



**CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
MONDAY, APRIL 21, 2025 at 6:00 PM**

1. CALL TO ORDER

A. ROLL CALL

B. INVOCATION - Pastor Wesley Jenkins, Destiny Church

C. PLEDGE OF ALLEGIANCE

D. RECOGNITION: Bayside Academy Chess Team

E. PRESENTATION: Hayden Williams - Eagle Scout project

2. PUBLIC HEARINGS

A. PUBLIC HEARING: Louisa Marco Toler Revocable Trust Dated: July 24, 2024
Pre-Zoning Amendment located at the northwest intersection of County Road 64
and County Road 54.

B. PUBLIC HEARING: Impact Fee Ordinance.

3. APPROVE MINUTES

A. April 7, 2025 Regular Meeting and the April 10, 2025 Special Called Meeting.

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE - Phillips

B. BUILDINGS & PROPERTY COMMITTEE- Goodlin
Certificates of Occupancy: 20
Permits Issued: 163
New Residential Home Permits: 8
Total Fees: \$37,199.09

i. Review the minutes from the February 10th meeting.

C. PUBLIC SAFETY COMMITTEE - Hughes

i. Review the minutes from the February 2025 meeting.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Olen

E. PUBLIC WORKS COMMITTEE - Conaway

- i. Review the minutes from the March 2025 meeting.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

- A. BOARD OF ZONING ADJUSTMENTS** - Adrienne Jones
- B. DAPHNE PUBLIC SCHOOL COMMISSION** - Conaway
- C. DOWNTOWN REDEVELOPMENT AUTHORITY** - Conaway

- i. Review the minutes from the March 2025 meeting.

- D. INDUSTRIAL DEVELOPMENT BOARD** - Scott
- E. LIBRARY BOARD** - Goodlin
- F. PLANNING COMMISSION** - Olen
- G. RECREATION BOARD** - Hughes

- i. Appoint Victor LeJeune to the Recreation Board.

- H. UTILITY BOARD** - Coleman

6. PUBLIC PARTICIPATION

7. MAYOR’S REPORT

8. CITY ATTORNEY REPORT

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK’S REPORT

11. RESOLUTIONS

- A. 2025 - 28** - Request to Reclassify Milton Jones Road to Minor Collector
- B. 2025 - 29** - L-Rock Material Negotiated - Bid Award: Vulcan Materials Company

12. 2nd READ ORDINANCES

13. 1st READ ORDINANCES

- A. 2025 - 06** - Ordinance to Pre-Zone Property Located at the Northwest Intersection of County Road 64 and County Road 54 West - Louisa Marco Toler Revocable Trust Dated July 24, 2024
- B. 2025 - 07** - An Ordinance Establishing Impact Fees on New Development in the City of Daphne

14. COUNCIL COMMENTS

15. ADJOURN



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: March 3, 2025
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: Louisa Marco Toler Revocable Trust Dated: July 24, 2024 Pre-Zoning Amendment

PRESENT ZONING: RA, Rural Agricultural, Baldwin County

PROPOSED PRE-ZONING: R-6 (G), Garden or Patio Home, and B-2(a), General Business Alternate

LOCATION: At the northwest intersection of County Road 64 and County Road 54 West

RECOMMENDATION: At the February 27, 2025 regular meeting of the City of Daphne Planning Commission, seven members were present, and the motion carried for a favorable recommendation for the above captioned pre-zoning amendment.
Six affirmative votes and one dissention.

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. Overall Boundary Survey & Sketch for Pre-Zoning
4. B-2(a) Legal Description & Sketch for Pre-Zoning
5. R-6(G) Legal Description & Sketch for Pre-Zoning
6. Opposition letter



LOUISA MARCO TOLER REVOCABLE TRUST 07/24/24
Prezoning Amendment

PROPOSAL:

The applicant proposes to pre-zone 144 acre agricultural fields to B-2(A), General Business Alternate and R-6(G), Garden or Patio Home. The site is located at the northwest intersection of County Road 54 W and County Road 64 and extends to Risgby Road to the west and to Saint Augustine subdivision to the north.

