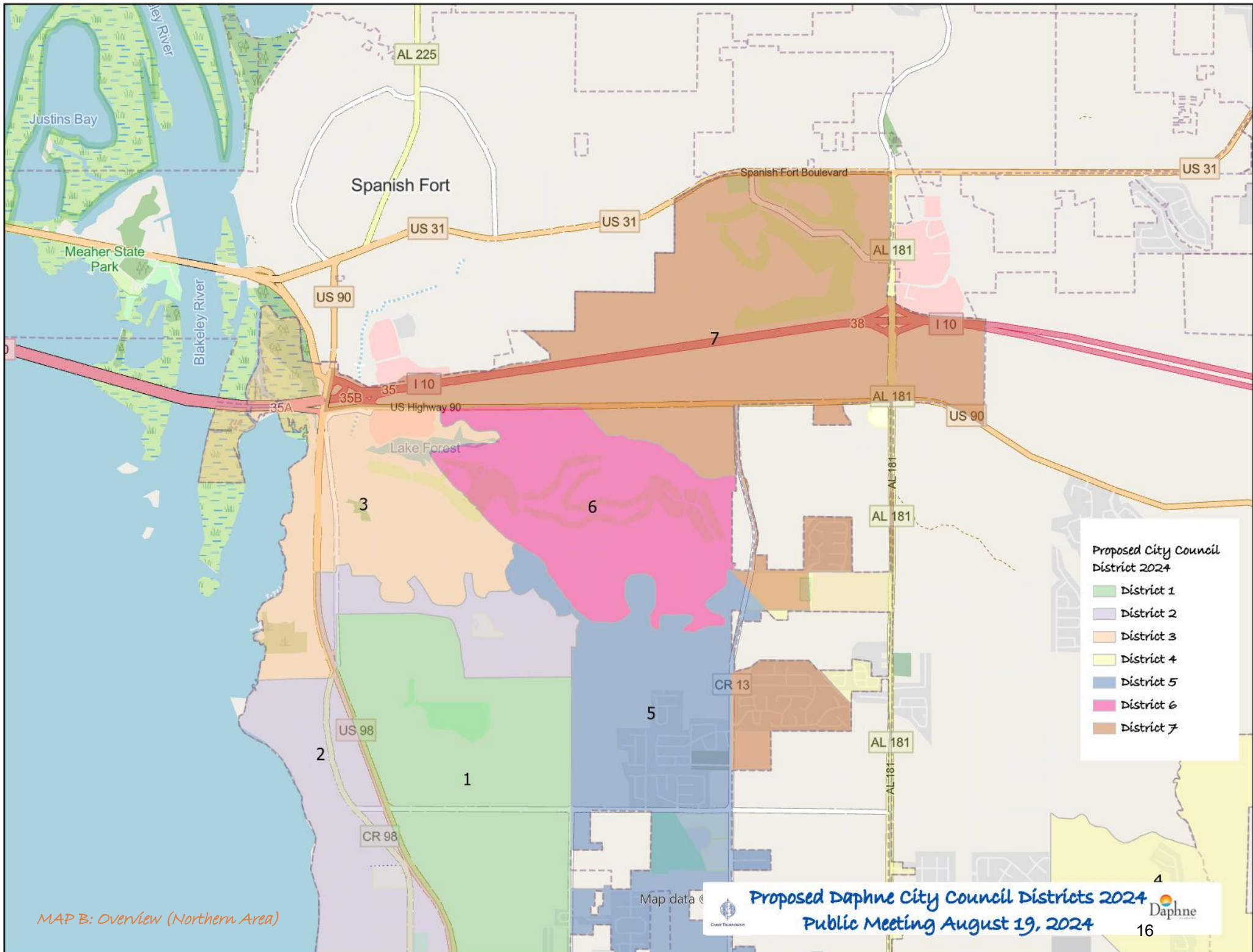




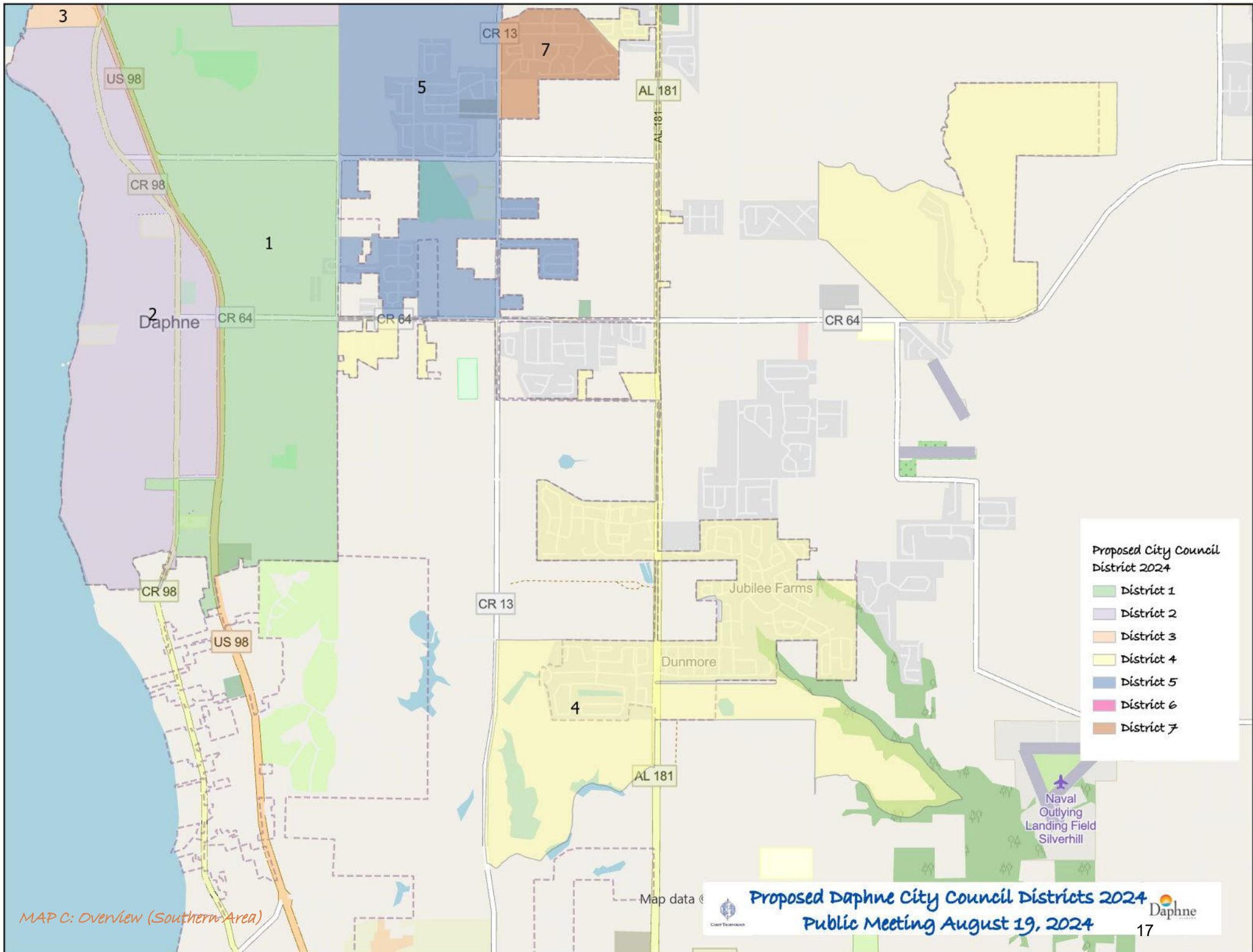
MAP A: Overview



Proposed Daphne City Council Districts 2024
Public Meeting August 19, 2024



MAP B: Overview (Northern Area)



MAP C: Overview (Southern Area)

Map data ©



Proposed Daphne City Council Districts 2024
Public Meeting August 19, 2024



DISTRICT 1

The current population of the City of Daphne, as described by the 2020 census block boundaries, is 27,759. When the referenced population is divided by the number of city council seats (7) the product is the ideal population for each district, as laid out in the One Person One Vote principle.

The ideal population for each City of Daphne council district is 3,966.

Current District Statistics

	2020 Population	Population Deviation	Percent Deviation
District 1	4,928	(962)	(24.26%)

Table A

The changes proposed bring District 1 from a 24.26% population deviation to the new 0.58% population deviation, which is under the recommended 5% maximum deviation.

Proposed District Statistics

	2020 Population	Population Deviation	Percent Deviation
District 1	3,989	23	0.58%

Table B

In addition to the ideal populations, racial makeup is also a consideration for redistricting.

The proposed district has a make up of 56.81% white and 33.87% black.

Proposed District Racial Statistics

	2020 Population	Percent White	Percent Black
District 1	3,989	56.81%	33.87%

Table C



DISTRICT 2

The current population of the City of Daphne, as described by the 2020 census block boundaries, is 27,759. When the referenced population is divided by the number of city council seats (7) the product is the ideal population for each district, as laid out in the One Person One Vote principle.

The ideal population for each City of Daphne council district is 3,966.

Current District Statistics

	2020 Population	Population Deviation	Percent Deviation
District 2	3,095	871	21.96%

Table D

The changes proposed bring District 2 from a 21.96% population deviation to the new 1.01% population deviation, which is under the recommended 5% maximum deviation.

Proposed District Statistics

	2020 Population	Population Deviation	Percent Deviation
District 2	4,006	40	1.01%

Table E

In addition to the ideal populations, racial makeup is also a consideration for redistricting.