Coastal Church is located to the east across County Road 54 W as well as Savannah Estates, a single family residential subdivision. Across County Road 64 to the south are several uses including: a convenience store/gas station, multi-tenant commercial business, mini-warehouses, and a mechanic shop. Land on the west side of the property, across Risgby Road is largely rural residential parcels.

Zoning Classification:

Rural Agricultural district (RA)

Existing Utility Service

Providers: Riviera Utilities, AT&T, Belforest Water, Baldwin County Sewer

Affected City Service

Providers: Fire Station 5, Police Beat 4, Public Works

Surrounding Zonings/Uses:

- North-County RSF-3
- South-County B-3 and B-4
- East-County RA and RSF-3
- West-County RA

Proposed Zoning:

B-2(a) and R-6(G) (General Business Alternate and Garden or Patio Home)

Development Concept:

Commercial/Single Family

Comprehensive Plan Place

type: Traditional

Neighborhood Development and Mixed Use Corridor

Staff Recommendation to PC:

Favorable

Council District: 4

Existing Conditions:

144 acres

Planning Commission

Recommendation:

Unanimously favorable recommendation

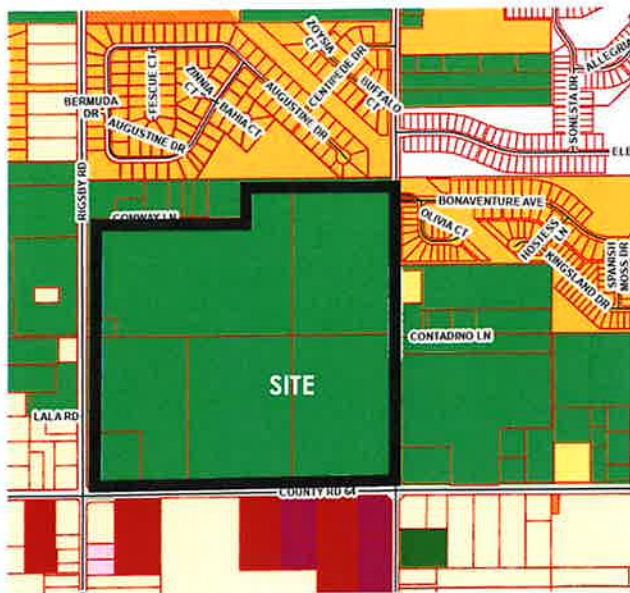
RECOMMENDATION:

The Envision Daphne 2042 Comprehensive Plan designates these parcels as Traditional Neighborhood Development and Mixed Use Corridor. B-2(a), General Business Alternate and R-6(G), Patio or Garden Home both allow uses that would be consistent with the mix of uses promoted by these placetype. Therefore staff recommends that the Planning Commission set forth a favorable recommendation to prezone the site as requested.