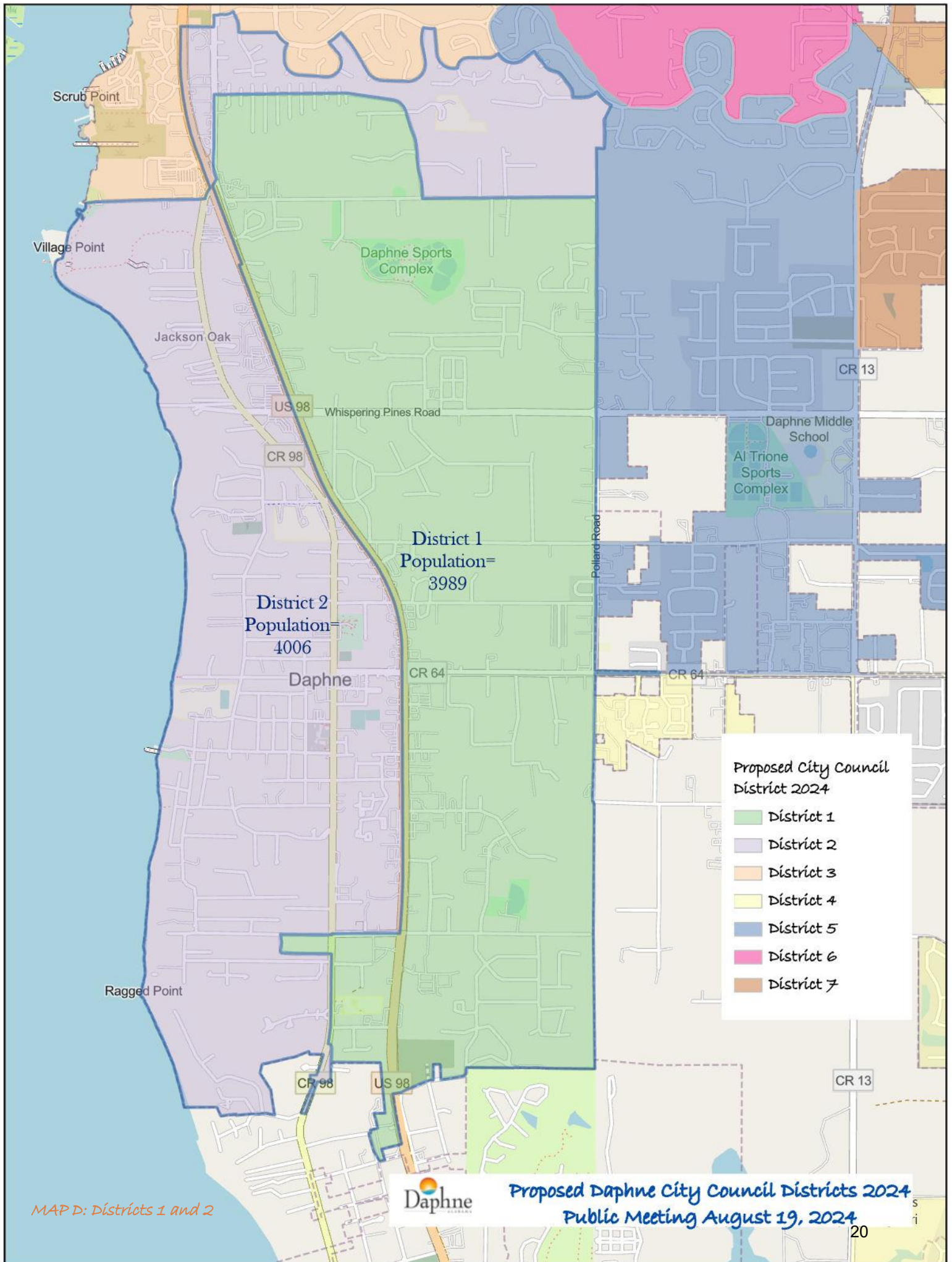
The proposed district has a make up of 83.10% white and 8.39% black.

Proposed District Racial Statistics

	2020 Population	Percent White	Percent Black
District 2	4,006	83.10%	8.39%

Table F





MAP D: Districts 1 and 2



Proposed Daphne City Council Districts 2024
Public Meeting August 19, 2024

DISTRICT 3

The current population of the City of Daphne, as described by the 2020 census block boundaries, is 27,759. When the referenced population is divided by the number of city council seats (7) the product is the ideal population for each district, as laid out in the One Person One Vote principle.

The ideal population for each City of Daphne council district is 3,966.

Current District Statistics

	2020 Population	Population Deviation	Percent Deviation
District 3	3,035	931	23.47%

Table G

The changes proposed bring District 3 from a 23.47% population deviation to the new 0.33% population deviation, which is under the recommended 5% maximum deviation.

Proposed District Statistics

	2020 Population	Population Deviation	Percent Deviation
District 3	3,979	13	0.33%

Table H

In addition to the ideal populations, racial makeup is also a consideration for redistricting.

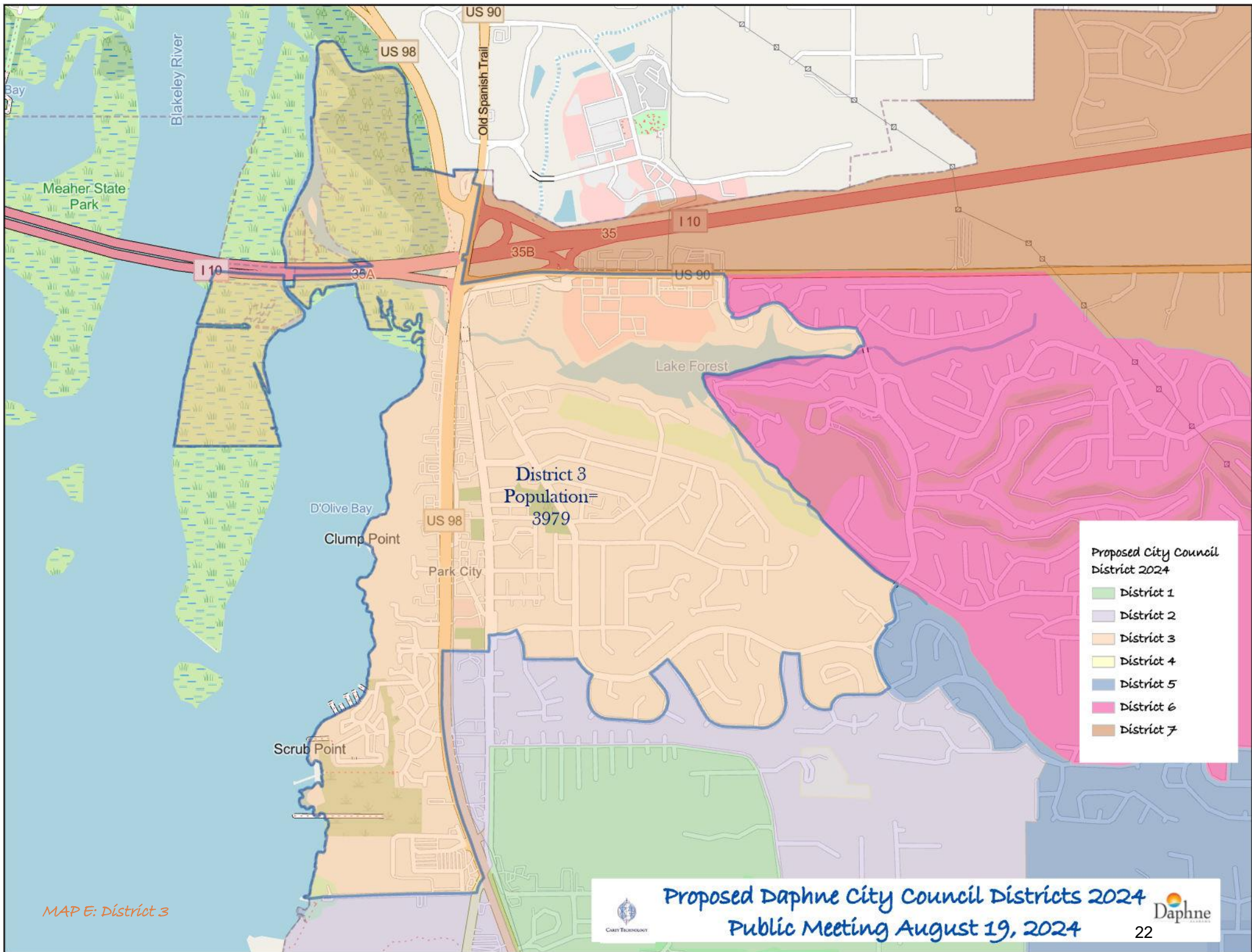
The proposed district has a make up of 81.05% white and 7.29% black.

Proposed District Racial Statistics

	2020 Population	Percent White	Percent Black
District 3	3,979	81.05%	7.29%

Table I





DISTRICT 4

The current population of the City of Daphne, as described by the 2020 census block boundaries, is 27,759. When the referenced population is divided by the number of city council seats (7) the product is the ideal population for each district, as laid out in the One Person One Vote principle.

The ideal population for each City of Daphne council district is 3,966.

Current District Statistics

	2020 Population	Population Deviation	Percent Deviation
District 4	6,487	(2,521)	(63.57%)

Table J

The changes proposed bring District 4 from a 63.57% population deviation to the new 5.30% population deviation, which is close to the recommended 5% maximum deviation. District 4 is anticipated to have the largest population growth through development and annexation.