Excerpt from Overall Placetype Map

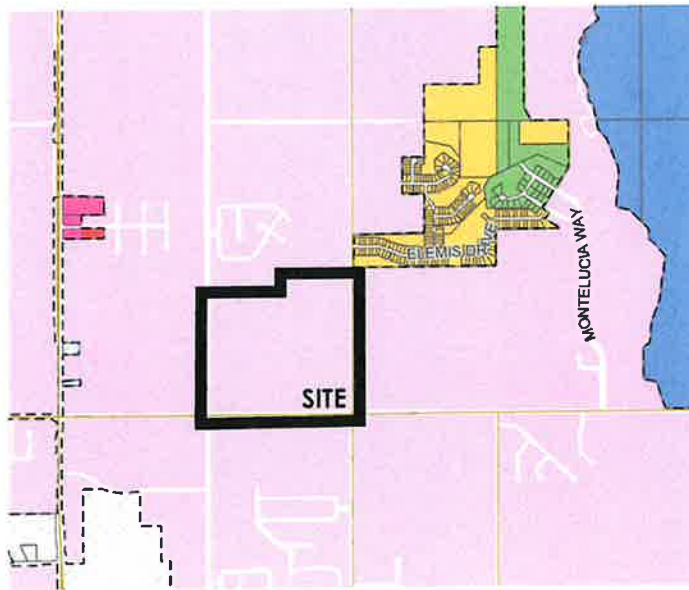


Excerpt from County's Map on ISV



- ☒ County Zoning
- Rural District (RR)
 - Rural Agricultural District (RA)
 - Conservation Resource District (CR)
 - Residential Single Family Estate District (RSF-E)
 - Residential Single Family District (RSF-1)
 - Residential Single Family District (RSF-2)
 - Residential Single Family District (RSF-3)
 - Residential Single Family District (RSF-4)
 - Residential Two Family District (RTF-4)
 - Residential Single Family District (RSF-6)
 - Residential Two Family District (RTF-6)
 - Residential Multiple Family District (RMF-6)
 - High Density Residential District (HDR)
 - Residential Manufactured Housing Park District (RMH)
 - Base Community Zoning District (BCZ)
 - Marine Recreation District (MR)
 - Outdoor Recreation District (OR)
 - Tourist Resort District (TR)
 - Recreational Vehicle Park District (RV-1)
 - Recreational Vehicle Park District (RV-2)
 - Professional Business District (B-1)
 - Neighborhood Business District (B-2)
 - General Business District (B-3)
 - Major Commercial District (B-4)
 - Limited Business District (LB)
 - Light Industrial District (M-1)
 - General Industrial District (M-2)

Excerpt from Daphne Zoning Map



Zoning Key

	Daphne City limits
	R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
	R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
	R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
	R-4 HIGH DENSITY SINGLE MULTI-FAMILY RESIDENTIAL
	R-5 MOBILE HOME RESIDENTIAL
	R-6(D) DUPLEX - TWO FAMILY
	R-6(G) GARDEN OR PATIO HOME
	R-7(A) APARTMENT
	R-7(M) MID-RISE CONDOMINIUM
	R-7(T) TOWNHOUSE
	B-1 LOCAL BUSINESS
	B-2 GENERAL BUSINESS
	B-2(a) GENERAL BUSINESS ALTERNATE
	B-3 PROFESSIONAL BUSINESS
	C-1 COMMERCIAL/INDUSTRIAL
	MU MIXED USE
	PUD PLANNED UNIT DEVELOPMENT
	C-2 OUTDOOR AMUSEMENT
	GC GOLF COURSE

Excerpt from Envision Daphne 2042 Plan

MIXED-USE CORRIDOR

Mixed-Use corridors consist of complete streets accommodating all travel modes and serve as major transportation routes that link distinct areas of the city. Ideally these corridors will include a mix of commercial and residential activity and may include maker spaces. They may also provide opportunities for the development of larger scale retail uses such as grocery stores and retailers. Mixed-Use corridors should be designed to provide convenient vehicle access while at the same time allowing for safe and appealing use by pedestrians, cyclists and other modes of transportation.

Mixed-use corridors contain multi-story structures and a compact development pattern. Buildings are located near the sidewalk to create a street wall and enhance the pedestrian environment. Mixed-Use corridors may range from two to six travel lanes, have bike lanes and on-street parking. Wide sidewalks with ample pedestrian amenities are also common. Streetscape furnishings and public art are common, sometimes with a direct theme linked to a nearby center or neighborhood.

Planned Characteristics

<i>Primary Land Uses</i>	Commercial/office Mixed-use
<i>Secondary Uses</i>	Institutional Single-family attached residential
<i>Intensity Range</i>	Intensely developed, residential densities of 8 to 12, floor area ratios of up to 2
<i>Development Policies</i>	Tree canopy mitigation Stormwater management with low impact design (bio-retention, permeable surfaces, infiltration areas) Site plan and design review

TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Traditional neighborhoods meet the holistic needs of their residents as well as surrounding areas. While higher density residential use is typically dominant, they often feature a core of commercial and civic activity such as a library, small scale store, coffee shop, bank or other neighborhood-oriented businesses. They may feature parks, schools, or other public features. They should be easy to navigate on foot with important features within a 20-minute walk for the average resident.

The context of a traditional neighborhood includes small blocks on a grid formation with a prominent center public space and an edge that transitions into different, less intensive uses. Traditional neighborhoods are pedestrian friendly and accessible for all modes of transportation. Buildings are built close to the street at a human scale, with abundant transparency on the ground floor of buildings. Buildings have minimal setbacks from the street, but allow for wide tree-lined sidewalks, as well as space for sidewalk uses like cafés and sales tables. Traditional neighborhoods provide parking that is on the street or within parking lots that are behind or underneath new buildings. Some buildings contain multiple uses. A wide variety of housing types are provided, both in size and affordability, with higher density housing types closer to the center of the neighborhood.

Active public open space is located at or near the center. This space will be suitable to passive recreation as well as organized events, such as festivals, farmers markets and performances.

Planned Characteristics

<i>Primary Land Uses</i>	Mixed Use All forms of residential
<i>Secondary Uses</i>	Assembly Institutional
<i>Intensity Range</i>	Intensely developed, residential densities of 8 to 30, floor area ratios of up to 4
<i>Development Policies</i>	Tree canopy mitigation Stormwater management with low impact design (bio-retention, permeable surfaces, infiltration areas) Site plan and design review

COMMUNITY DEVELOPMENT



February 14, 2025

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission containing 144 acres +/- located at the northwest intersection of County Road 64 and County Road 54 West to be pre-zoned to B-2(a), General Business Alternate, and R-6(G), Garden or Patio Home.

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, February 19, 2025 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, February 27, 2025 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

Louisa Marco Toler Revocable Trust Dated: July 24, 2024

Louisa Marco Toler Revocable Trust Dated: July 24, 2024 Prezoning Adjacent Property Owners

Owner Name	Address	City	State	Zip
RIGSBY, FRANCES BERGA	26343 RIGSBY RD	DAPHNE	AL	36526
WOODRUFF L B III AND WOODRUFF JAIMIE	10700 CONWAY LN	DAPHNE	AL	36526
PARKER, PRESCOTT A III ETUX RHAPSODY L	10575 CONWAY LN	DAPHNE	AL	36526
TRIPLE E HOLDINGS L L C	10758 CO RD 64	DAPHNE	AL	36526