Proposed District Statistics

	2020 Population	Population Deviation	Percent Deviation
District 4	3,756	(210)	(5.30%)

Table K

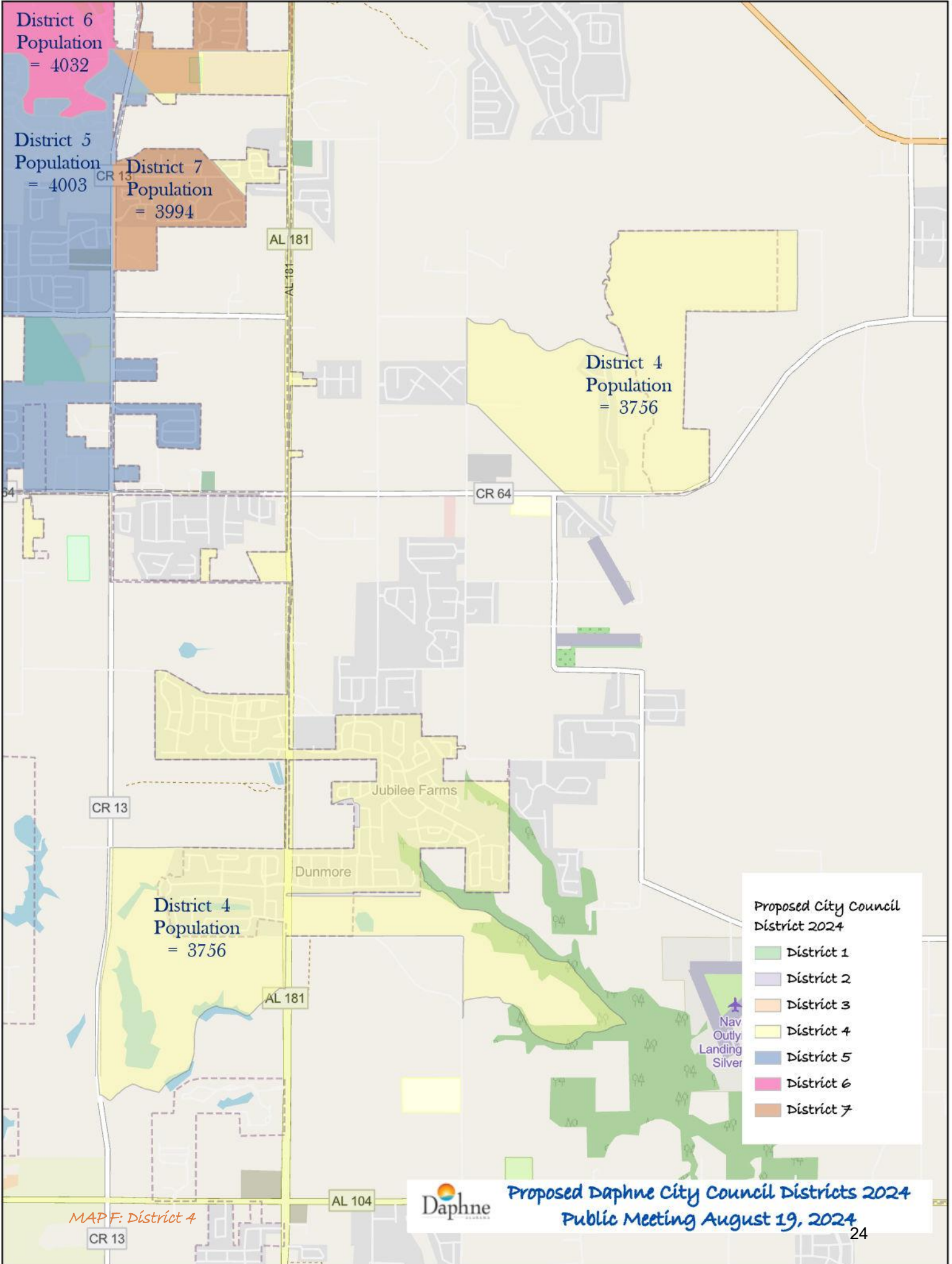
In addition to the ideal populations, racial makeup is also a consideration for redistricting. The proposed district has a make up of 81.84%white and 7.27% black.

Proposed District Racial Statistics

	2020 Population	Percent White	Percent Black
District 4	3,756	81.84%	7.27%

Table L





District 6
Population
= 4032

District 5
Population
= 4003

District 7
Population
= 3994

District 4
Population
= 3756

District 4
Population
= 3756

- Proposed City Council
District 2024
- District 1
 - District 2
 - District 3
 - District 4
 - District 5
 - District 6
 - District 7



Proposed Daphne City Council Districts 2024
Public Meeting August 19, 2024

DISTRICT 5

The current population of the City of Daphne, as described by the 2020 census block boundaries, is 27,759. When the referenced population is divided by the number of city council seats (7) the product is the ideal population for each district, as laid out in the One Person One Vote principle.

The ideal population for each City of Daphne council district is 3,966.

Current District Statistics

	2020 Population	Population Deviation	Percent Deviation
District 5	3,459	507	12.78%

Table M

The changes proposed bring District 5 from a 12.78% population deviation to the new 0.93% population deviation, which is under the recommended 5% maximum deviation.

Proposed District Statistics

	2020 Population	Population Deviation	Percent Deviation
District 5	4,003	37	0.93%

Table N

In addition to the ideal populations, racial makeup is also a consideration for redistricting.

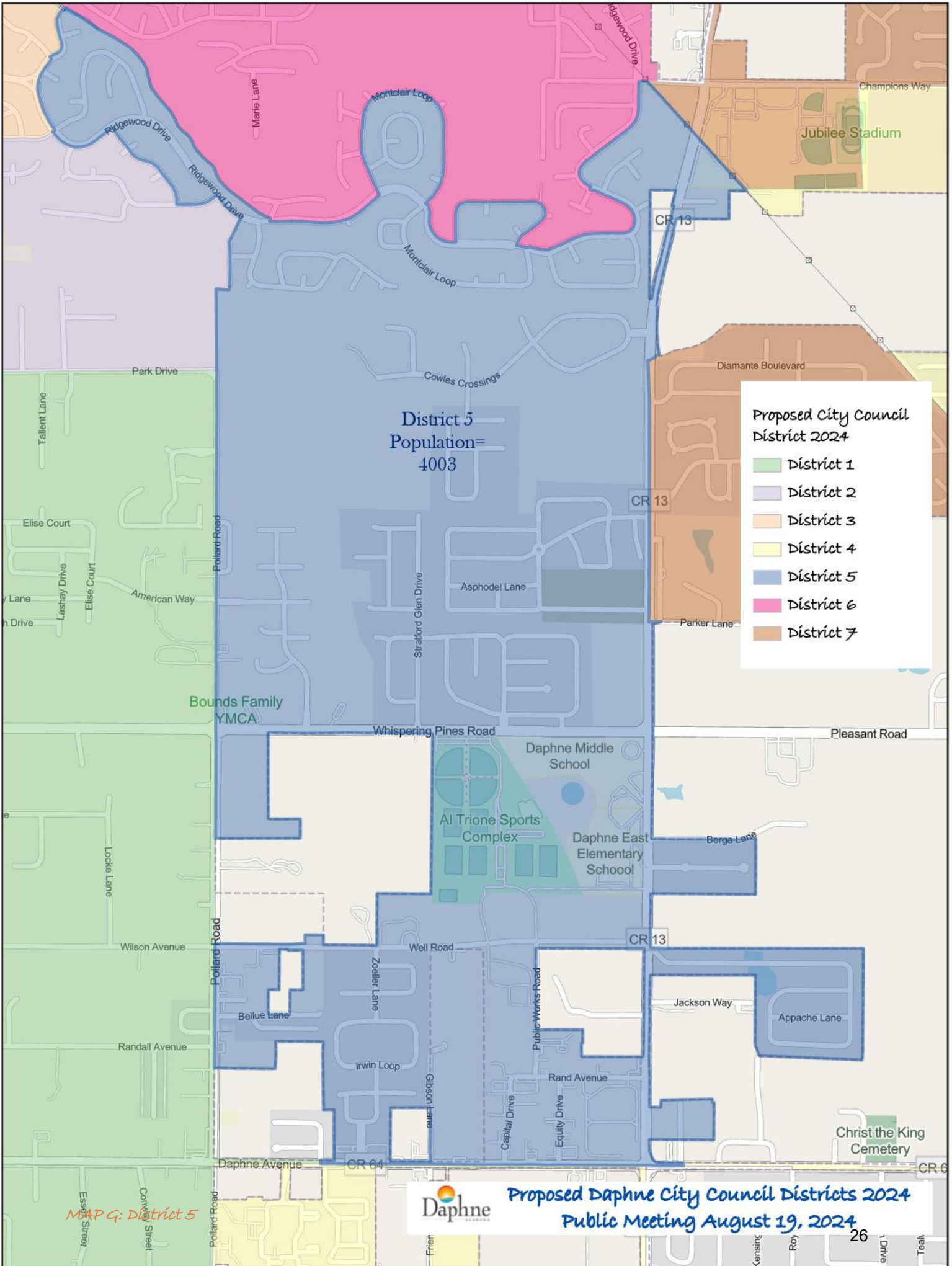
The proposed district has a make up of 80.01% white and 8.24%black.

Proposed District Racial Statistics

	2020 Population	Percent White	Percent Black
District 5	4,003	80.01%	8.24%

Table O





MAP G: District 5



DISTRICT 6

The current population of the City of Daphne, as described by the 2020 census block boundaries, is 27,759. When the referenced population is divided by the number of city council seats (7) the product is the ideal population for each district, as laid out in the One Person One Vote principle.

The ideal population for each City of Daphne council district is 3,966.

Current District Statistics

	2020 Population	Population Deviation	Percent Deviation
District 6	3,506	460	11.60%

Table P

The changes proposed bring District 6 from a 11.60% population deviation to the new 1.66% population deviation, which is under the recommended 5% maximum deviation.

Proposed District Statistics

	2020 Population	Population Deviation	Percent Deviation
District 6	4,032	66	1.66%

Table Q

In addition to the ideal populations, racial makeup is also a consideration for redistricting.

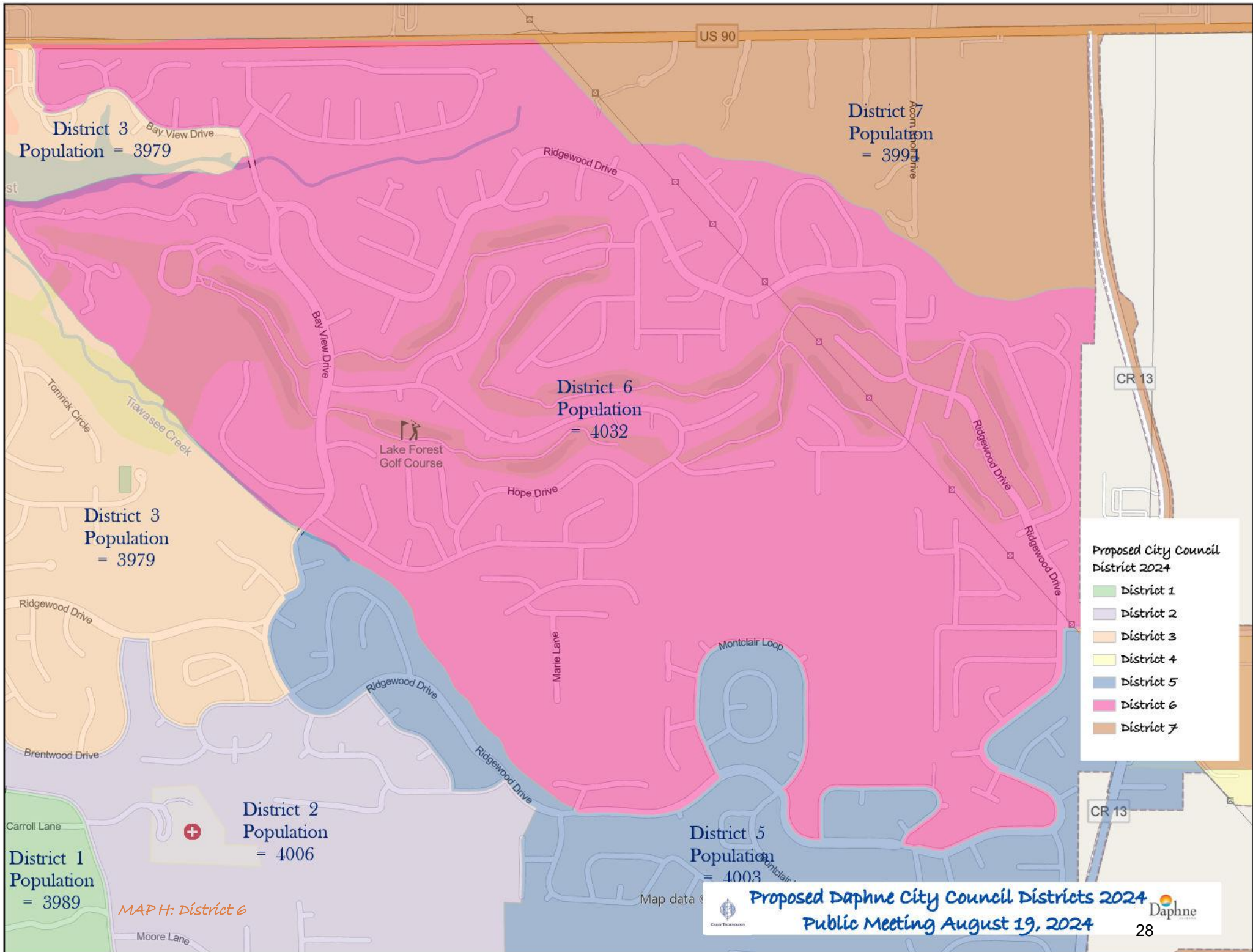
The proposed district has a make up of 84.55% white and 6.05% black.