BRYANT GEORGE K AND BRYANT TRESSA	10435 LALA RD	DAPHNE	AL	36526
ZIEGLER CORPORATION	PO BOX 277	MAGNOLIA SPGS	AL	36555
WILLIAMS, MATTHEW C ETUX SHAYNA R	26093 RIGSBY RD	DAPHNE	AL	36526
MILLER, VERNON L ETUX KATRINA S	26257 RIGSBY RD	DAPHNE	AL	36526
COUNTY ROAD 64 L L C	14267 RIVERSIDE DR	FOLEY	AL	36535
VERMEULEN DOUGLAS J AND VERMEULEN SUSAN J	10654 CONWAY LN	DAPHNE	AL	36526
PLEMONS, ROGER BRANON	26187 RIGSBY RD	DAPHNE	AL	36526
TOLER, LOUISA MARCO AS TRUSTEE OF LOUISA MARCO TOLER REVOCABLE TRUST	26374 RIGSBY RD	DAPHNE	AL	36526
JPF RENTALS L L C	22519 STATE HIGHWAY 59 S	ROBERTSDALE	AL	36567
COASTAL CHURCH	11101 CO RD 64	DAPHNE	AL	36526
KOSEK, GRETCHEN COKER	26370 COUNTY ROAD 54 W	DAPHNE	AL	36526
UNDERWOOD, ANN MARIE	10471 CO RD 64	DAPHNE	AL	36526
RAYBORN, SUSAN ELAINE & BRYAN KEITH	26410 CO RD 54 W	DAPHNE	AL	36526
ST AUGUSTINE PROPERTY OWNERS A SSOCIATION INC	25366 PROFIT DR	DAPHNE	AL	36526
WALTER, ELIZABETH J	PO BOX 601	DAPHNE	AL	36526
RED TIDE PROPERTIES L L C	10302 ROSEWOOD LN	DAPHNE	AL	36526
LEE, JAMES W ETUX DEANN A	10595 CONWAY LN	DAPHNE	AL	36526
HAYES, GERALD & MARIE	11040 CO RD 64	DAPHNE	AL	36526
MCKNIGHT, CAROL MARCO AS TRUSTEE OF THE CAROL MARCO MCKNIGHT REVOCABLE TRUST DATED MAY 16 2023	10573 COUNTY ROAD 64	DAPHNE	AL	36526
GRIMES, PEGGY ANN	326 GREEN VIEW RD	MOYOCK	NC	27958
MCKNIGHT, CAROL MARCO AS TRUSTEE OF THE CAROL MARCO MCKNIGHT REVOCABLE TRUST DATED MAY 16 2023 AND TOLER LOUISA M	26374 CO RD 64	DAPHNE	AL	36526
ST AUGUSTINE PROPERTY OWNERS ASSOCIATION AND N INC	P O BOX 123	MOBILE	AL	36601
BOLAR, BERTHA M	10646 CO RD 64	DAPHNE	AL	36526
LEE JOHN MATTHEW AND LEE DONNA LOUISE	27148 AUGUSTINE DR	DAPHNE	AL	36526
BELCHER BRETT BENNETT AND BELCHER LAUREN THOMPSON	27149 AUGUSTINE DR	DAPHNE	AL	36526
FAIRHOPE CAT COALITION INC	P O BOX 262	FAIRHOPE	AL	36533
RESERVE AT DAPHNE OWNERS ASSOCIATION INC, THE	25366 PROFIT DR	DAPHNE	AL	36526
J & S LAND LLC AND TRIPLE K MINING LLC	9949 BELLATON AVE STE A	DAPHNE	AL	36526
DSL D HOMES (GULF COAST) L L C	7660 PECUE LN STE 100	BATON ROUGE	LA	70809
CONGREGATION MAYIM CHAYIM	10526 CO RD 64	DAPHNE	AL	36526
D & W ENTERPRISES L L C	7231 RIVER ROAD	DAPHNE	AL	36526
HINOTE RONNIE JOSEPH AND HINOTE LEE ANN	30451 LAUREL CT	DAPHNE	AL	36526
DENTON REXFORD LILES AND DENTON LAURA ELIZABETH	27104 AUGUSTINE DR	DAPHNE	AL	36526
PARKER, PRESCOTT A III ETAL PARKER, EDWA AND RD H ETAL HUBBARD, ISABELLE P FKA WILSON AND, ISABELLE P	10575 CONWAY LN	DAPHNE	AL	36526
DEWBERRY	25353 FRIENDSHIP ROAD	DAPHNE	AL	36526