Proposed District Racial Statistics

	2020 Population	Percent White	Percent Black
District 6	4,032	84.55%	6.05%

Table R





DISTRICT 7

The current population of the City of Daphne, as described by the 2020 census block boundaries, is 27,759. When the referenced population is divided by the number of city council seats (7) the product is the ideal population for each district, as laid out in the One Person One Vote principle.

The ideal population for each City of Daphne council district is 3,966.

Current District Statistics

	2020 Population	Population Deviation	Percent Deviation
District 7	3,249	717	18.08%

Table S

The changes proposed bring District 7 from an 18.08% population deviation to the new 0.71% population deviation, which is under the recommended 5% maximum deviation.

Proposed District Statistics

	2020 Population	Population Deviation	Percent Deviation
District 7	3,994	28	0.71%

Table T

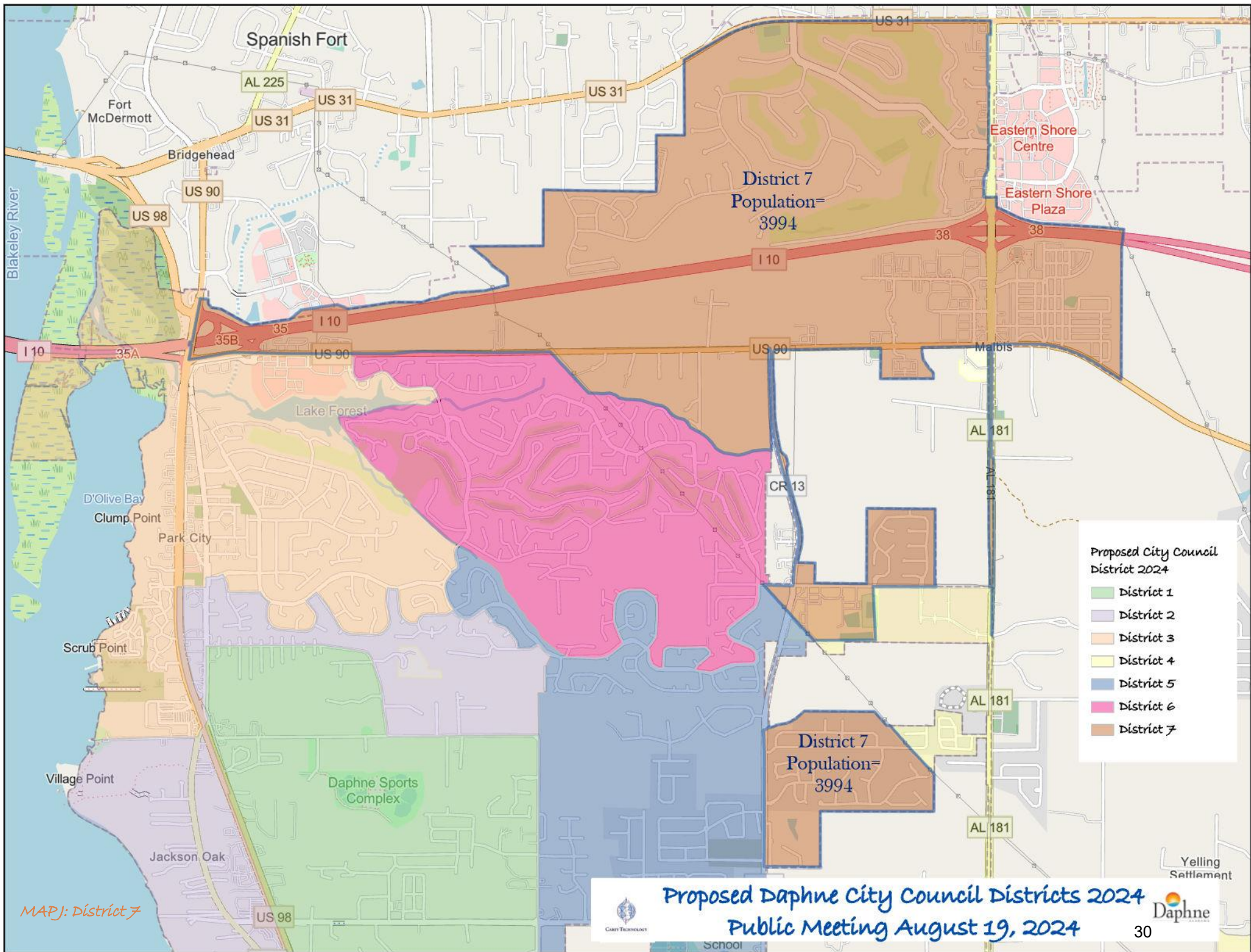
In addition to the ideal populations, racial makeup is also a consideration for redistricting. The proposed district has a make up of 87.23% white and 3.78% black.

Proposed District Racial Statistics

	2020 Population	Percent White	Percent Black
District 7	3,994	87.23%	3.78%

Table U





August 5, 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, Ben Hughes and Angie Phillips

Also Present: Chief Gulsby, Police; Patrick Dungan, City Attorney; Mayor LeJeune; Candace Antinarella, City Clerk; Chief Tacon, Fire; Charlie McDavid, Recreation; Adrienne Jones, Planning; Kelli Reid, Finance; Emmie Powell, Library; Ange Baggett, Marketing/Tourism; Judge Michael Hoyt; Vickie Hinman, Human Resources; Ronnie Huskey, Public Works; Troy Strunk, City Development; Lakyn Coggin, Junior City Councilmember; Emma Coleman, Junior City Councilmember; Jonathan Eddingfield, Junior City Councilmember; Abby English, Junior City Councilmember; Stella Hawks, Junior City Councilmember; Dareon Maynard, Junior City Councilmember; Merrill Rigsby, Junior City Councilmember; John Wallace Simpson, Junior City Councilmember; Schuyler Smith, Junior City Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Pastor Andrew Tewell, Lighthouse Baptist Church.

PRESENTATION: Judge Hoyt swore in the new Junior City Councilmembers.

PRESENTATION: Mayor LeJeune presented the quarterly Beautification Award to Resurrection Church.

3. APPROVAL OF MINUTES:

The minutes from the July 15, 2024 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Phillips said the minutes from the July 15th meeting are in the packet and gave the 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 for June 2024: Warrants-\$30,808,902; Capital Leases: General Fund-\$516,147; Enterprise Fund -\$551,268.
Councilwoman Phillips said the next meeting is August 19th at 4:30pm.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Goodlin said the next meeting is August 12th at 5:15pm.

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the next meeting is August 12th at 4:30pm.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Scott said the next meeting is September 3rd at 4:30pm.

E. PUBLIC WORKS COMMITTEE

Councilwoman Conaway said the next meeting is September 3rd at 5:15pm.

August 5, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said there was no report.

B. Daphne Public School Commission

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

C. Downtown Redevelopment Authority

Councilwoman Conaway said the minutes from the June meeting are in the packet and the next meeting is August 15th at 5:30pm.

D. Industrial Development Board

Councilman Scott said the next meeting is August 20th at 4:30pm.

E. Library Board

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

F. Planning Commission

Councilman Olen said the next meeting is August 22nd at 5:00pm.

G. Recreation Board

Councilman Hughes said the next meeting is August 14th at 6:00pm.

H. Utility Board

Councilman Coleman said the next meeting is August 28th at 5:00pm

6. PUBLIC PARTICIPATION:

Public participation opened at 6:14pm.

No one came forward to speak.

Public participation closed at 6:14pm.

7. MAYOR'S REPORT:

Mayor LeJeune reminded everyone schools started back that week. He congratulated the new Junior City Council. He said 98 road work continues and shared about financial opportunities at the new animal shelter.

8. CITY ATTORNEY REPORT:

City Attorney said there was no report.

9. DEPARTMENT HEAD COMMENTS:

Chief Gulsby, Police, said school will be starting back and they have four officers graduating from the Academy that week.

Chief Tacon, Fire, thanked Public Works for replacing windows at the Fire Station and congratulated the new Junior City Council.

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Ange Baggett, Marketing and Tourism, shared that she had attended the Governor's Conference recently and also updated the Council on Civic Center events.

Emmie Powell, Library, shared the Summer Reading Program recap video and gave the Council updates on the Library and about upcoming events.

10. CITY CLERK'S REPORT:

**MOTION by Councilwoman Phillips to approve the road closure of 6th Street on October 20, 2024 from 8:00am – 6:00pm for the Christ the King Pumpkin Fest. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

City Clerk read a letter received from Chloe Kelly, 68 Ventures, regarding the property in Ordinances 2024-25 and 2024-26. She congratulated the new Junior City Council.

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

**MOTION by Councilwoman Conaway to waive the reading of Resolutions 2024-38, 2024-39, 2024-40, 2024-41 and 2024-42. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Resolution 2024-38. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Resolution 2024-39. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Resolution 2024-40. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Resolution 2024-41. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Resolution 2024-42. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

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6:00 P.M.**

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

**MOTION by Councilwoman Phillips to table Ordinances 2024-25 and 2024-26 until the August 19, 2024 Council Meeting. Seconded by Councilman Goodlin. Councilman Coleman abstained.
MOTION CARRIED.**

**MOTION by Councilman Scott to waive the reading of Ordinances 2024-27 and 2024-28. Seconded by Councilwoman Conaway. Councilman Coleman abstained.
MOTION CARRIED.**

**MOTION by Councilman Scott to adopt Ordinance 2024-27. Seconded by Councilman Hughes. Councilman Coleman abstained.
MOTION CARRIED.**

**MOTION by Councilman Scott to adopt Ordinance 2024-28. Seconded by Councilwoman Conaway. Councilman Coleman abstained.
MOTION CARRIED.**

13. 1ST READ ORDINANCES:

14. COUNCIL COMMENTS:

Councilwoman Phillips congratulated the new Junior City Council and said she's looking forward to working with them.