APPLICATION & SUPPLEMENTAL INFORMATION



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted

Application Number:

Planning Commission Public January 27, 2025

ZA- or PZA- 25-01

Hearing Date: February 27, 2025

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

SITE DATA

NW Intersection of County Rd 64 and County 54 W

PPIN#(s):

27232, 67742, 28710, 396886, 42960,
84162, 400580

Gross Site Area (acreage): 144 total: B-2A 105 ac - R-6-G 39 ac

Requested Zoning or Pre-Zoning: B-2A and R-6G

Current Zoning Designation(s):

Baldwin Co - Rural Agricultural

Amended Request:

Initials:

Date:

Current Land Use:

Vacant

Anticipated Land Use: Commercial & Res Dvlpmnt

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

Attached

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.*

Hollace Marco Brayer, personal representative

Name of Current Owner:

Louisa Marco Toler Revocable Trust Dated: July 24, 2024

251-990-9950

Dewberry-DaphnePla

Mailing Address:

26374 Rigsby Rd, Daphne, AL 36526

Phone/Fax:

E-mail:

nning@Dewberry.com

Name of Authorized Agent:

Dewberry Engineers Inc.

251-990-9950

Phone/Fax:

E-mail:

Dewberry-DaphnePlanning
@Dewberry.com

Mailing Address:

25353 Friendship Road, Daphne, AL 36526

Name of Developer*:

N/A

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: 

Date 1/30/25

Agent's Signature: 

Date 1/30/25

OVERALL BOUNDARY PARCEL A

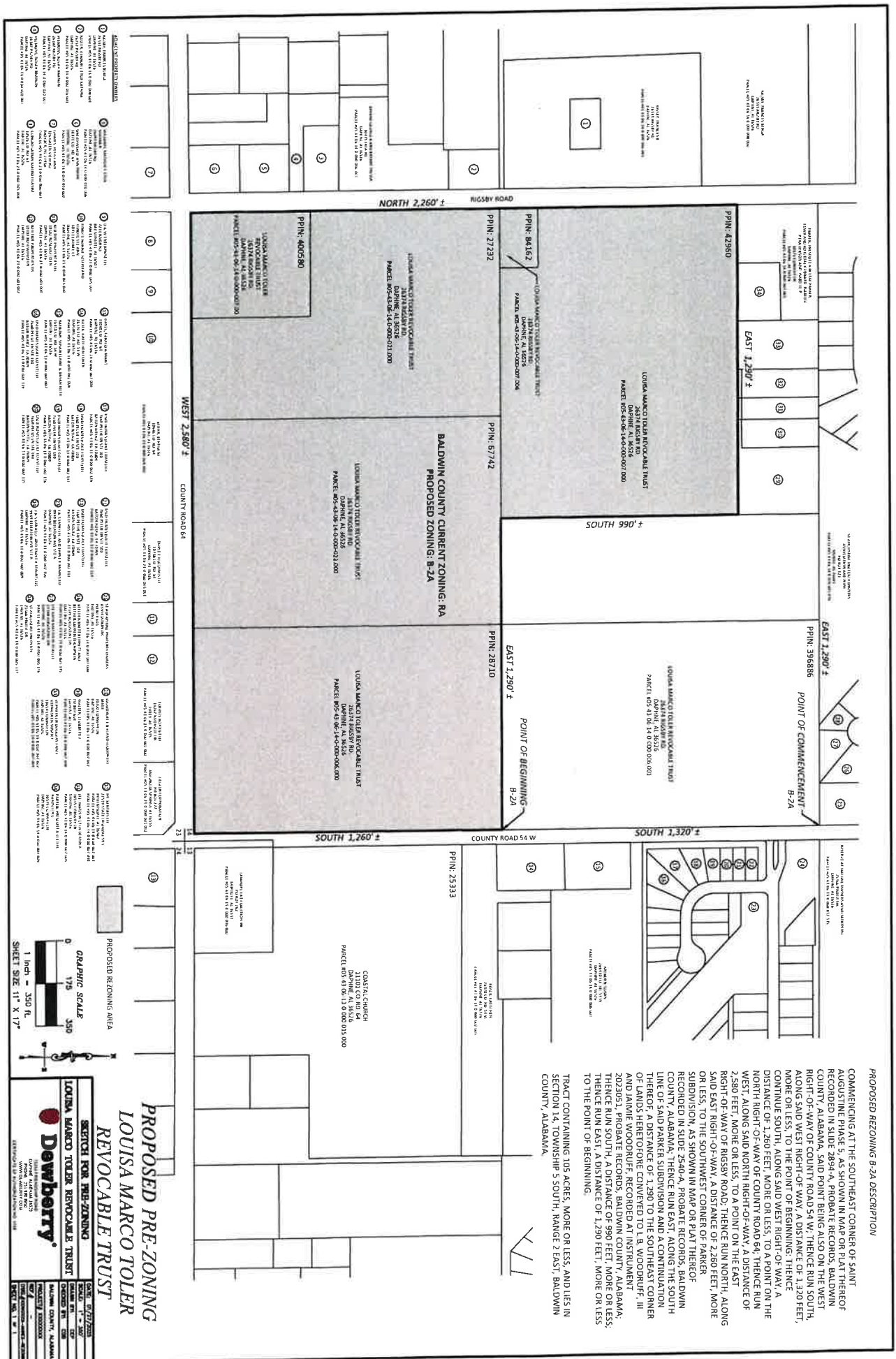
BEGIN AT THE SOUTHEAST CORNER OF SAINT AUGUSTINE PHASE 5, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2894-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, SAID POINT BEING ALSO ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W; THENCE RUN SOUTH, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 2,580 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY OF COUNTY ROAD 64; THENCE RUN WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 2,580 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT-OF-WAY OF RIGSBY ROAD; THENCE RUN NORTH, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 2,260 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF PARKER SUBDIVISION, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2540-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST, ALONG THE SOUTH LINE OF SAID PARKER SUBDIVISION AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 TO THE SOUTHEAST CORNER OF LANDS HERETOFORE CONVEYED TO L.B. WOODRUFF, III AND JAIMIE WOODRUFF, RECORDED AT INSTRUMENT 2023051, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH, ALONG THE EAST LINE OF SAID L.B. WOODRUFF, III AND JAIMIE WOODRUFF LANDS, A DISTANCE OF 330 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAINT AUGUSTINE PHASE 1A, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2451-A, B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST, ALONG SAID SOUTH LINE AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TRACT CONTAINING 144 ACRES, MORE OR LESS, AND LIES IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

B-2A DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF SAINT AUGUSTINE PHASE 5, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2894-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, SAID POINT BEING ALSO ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W; THENCE RUN SOUTH, ALONG SAID WEST RIGHT-OF WAY, A DISTANCE OF 1,320 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH, ALONG SAID WEST RIGHT-OF WAY, A DISTANCE OF 1,260 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY OF COUNTY ROAD 64; THENCE RUN WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 2,580 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT-OF-WAY OF RIGSBY ROAD; THENCE RUN NORTH, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 2,260 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF PARKER SUBDIVISION, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2540-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST, ALONG THE SOUTH LINE OF SAID PARKER SUBDIVISION AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 TO THE SOUTHEAST CORNER OF LANDS HERETOFORE CONVEYED TO L.B. WOODRUFF, III AND JAIMIE WOODRUFF, RECORDED AT INSTRUMENT 2023051, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH, A DISTANCE OF 990 FEET, MORE OR LESS; THENCE RUN EAST, A DISTANCE OF 1,290 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

TRACT CONTAINING 105 ACRES, MORE OR LESS, AND LIES IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



R-6G DESCRIPTION

BEGIN AT THE SOUTHEAST CORNER OF SAINT AUGUSTINE PHASE 5, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2894-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, SAID POINT BEING ALSO ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W; THENCE RUN SOUTH, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 1,320 FEET, MORE OR LESS; THENCE RUN WEST, DEPARTING SAID WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W, A DISTANCE OF 1,290 FEET, MORE OR LESS; THENCE RUN NORTH, A DISTANCE OF 1,320 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAINT AUGUSTINE PHASE 1A, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2451-A, B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST, ALONG SAID SOUTH LINE AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TRACT CONTAINING 39 ACRES, MORE OR LESS, AND LIES IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

BEGIN AT THE SOUTHEAST CORNER OF SAINT AUGUSTINE PHASE 5, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2898A. A PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, SAID POINT BEING ALSO ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W; THENCE RUN SOUTH ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 1,320 FEET, MORE OR LESS; THENCE RUN WEST, DEPARTING SAID WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W, A DISTANCE OF 1,290 FEET, MORE OR LESS; THENCE RUN NORTH A DISTANCE OF 1,320 FEET, MORE OR LESS; TO A POINT ON THE SOUTH LINE OF SAINT AUGUSTINE PHASE 14, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2451-A, B AND C. RUN EAST, ALONG SAID SOUTH LINE AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 FEET, MORE OR LESS; TO THE POINT OF BEGINNING.

TRACT CONTAINING 39 ACRES, MORE OR LESS, AND LIES IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



PROPOSED REZONING AREA

1 inch = 350 ft
SHEET 27C 11° x 4°

SHEET SIZE 11" X 17"