Councilman Hughes congratulated the new Junior City Council.

Councilman Scott congratulated the new Junior City Council and thanked Judge Hoyt for all his work.

Councilman Goodlin congratulated the new Junior City Council and said the turf field ribbon cutting will be Friday at 5:45pm.

Councilman Coleman welcomed and congratulated the new Junior City Council.

Councilwoman Conaway congratulated the new Junior City Council.

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CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
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6:00 P.M.

Mayor LeJeune congratulated the new Junior City Council.

Council President Olen congratulated the new Junior City Council and thanked Judge Hoyt for all his work.

15. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 6:34PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, MMC, City Clerk

Steve Olen, Council President

BUILDINGS & PROPERTY COMMITTEE MEETING

July 8, 2024, 5:15 p.m.

**City Hall, Jubilee Conference Room
1705 Main Street, Daphne, AL 36526**

MEETING MINUTES

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

MEMBERS ABSENT: Councilman Goodlin

ALSO PRESENT: Jay Ross, City Attorney; Candace Antinarella, City Clerk; Troy Strunk, City Development; Kelli Reid, Finance; Vickie Hinman, Human Resources; Ronnie Huskey, Public Works; Ange Baggett, Marketing/Tourism; Emmie Powell, Library; and Emma Coleman, Junior Councilmember.

1) CALL MEETING TO ORDER / ROLL CALL

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

2) MINUTES

Councilman Olen reviewed the minutes from the June meeting.

3) PUBLIC PARTICIPATION

No one came forward to speak.

4) BUILDING INSPECTION REPORT

Eric Butler gave the Building and Permit Report for June.

5) CIVIC CENTER & BAYFRONT PAVILION REPORT

Ange Baggett gave the Civic Center Report.

6) RECREATION REPORT

Mayor LeJeune gave an update on Parks and Recreation.

7) LIBRARY REPORT

Emmie Powell gave the Library Report.

MOTION by Councilman Hughes to recommend to Council to reclassify the Library Technical Operations Coordinator, Grade 20, to the Circulation Supervisor, Grade 19. Seconded by Councilwoman Conaway. MOTION CARRIED UNANIMOUSLY.
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8) FACILITIES REPORT

Ronnie Huskey gave the Facilities Report.

9) OLD BUSINESS

10) NEW BUSINESS

11) ANY OTHER BUILDINGS AND PROPERTY BUSINESS

12) NEXT MEETING

The next meeting is scheduled for Monday, August 12, 2024 at 5:15 p.m.

13) ADJOURN

There being no further business to discuss, the Committee adjourned at 5:39pm.

City of Daphne Building Department

2020 / 2021 / 2022 / 2023 / 2024 Comparison Report

	Fees Collected					Permits Issued					CO's Issued				
	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024
Oct	\$93,181.87	\$94,131.53	\$84,303.63	\$47,086.96	\$83,798.35	215	357	308	192	224	11	31	40	28	32
Nov	\$62,198.00	\$109,387.14	\$91,672.49	\$50,279.03	\$27,147.62	223	378	351	286	166	26	30	30	36	24
Dec	\$233,529.32	\$101,471.36	\$128,605.99	\$57,070.59	\$39,504.17	252	383	296	216	178	33	43	53	36	33
Jan	\$118,498.03	\$132,049.79	\$259,810.62	\$33,804.54	\$171,783.56	270	372	350	152	296	14	24	36	33	22
Feb	\$140,560.44	\$97,396.64	\$129,315.56	\$44,081.76	\$84,812.81	308	350	292	169	231	33	32	32	31	23
Mar	\$77,067.98	\$95,472.42	\$116,358.20	\$30,603.28	\$57,725.99	362	391	431	181	240	45	52	84	44	24
Apr	\$94,394.17	\$80,088.89	\$60,816.35	\$76,873.19	\$173,085.70	272	373	324	212	352	32	40	42	27	15
May	\$95,010.56	\$101,848.37	\$65,454.25	\$147,875.62	\$205,491.78	294	380	306	288	371	39	42	48	20	28
June	\$179,966.08	\$100,508.32	\$147,395.66	\$234,524.02	\$60,811.91	399	394	355	308	237	49	50	34	25	43
July	\$77,442.81	\$78,547.74	\$87,733.72	\$100,809.42	\$68,618.38	323	408	305	267	276	45	29	23	13	33
Aug	\$105,147.77	\$59,376.50	\$61,504.63	\$60,342.37		307	309	299	192		34	30	19	4	
Sept	\$71,226.36	\$93,879.09	\$140,065.18	\$108,322.22		352	442	328	277		35	48	40	34	
Total	\$1,348,223.39	\$1,144,157.79	\$1,373,036.28	\$991,701.56	\$972,780.27	3577	4537	3945	2740	2,571	396	451	481	331	277
Percent	NA	-15.14%	20.00%	-27.77%		NA	26.84%	-13.05%	-30.54%	%	NA	13.89%	6.65%	-31.19%	

July FY2024 Notes

Building Inspections- 484

276 Permits issued, 33 Certificate Of Occupancies issued, and 14 New home permits issued



COMMUNITY DEVELOPMENT

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT AGENDA SUMMARIZATION
AUGUST 1, 2024 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

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

April 4, 2024

4. **OLD BUSINESS** - None
5. **NEW BUSINESS** - Approval Granted

Appeal #2024-05 Patricia Grant/Jamie Snowden

A request for a Special Exception to the Daphne Land Use and Development Ordinance has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would allow the operation of a daycare center for ages 6 weeks to 12 years old. The property is 26450 Pollard Road, which is in a B-2, General Business Zone.

6. **ADJOURNMENT** - 6:18 p.m.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 4, 2024 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairwoman called to order the regular meeting of the Board of Zoning Adjustment at 6:00 p.m. Roll was called and the number of members present constituted a quorum.

Members Present:

Clay Covert
Tasha Quinnelly
Audra Harper
Carolyn Courson, Chairwoman

Members Absent:

Derek Wolstenholme

Staff Present:

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

Chairwoman asked for input regarding the March 7, 2024 minutes presented by staff. There being none, minutes stand approved as submitted.

Chairwoman called for the next order of business: a request for a Variance as presented on the meeting agenda.

A presentation by the Director was given regarding Appeal #2024-04, Daphne Baptist Church seeking approval of a Variance to allow the issuance of a sign permit to replace a sign copy placard on a nonconforming off-premise monument sign, in lieu of the provisions of Section 33-4, Nonconforming, Grandfather Clause, Legal Nonconforming Signs: (1) Existing Off-Premise Signs and Billboards. She showed pictures of the new placard and the existing sign located East of the intersection of Main Street and Dryer Avenue, citing that the property is zoned B-1, Local Business. She noted the sign has been in place many years prior to the 1987 adoption of the Land Use and Development Ordinance in 1987 and any alterations would be permitted and administered by the Code Enforcement and she yielded the floor to Christina Brazell, Code Enforcement Officer for the City of Daphne.

Ms. Brazell stated we were approached back in November by a church member about the sign changes, but by the time she approached our department the sign had already been changed. You have in your packet what the sign looked like prior to and after the changes that were made. As for our discussion at that time due to the current Ordinance because the billboard and sign itself were changed it lost its nonconforming status. Thereafter, we spoke with several members, and we were presented with an email and a letter asking for a variance.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 4, 2024 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

A variance for permission to allow the change to the sign, but in the midst of the process they changed it back I believe is what we were told at that time. We did not grant them that nor was a permit actually submitted to our office so we could have that discussion formally. I will answer any questions you may have.

Chairwoman called for questions from the Board.

The Board presented questions regarding: which sign is newer; previous changes to the sign in years past; what else does Code Enforcement have a problem with other than the middle sign placard being replaced; will the remainder of the sign have to be taken down now that they have been caught changing out the sign.

Ms. Brazell answered the navy blue is the newer one that replaced the white one and only that part was replaced, not the structure. If you look over the Ordinance itself it does not mention the structure, it was the billboard or the sign that was changed caused it to lose its nonconforming status. I included in your package images I found on Google when I brought it up which was an image from 2008. and I cannot confirm if that was the original sign, and there is one from 2011, and in 2019 it showed the blue sign and now Google images show the white sign.

Mr. Alves stated it is my understanding that the placard has been changed occasionally over time.

Ms. Brazell stated we have no documentation of them and we were not able to have that discussion because a permit was never submitted. We did discuss it over emails after it lost its grandfather status, but it was never addressed. No problem other than it has lost its grandfather status. Now it is in violation of nonconforming status and no permit, and yes, the remainder of the structure will have to be removed because they are in violation from losing their grandfather status.

The Chairwoman opened the floor for the public hearing and called for those in support of the appeal.

Daphne Rudicell, a practicing Attorney and member of Daphne Baptist Church, spoke seeking approval of the variance for the nonconforming off-premise sign citing from personal knowledge the precedent set for the many times the wooden placard changed through the years as not to be an eyesore in the downtown Daphne area. After the church received notice in November that they had violated the Ordinance by changing the placard they advised me and I reviewed the ordinances and found them to be conflicting of one another. She said the sign is grandfathered because it is an off-premise sign, but Section 33-7 clearly states all sign must be kept in good condition and appearance or you will get a citation, therefore the position of the church is that they did not change the sign itself, the structure, ironwork or awning.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 4, 2024 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

They were complying with Section 33-7 by replacing the broken placard that would have caused them to be in violation of the Ordinance, the part that looked like several dogs had chewed the corners of it. It was not in very good shape. It is a wooden placard that needed to be refurbished, so once they advised us that we could not change it we put the original placard back, but then we were told we are still in violation. It is confusing to us because you have an Ordinance that says you have to keep your sign in good maintained condition. Our church has been in existence since 1885 so by no means do we want to have a poor reflection on the City by having a placard that does not look like what we want our city to look like where we live and enjoy. This is why we are before the BZA to request a variance so that we will not have an issue and lose our grandfathered status.

Chairwoman called for questions from the Board.

The Board presented questions regarding: if the placard was the only change; whether the brickwork on the structure had ever been updated.

Ms. Rudicell answered that the placard was the only change and to her knowledge the brickwork had never been updated perhaps the black painted part may have been done, but that is it.

Chairwoman called for those in opposition and rebuttal. There were none. The Chairwoman closed the floor to the public hearing and called for discussion by the Board, and asked the Attorney for his findings.

Mr. Alves stated the sign is the whole structure. I am not an Engineer, but it appears to have two structural components, two brick columns that support a wrought iron frame, which appears to hold the placard that everyone has been referring to as the sign, but the sign is the whole structure. I have looked at the Ordinance and researched some case law, and your Nonconforming Grandfathered Off-premise clause is covered under Section 33-4(a)(1) which says that if at any such time as any existing off-premise sign or billboard is removed or destroyed the replacement sign or billboard shall be in conformance with the provisions of this Ordinance, and the Ordinance prohibits off-premise signage. There is a definition in the Ordinance for destroyed and structural deterioration which reads if any nonconforming sign is removed or destroyed or becomes fifty percent (50%) or more structurally deteriorated as determined by the Code Enforcement Officer, then the replacement sign shall conform to the requirements of the Ordinance. Therefore, if a car ran off the road and hit this sign and laid over all of the structural components I feel that you would not be able to put the sign back. Has the sign been removed? The sign consists of two brick columns and a wrought iron frame, which clearly has not been removed, so the question is can they replace the placard.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 4, 2024 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

I have looked and the Ordinance does not really address it, so I looked at case law that mostly deal with billboards and in these law cases they looked to see if there was any structural alteration and I do not think the replacing the placard is a structural alteration. Then they look to see if the nonconforming use has been expanded, for instance, has the structural square footage been expanded and they have not done that in this case. Have they done something to make the sign bigger, larger or more nonconforming, no. I even found a case where they took a single billboard and made it into a tri-board having a motor to rotate the columns to show three advertisements on it, but it did not expand the nonconforming use because it did not increase the size they still were able to maintain their grandfather status. Clearly this placard does not increase the size of the sign or change the status of the nonconforming use. The placard has been changed multiple times over the years and we do not know if it has been once or twice since the Ordinance was passed, but it appears that it has been changed at least once prior to this incident. The replacement of the placard did not destroy the sign, it did not replace the sign and it did not structurally alter the sign, and it does not expand or enlarge the nonconforming use. One way to look at this is if you had a billboard that was in a prohibited area with nonconforming pre-existing use and say it had a car dealership advertisement on it and they stopped paying and the sign company changed the coating, the cover, the paint job and the plastic wrap, whatever was on the billboard for a law firm, I do not think that makes the sign nonconforming. I am of the opinion that this did not alter the sign in a way that removes its grandfather status and based on those reasons I think you can grant the variance to only replace the placard as requested with the understanding that if on the next day it gets ran over by a truck it still falls under the grandfather status. However, if the structure is destroyed more than fifty percent then it cannot be replaced, it must be removed, but I believe replacing the placard expands the nonconforming use and prohibits it from having the protection of Section 33-4(a)(1).

The Chairwoman called for discussion from the Board.

The Board asked what would happen if the sign were totally destroyed?

Mr. Alves stated that would be a question for the municipality and not the BZA.

Hearing no further comments from the Board, the Chairwoman called for an affirmatively stated motion.

A **Motion** was made by **Mrs. Harper** and Seconded by **Mrs. Quinnelly** to approve Appeal #2024-04, Daphne Baptist Church, request for a Variance to allow the issuance of a sign permit to replace a sign copy placard on a nonconforming off-premise monument sign on the property located east of the intersection of Main Street and Dryer Avenue, in lieu of the provisions of Section 33-4(a)(1), Nonconforming, Grandfather Clause, Legal Nonconforming Signs: (1) Existing Off-Premise Signs and Billboards based upon the recommendation of Attorney Shawn Alves that replacing the placard is not a structural alteration which causes the loss of grandfather status.

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

Mr. Covert	Aye
Mrs. Harper	Aye
Mrs. Quinnelly	Aye
Mrs. Courson	Aye

The Chairwoman stated the motion carried, the appeal is granted. You may go by the office of Community Development around 9:00 a.m. in the morning to pick up the paperwork.

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

A **Motion** was made by **Mrs. Quinnelly** and Seconded by **Mrs. Harper** to adjourn. There was no discussion of the motion.

The **Motion** carried unanimously.

The meeting adjourned at 6:46 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: August 1, 2024



Derek Wolstenholme, Vice-Chairman

Accepted by:

Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ June 26, 2024 ♦ 5:00 p.m.

I. Call to Order

The regular June 2024 Board meeting for the Utilities Board of the City of Daphne was held on June 26, 2024, in the Council Chambers at Daphne City Hall and called to order at 5:00 p.m. by Chairwoman Selena Vaughn, followed by the Roll Call:

II. Roll Call

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

Members Absent:

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

Others Absent: Bobby Purvis – Operations Manager

III. Pledge of Allegiance

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

IV. Approval of Minutes

Utilities Board Meeting Minutes May 29, 2024

The Chairwoman requested any additions, corrections, or deletions for the submitted minutes of the regular Daphne Utilities Board meeting of May 29, 2024.

With no additions, deletions or corrections, the Chairwoman declared that the submitted minutes of the regular Daphne Utilities Board meeting of May 29, 2024, would stand approved.

V. OLD BUSINESS –

A. None

VI. NEW BUSINESS –

- A. **Recommendation for Bid Award** - US98 Water Main Improvements – Phase B (Volkert Project #408238) for the total base bid + Schedule 1 in the amount of \$1,288,375.00 to Equix Energy Services LLC (**Board Action – MOTION**)

CEO and General Manager Mr. Scott Polk explained to the Board members the objective of this project was to expand and provide better service and fire-flow to the customers in the Johnson Road area and included ARPA funding with Volkert's assistance.

MOTION by Vice Chairman Tim Patton to approve the US98 Water Main Improvements – Phase B (Volkert Project #408239) for the total base bid + Schedule 1 in the amount of \$1,288,375.00 to Equix Energy Services LLC; Motion was Seconded by Secretary/Treasurer Billy Mayhand.

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

MOTION CARRIED

VII. BOARD ATTORNEY'S REPORT

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

VIII. FINANCIAL REPORT

Finance Manager Lexus Carlee reviewed for the Board: inventory increase for the month of May, revenue and expenses close to projections, net income over budget, and a check on the Check History report.

Mr. Scott Polk gave information about shopping for better interest rates.

IX. GENERAL MANAGER'S REPORT

A. GM Report

General Manager Scott Polk updated the Board members on: ongoing work on Well #15; the Strategic Plan progress; the ARPA agreement for funding; additions to the employee handbook upcoming before the Board; notification from the State of the expansion of AL225 forcing Daphne Utilities to relocate a sewer force main and as part of that, requesting Daphne Utilities to state the financial intent to complete the project before they can proceed and move forward with their plans; he noted that he projects the work to cost approximately \$150,000 and did not need a Board action but wanted to advise that Daphne Utilities does intend to sign a letter notifying the State that we intend to move the force main as required, which will be solicited for bids for which Volkert will assist.

Mr. Polk also advised the Board of two issues with Bay Keeper in the past few weeks regarding a sewer spill but it was a result of a private sewer system; and the second issue was on General Canby regarding an easement.

He highlighted a topic from the Operations report regarding water quantity. Mr. Tim Patton asked about the Strategic Plan regarding the 3 issues; Mr. Polk stated that the idea was to address those 3 initiatives and work with staff to develop action items to address the specific

things we would like to do implement steps toward making those strategic goals a reality. Once the staff has come with recommendations, we'll present it to the Board for review, suggestions and approval if necessary. Mayor LeJeune inquired if Mr. Speegle had been apprised of issues of concern that were discussed at the Strategic Plan meeting. Mr. Polk confirmed that there have been discussions and Mr. Speegle will be speaking with Mr. Ross and develop a path forward or a partnership to address the issues discussed. Mayor LeJeune also mentioned that he was recently contacted by a citizen about an interruption with water and no notification was sent out; he asked what the policy was in place to notify residents. Mr. Polk stated that once the situation is assessed, an Everbridge alert is issued but was not sure if one was issued in this instance.

GIS Tech/Analyst Johnny Grimes introduced and congratulated this year's Leadership Academy participants: Quinton Steen, Heath Bingley, Michael Powell, and John Reed; he also thanked Kameron Mitchell for his help assisting with implementing the class as well as thanking Bobby Purvis for taking his time to mentor the students. Mr. John Reed addressed the Board to express what the Leadership Academy meant to him.

Mr. Polk advised the Board that Mr. John Reed had recently been promoted to Wastewater Collections Manager and was doing a great job in the position.

B. Operations Report

Previous comments relating to Operations were made by Mr. Scott Polk.

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

X. BOARD ACTION – previously addressed.

XI. PUBLIC PARTICIPATION – Chairwoman Vaughn announced there was no one present for Public Participation.

XII. BOARD COMMENTS –

Councilman Joel Coleman congratulated the Leadership Academy participants.

Mr. Billy Mayhand also congratulated the Leadership Academy students and recommended that they come back and teach other employees, to pass it on.

Mr. Tim Patton thanked the employees for taking their own time for investing in themselves and also Daphne Utilities.

Mayor LeJeune thanked the staff for all their hard work.

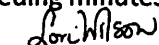
Chairwoman Vaughn also gave appreciation to the staff for all their hard work.

XII. ADJOURNMENT

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

The meeting adjourned at 5:30 pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20240801103432077

Type License: 020 - RESTAURANT RETAIL LIQUOR State: \$300.00 County: \$440.00
Type License: State: County:
Trade Name: TULUM MEXICAN CUISINE Filing Fee: \$50.00
Applicant: TULUM MEXICAN CUISINE AND BAR LLC Transfer Fee:
Location Address: 9878 SPANISH FORT BLVD DAPHNE, AL 36527
Mailing Address: 9878 SPANISH FORT BLVD DAPHNE, AL 36527
County: BALDWIN Tobacco sales: NO Tobacco Vending Machines:
Product Type: Type Ownership: LLC
Book, Page, or Document info: 001-057-189
Do you sell Draft Beer?:
Date Incorporated: 01/20/2023 State incorporated: AL County Incorporated: BALDWIN
Date of Authority: 07/30/2024
Federal Tax ID: 92-1694892 Alabama State Sales Tax ID: R012193170

Name:	Title:	Date and Place of Birth:	Residence Address:
CARLOS RENATO MENDOZA MARTINEZ 8881645 - AL	MEMBER	07/16/1992 MEXICO	500 JACKSON ST DAPHNE, AL 36526
RUBEN GIMENEZ 5856142 - AL	MEMBER	09/29/1955 MEXICO	3073 ISLE OF PALMS DRIVE W MOBILE, AL 36695
ARMANDO ORTIZ DE LA PENA GARCIA 9428864 - AL	MEMBER	07/26/1996 DALLAS TEXAS	25806 POLLARD DAPHNE, AL 36526

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

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

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

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

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

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

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

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

Contact Person: MAYRA GONZALEZ

Business Phone: 251-621-0669

Fax:

Home Phone: 251-621-0669

Cell Phone:

E-mail: MAYRA@FORTITUDEBUSINESS.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20240801103432077

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
Name of Property owner/lessor and phone number: **LOS TRES CATRINES LLC 251-455-8689**
What is lessors primary business? **REAL ESTATE**
Is lessor involved in any way with the alcoholic beverage business? **YES**
Is there any further interest, or connection with, the licensee's business by the lessor? **YES**

Does the premise have a fully equipped kitchen? **YES**
Is the business used to habitually and principally provide food to the public? **YES**
Does the establishment have restroom facilities? **YES**
Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
Building Dimensions Square Footage: **7280** Display Square Footage:
Building seating capacity: **220** Does Licensed premises include a patio area? **NO**
License Structure: **SINGLE STRUCTURE** License covers: **ENTIRE STRUCTURE**
Number of licenses in the vicinity: **0** Nearest: **0**
Nearest school: Nearest church: Nearest residence: **0 blocks**
Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)? **NO**

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20240801103432077

Initial each

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

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

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

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

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

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

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

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

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

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

Applicant Name (print): Maura Gonzalez

Signature of Applicant: Maura Gonzalez

Notary Name (print): Patesa Bennett

Notary Signature: Patesa Bennett

Commission expires:

12-18-2024

Forwarded to District Office:

Received from Local Government:

Forwarded to Central Office:

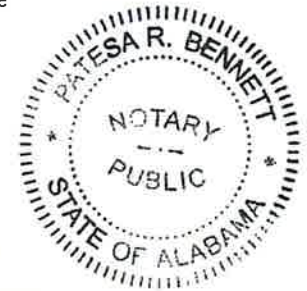
Application Taken:

App. Inv. Completed:

Submitted to Local Government:

Received in District Office:

Reviewed by Supervisor:





STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION

Confirmation Number: 20240801103432077



Private Clubs / Special Retail / Special Events / Wine Festival or Wine Festival
Participants licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Wine Festival / Wine Festival Participant licenses (5 Days or Less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

What is the applicant(s) primary source of funding?: PERSONAL

Is the lessor involved in any way with the alcohol beverage business?: MR.

GIMENEZ, MEMBER OF LOS TRES CATRINES LLC, IS ALSO A MEMBER OF TULUM MEXICAN CUISINE & BAR LLC

Is ther any further interest in, or connection with, the licensee's business by the lessor?: MR. GIMENEZ, MEMBER OF LOS TRES CATRINES LLC, IS ALSO A MEMBER OF TULUM MEXICAN CUISINE & BAR LLC

CASE NO. 2024-11

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. _____

8/2/24

CAC

DATE FORWARDED TO POLICE DEPT _____

8/2/24

CAC

DATE RECEIVED BY POLICE DEPT _____

8/2/2024

ICRF

DATE: 8/2/24 APPROVED

DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. _____

8/2/2024

ICRF

DATE FORWARDED TO CITY CLERK _____

8/2/24

CAC

DATE RECEIVED BY CITY CLERK _____

8/8/24

JL

SCHEDULED DATE ON AGENDA _____

Council Action

APPROVED

DISAPPROVED

TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date _____

Council Action:

APPROVED

DISAPPROVED

TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER
OR TO ABC FIELD OFFICE _____

(per taxpayer request)



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20240731164005019

Type License: 020 - RESTAURANT RETAIL LIQUOR State: \$0.00 County: \$0.00

Type License:

State: County:

Trade Name: **BUFFALO WILD WINGS**

Filing Fee: \$50.00

Applicant: **POTTERS WINGS DAPHNE LLC**

Transfer Fee:

Location Address: 6840 US HIGHWAY 90 DAPHNE, AL 36526

Mailing Address: 1024 OLD HWY 471; SUITE C BRANDON, MS 39042

County: BALDWIN Tobacco sales: NO

Tobacco Vending Machines:

Product Type:

Type Ownership: LLC

Book, Page, or Document info: 1428996

Do you sell Draft Beer?:

Date Incorporated: 02/09/2024 State incorporated: MS

County Incorporated: RANKIN

Date of Authority: 05/15/2024

Federal Tax ID: 99-1252811

Alabama State Sales Tax ID: R012173846

Name:	Title:	Date and Place of Birth:	Residence Address:
JASON R HALL 800-33-3034 - MS	MEMBER	06/17/1977 PORTSMITH, OH	207 GLEN ARBOR BLVD BRANDON, MS 39042
BRIAN D JORDAN 800-24-7655 - MS	MEMBER	06/11/1968 SCIOTO, OHIO	106 ARBOR LANDING BRANDON, MS 39047

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

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

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

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

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

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

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

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

Contact Person: BRIAN JORDAN

Home Phone: 601-291-7425

Business Phone: 601-825-0380

Cell Phone: 601-291-7425

Fax: 601-825-3005

E-mail: BJORDAN@POTTERSWINGSLLC.COM

PREVIOUS LICENSE INFORMATION:

Previous License Number(s)

Trade Name:

License 1:

Applicant:

License 2:



STATE OF ALABAMA

ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION



Confirmation Number: 20240731164005019

Initial/each

Signature page

☐ *[Signature]*

☐ *[Signature]*

☐ *[Signature]*

☐ *[Signature]*

☐ *[Signature]*

☐ *[Signature]*

☐ *[Signature]*

☐ *[Signature]*

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

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

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

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

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

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

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

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

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

☐ *[Signature]*

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

Applicant Name (print): *Brian Jordan*

Signature of Applicant: *[Signature]*

Notary Name (print): *Lisa B Smith*

Notary Signature: *Lisa B. Smith*



Commission Expires: *Sept 27, 2025*

Application Taken: **App. Inv. Completed:**
 Submitted to Local Government:
 Received in District Office: **Reviewed by Supervisor:**

Forwarded to District Office:
Received from Local Government:
Forwarded to Central Office:

CASE NO. 2024-12

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 8/2/24 CAE

DATE FORWARDED TO POLICE DEPT. 8/2/24 CAE

DATE RECEIVED BY POLICE DEPT. 8/2/2024 KRF

DATE 8/5/24 APPROVED ☒ DISAPPROVED ☐

POLICE DEPT SIGNATURE 

DATE RETURNED TO REVENUE DIV. 8/5/2024 KRF

DATE FORWARDED TO CITY CLERK 8/5/24 CAE

DATE RECEIVED BY CITY CLERK 8/5/24 JL

SCHEDULED DATE ON AGENDA _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



City of Daphne Event Permit Application

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

APPLICANT & ORGANIZATION INFORMATION

ORGANIZATION NAME: AF JROTC Unit AL-935
APPLICANT NAME: LT Col (Ret.) Douglas Goodlin
STREET: 9300 Champions Way CITY, STATE, ZIP: Daphne, AL 36526
CONTACT PHONE: 251-626-0096 EMAIL: dgoodlin@bche.org
"ON SITE" CONTACT PERSON DAY OF EVENT: LT Col Goodlin or CMSgt Steve Tarrance
Goodlin: 251-366-2794 EMAIL: dgoodlin@bche.org
CELL PHONE: Tarrance: 205-296-5758 EMAIL: starrance@bche.org

EVENT INFORMATION

EVENT NAME: AF JROTC Donut Sale Fundraiser
TYPE OF/PURPOSE OF EVENT: Earn money for JROTC events
EVENT DATE: * See below TIME (START- END): 0630-1100
ASSEMBLY TIME: 0630 # PARTICIPANTS/VEHICLES: 35/4
EVENT LOCATION: Windsor Entrance to Lake Forest S.D.
FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE): * Dates: 21 Sep 2024, 12 Oct 2024, 14 Dec 2024, 8 Feb 2025, 15 MAR 2025, 26 Apr 2025.

Caretakers will sell boxes of Krispy Kreme donuts to passing motorists at the stoplight. An adult chaperone will be present. Caretakers will have protective vests (orange) on for safety.

SPECIAL REQUESTS

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

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

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: None

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: DJR

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: NA - School Event

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:

Dr. L. L. Loe

DATE:

12 Aug 24

INTERNAL USE ONLY

DATE REC'D:

8-12-24

CITY CLERK:

Candace Antinella

FIRE DEPT:

L. G. Loe

APPROVED ROUTE:

POLICE DEPT:

[Signature]

ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS:

[Signature]

SPORTS & RECREATION:

EVENT FEE: ☐ Paid \$

CHK#

MARKETING & EVENTS:

☐ Waived:

** REVENUE:

PROOF OF INSURANCE REC'D: ☐ Yes ☐ No

**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 2024-29**

**AN ORDINANCE CONSENTING TO THE SALE BY THE UTILITES BOARD OF THE
CITY OF DAPHNE OF CERTAIN SURPLUS PERSONAL PROPERTY**

WHEREAS, the Utilities Board of the City of Daphne (“Daphne Utilities”) is required to receive the consent of the City of Daphne before it sells property under the provisions of Ala. Code §11-50-314(a)(10); and

WHEREAS, the management of Daphne Utilities has determined that it is in the best interest of Daphne Utilities to sell the personal property described in Exhibit “A - F”; and

WHEREAS, the Board of Directors of Daphne Utilities has approved the sale of the personal property described in Exhibit “A - F” on July 31, 2024;

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Daphne does hereby consent to the sale by Daphne Utilities of the personal property described in Exhibit “A - F”.

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

Robin LeJeune Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

EXHIBIT A

MEMO

TO: Daphne Utilities Board
FROM: Kimberly Nicholson
DATE: July 31, 2024
RE: Surplus Property

The Water Quality Department took delivery of a new truck this year and will no longer need Truck 13-05/VIN 1FTFX1CF3DFD70244/Ford 150 / ID 1074. We respectfully request Truck 13-05 declared surplus property and subsequently sold through GovDeals.



EXHIBIT B

MEMO

TO: Daphne Utilities Board
FROM: Kimberly Nicholson
DATE: July 31, 2024
RE: Surplus Property

The Water Quality Department took delivery of a new truck this year and will no longer need Truck 10-06 /VIN 1FTEX1CW2AFC27695/Ford 150 / ID 1072. We respectfully request Truck 10-06 declared surplus property and subsequently sold through GovDeals.



EXHIBIT C

MEMO

TO: Daphne Utilities Board
FROM: Kimberly Nicholson
DATE: July 31, 2024
RE: Surplus Property

The Gas Department took delivery of a new truck this year and will no longer need Truck 16-07/VIN 1FTEX1CF5HKC86421/Ford 150 / ID 1138. We respectfully request Truck 16-07 declared surplus property and subsequently sold through GovDeals.



EXHIBIT D

MEMO

TO: Daphne Utilities Board

FROM: Kimberly Nicholson

DATE: July 31, 2024

RE: Surplus Property

The Administration Department took delivery of a new compact SUV this year and will no longer need Truck 13-02/VIN 1GKFC13058R107267/2008GMC YUKON/ ID 1008. We respectfully request Truck 13-02 declared surplus property and subsequently sold through GovDeals.



EXHIBIT E

MEMO

TO: Daphne Utilities Board

FROM: Kimberly Nicholson

DATE: July 31, 2024

RE: Surplus Property

The Gas Department will take delivery of a new truck for FY24 and will no longer need Truck 15-04/VIN 1FTEX1CM4EKG08511/ ID 01149. We respectfully request Truck 15-04 declared surplus property and subsequently sold through GovDeals.



EXHIBIT F

MEMO

TO: Daphne Utilities Board

FROM: Kimberly Nicholson

DATE: July 31, 2024

RE: Surplus Property

The Wildcat Scag Zero Turn Mower used by the Maintenance Department has reached the point of surplus. There is a major oil leak, possible motor damage and is unsafe to use. The Maintenance Department has purchased a new zero turn mower and we respectfully request Truck 15-04 declared surplus property and subsequently sold through GovDeals.



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

**Ordinance to Re-Zone Property Located
Southeast of Main Street and Adams Avenue**

WHEREAS, John Tolbert, as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as B-2(a), General Business, be re-zoned as R-2, Medium Density Single Family Residential; and

WHEREAS, said real property is located Southeast of Main Street and Adams Avenue and more particularly described as follows:

Legal Description of Property to be Re-Zoned to R-2, Medium Density Single Family Residential:

From the Northwest Corner of Section 29, Township 5 South, Range 2 East, run South along the section line, 627 feet to the Northwest corner of the property of Willie Adams; thence continue North 89 degrees 31 minutes East along said Adams North boundary 277.1 feet to the Point of Beginning; thence continuing North 89 degrees 31 minutes East, 146.6 feet; thence run North 104.5 feet to the Point of Beginning. Lot lines in the Northwest Quarter of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, Baldwin County, Alabama.

WHEREAS, at the regular Planning Commission meeting on June 27, 2024, the Commission considered said request and set forth an unanimously favorable recommendation; and,

WHEREAS, due notice of said proposed re-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, and a public hearing was held before the City Council on August 19, 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 re-zoning of the above described real property 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

The above described real property is hereby re-zoned from B-2(a), General Business to R-2, Medium Density Single Family Residential, and the zoning ordinance and zoning map shall be amended to reflect the said zoning change.

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 DATE AND REVERSION.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law. This zoning classification is subject to a two (2) year reversionary clause. Two years from the date this Ordinance is enacted, if the site development has not started for the purpose listed herein, the zoning shall be null and void and the property shall revert to the prior zoning district. Refer to Section 22-2, Reversionary Clause, of the Daphne Land Use and Development Ordinance.

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

Attest:

Robin LeJeune, Mayor

Candace G. Antinarella, MMC, City Clerk

Exhibit B - Survey

NOTES:

- 1.) Type of Survey: As-Built. No improvements were located except those shown herein.
- 2.) Bearing Basis: Deed of Record, Instrument Number 1003488
- 3.) Field Date: October 14, 2024
- 4.) Street Address: 707 Adams Avenue, Daphne, Alabama
- 5.) No attempt was made by the Surveyor to locate underground improvements or environmentally sensitive conditions.
- 6.) This property may be subject to County and City regulations in regards to setbacks, easements and building codes.
- 7.) This survey done without the benefit of a Title Search.

LEGEND

- 1/2" INDICATES CAPPED IRON PIN FOUND
- 5/8" INDICATES 5/8" CAPPED IRON PIN SET
- CRIMP INDICATES CRIMPED TOP IRON PIN FOUND
- OPEN INDICATES OPEN TOP IRON PIN FOUND
- REBAR INDICATES REBAR FOUND
- CONCRETE INDICATES CONCRETE MONUMENT FOUND
- AXLE INDICATES AXLE FOUND
- CHAIN LINK INDICATES CHAIN LINK FENCE
- WOOD INDICATES WOOD FENCE
- WIRE INDICATES WIRE FENCE
- OVERHEAD INDICATES OVERHEAD ELECTRIC LINES
- POWER INDICATES POWER POLE
- (A) INDICATES ACTUAL MEASUREMENT
- (R) INDICATES RECORD MEASUREMENT

SPOT ELEVATION TABLE
1. ELEV. 101.76'
2. ELEV. 102.87'
3. ELEV. 88.30'
4. ELEV. 103.00'
5. ELEV. 102.20'
6. ELEV. 101.60'
7. ELEV. 100.22'
8. ELEV. 88.08'
9. ELEV. 88.36'
10. ELEV. 100.18'
11. ELEV. 101.52'

STATE OF ALABAMA COUNTY OF BALDWIN

I, Gerald A. Smith, a Licensed Professional Land Surveyor, in the State of Alabama, hereby state to the client only, that all parts of this survey and plat 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. Also, this survey and plat show the points of the compass and the dimensions of the following described premises/property in the County of Baldwin, State of Alabama, to wit:

Commencing at the Northwest Corner of Section 29, Township-3-South, Range-2-East, Baldwin County, Alabama; thence South 677.00' along the West line of said section to a point on the South right-of-way line of Adams Avenue (50' R.O.W.); thence N 89° 31' 00" E 277.10' along said South right-of-way line to the POINT OF BEGINNING of the property herein described; thence continue N 89° 31' 00" E 146.46' to a point; thence S 00° 05' 36" W 104.58' to a point; thence S 89° 31' 46" W 146.60' to a point; thence N 00° 10' 06" E 194.50' back to the POINT OF BEGINNING, containing 0.35 acres, more or less.

Also, a right of way easement over and across the North 10 feet of William Adams property described as follows: From the Northwest corner of said Adams property, run N 89° 31' 00" E 277.10 feet; thence South 10 feet; thence S 89° 31' 00" W 277.10 feet; thence North 10 feet to the Point of Beginning, for the purpose to ingress and egress to the within described property.

That the improvements on said lot are within the boundaries of the same; that there are no encroachments by adjoining property, except as shown; that there are no joint drives, right-of-ways, or easements over or across said property visible on the surface, except as shown; that there are no electric or telephone wires (excluding the wires which serve the premises only) or structures or supports there of including poles, anchors and guy wires on, or across said premises except as shown.

I have consulted the FEMA Flood Insurance Rate Map Community Panel No. 01097C0634 M, dated April 19, 2019, and found, by graphic plotting only, that said map shows that the above described property is located in Zone "X-Unshaded". The above statement is for information only, and this Surveyor assumes no liability for the correctness of the cited map(s). In addition, the above statement does not represent this Surveyor's opinion of the probability of flooding.

According to my survey this 16th day of February, 2024.

Gerald A. Smith, P.L.S.
Alabama License No. 24658

SURVEY NOT VALID UNLESS SIGNED IN RED	GERALD A. SMITH P.O. BOX 844 SARALAND, AL. 36571 (251) 604-0261	SURVEY FOR: BHL FEDERAL 576 AZALEA ROAD, SUITE 124 MOBILE, ALABAMA 36609
	AS-BUILT SURVEY	
SCALE: 1" = 30'	DATE OF RELEASE: FEBRUARY 16, 2024	DATE OF SURVEY: 10/14/2024 DRAWN BY: 707ADAMS/AVENUE

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

**AMENDING CITY’S EMPLOYEE HANDBOOK
(SECTION 10.10)**

WHEREAS, the City Council of the City of Daphne, after due consideration, believes it appropriate to amend section 10.10 of the City of Daphne Employee Handbook;

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

SECTION I:

That the following Section of the Employee Handbook be amended:

Section 10.10 Entry Level Pay for Newly-Hired and Promoted Employees

The specific revisions to this section are set forth in Exhibit A to this Ordinance.

SECTION II: REPEALER

That any Ordinance, or parts thereof, heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance be and is hereby repealed to the extent of such conflict.

SECTION III: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV: EFFECTIVE DATE

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

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

EXHIBIT A

AMENDMENT
OF
EXISTING SECTION 10.10

10.10. ENTRY LEVEL PAY FOR NEWLY-HIRED AND PROMOTED EMPLOYEES.

General Rule – New Hires. The entry-level rate of pay for a new salaried or hourly employee in the unclassified, classified, or part-time service will be established at the minimum level of pay for the employee's job as authorized in the Pay Scale. But in order to ensure adequate opportunity for performance-based salary advancement for all employees, including exceptional situations, the entry pay grade for any new employee must not exceed the midpoint of the salary/wage range.

General Rule - Promotions. When an employee is promoted to another job, the default pay will be established at the entry level of the new pay grade. If the entry level of pay for the new pay grade is less than a ten percent (10%) increase from the previous position's pay, the pay established for the promoted employee must be set at least ten percent (10%) more than the pay grade of the previous position.

Exceptional Circumstances – Higher Pay Rate. The City recognizes that there are hiring and promotion situations that require additional pay considerations beyond what is normally allowed. When these situations occur, it will be the Department Head's responsibility to make a pay rate recommendation and to document the individual's qualifications and any other exceptional circumstances surrounding the hiring or promotion decision. The Mayor can review the information and decide if the pay rate recommendation is appropriate. The Mayor has the final authority to approve entry-level pay for newly hired or promoted employees not to exceed the midpoint of the wage/salary range on the Pay Scale, with no further action required by the City Council, provided that funds are available in the City's personnel budget. An appropriation by the City Council is required if adequate funds are not available. Should the pay requirements further exceed the midpoint of the wage/salary range, the Mayor may request the City Council to review the qualifications and approve a pay rate between the midpoint and maximum points of the salary range.

Documentation. All circumstances outlined and included herein must be fully documented and provided to Human Resources for inclusion in personnel files.