2019 2018 2017 2016 2015 2014 2013 2012 2011 2010 2009 2008 2007 2006 2005 2004 2003 2002 2001 2000 1999 1998 1997 1996 1995 1994 1993 1992 1991 1990 1989 1988 1987 1986 1985 1984 1983 1982 1981 1980 1979 1978 1977 1976 1975 1974 1973 1972 1971 1970 1969 1968 1967 1966 1965 1964 1963 1962 1961 1960 1959 1958 1957 1956 1955 1954 1953 1952 1951 1950 1949 1948 1947 1946 1945 1944 1943 1942 1941 1940 1939 1938 1937 1936 1935 1934 1933 1932 1931 1930 1929 1928 1927 1926 1925 1924 1923 1922 1921 1920 1919 1918 1917 1916 1915 1914 1913 1912 1911 1910 1909 1908 1907 1906 1905 1904 1903 1902 1901 1900 1899 1898 1897 1896 1895 1894 1893 1892 1891 1890 1889 1888 1887 1886 1885 1884 1883 1882 1881 1880 1879 1878 1877 1876 1875 1874 1873 1872 1871 1870 1869 1868 1867 1866 1865 1864 1863 1862 1861 1860 1859 1858 1857 1856 1855 1854 1853 1852 1851 1850 1849 1848 1847 1846 1845 1844 1843 1842 1841 1840 1839 1838 1837 1836 1835 1834 1833 1832 1831 1830 1829 1828 1827 1826 1825 1824 1823 1822 1821 1820 1819 1818 1817 1816 1815 1814 1813 1812 1811 1810 1809 1808 1807 1806 1805 1804 1803 1802 1801 1800 1799 1798 1797 1796 1795 1794 1793 1792 1791 1790 1789 1788 1787 1786 1785 1784 1783 1782 1781 1780 1779 1778 1777 1776 1775 1774 1773 1772 1771 1770 1769 1768 1767 1766 1765 1764 1763 1762 1761 1760 1759 1758 1757 1756 1755 1754 1753 1752 1751 1750 1749 1748 1747 1746 1745 1744 1743 1742 1741 1740 1739 1738 1737 1736 1735 1734 1733 1732 1731 1730 1729 1728 1727 1726 1725 1724 1723 1722 1721 1720 1719 1718 1717 1716 1715 1714 1713 1712 1711 1710 1709 1708 1707 1706 1705 1704 1703 1702 1701 1700 1699 1698 1697 1696 1695 1694 1693 1692 1691 1690 1689 1688 1687 1686 1685 1684 1683 1682 1681 1680	
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Louisa Marco Toler Revocable Trust Dated: July 24, 2024 Pre-Zoning Amendment

Letter of Opposition

February 27, 2025

RE: FILE PZA24-01 - LOUISA MARCO TOLER PRE-ZONING AMENDMENT:

Chairman Prescott and Director Jones:

Looking at this request at face value, I would like to make some commentaries, observations and proposals:

- The surround zoning/use per the report:
 - North-County RSF-3
 - South-County B-3 and B-4
 - East-County RA and RSF-3
 - West-County RA
- Generally speaking, City B-2(a) is reasonable along the CR64 frontage since the south frontage is already BC B-3 & 4 – I have no real issue with that part of the pre-zoning request – CR64 in this stretch is moving towards commercial district and residential need to be offset from this emerging arterial roadway.
- The 30-acre tract to the NW fronting Rigsby Road is not conducive to commercial zoning. Rigsby Road is a rural residential roadway. There is no recognized commercial activity along this corridor. B-2(a) is unwarranted and not compliant/consistent with the Envision Daphne 2042 Comprehensive Plan.
- Residential – our Envision Daphne 2042 Comprehensive Plan designates these northern parcels as Traditional Neighborhood. We have let the applicant define that term and they want R-6(G), which so happens to be the densest SF allowed. However, when you look at surrounding traditional neighborhood development it is mostly at a R-3 level.
- I believe R-6(G) can be incorporated into a traditional neighborhood. But plopping down 40-acres of R-6(G) in an area that is surrounded by RSF-3, mixed sized estate lots and rural agriculture and allowing it to be labeled a compliant/consistent “Traditional Neighborhood” is a stretch.
- It is my opinion that the +/- 30-acre tract to the NW needs to be pre-zoned residential. If it was up to me, it would be R-1. But in this location, I am willing to concede that is not economically feasible or realistic. City R-3 High Density Residential is what it should be.
- These 70 acres north of the B-2(a) could possibly yield 342 single family residential lots if 75% of the land area can be utilized for lots – with this land that may be realistic. That is 4.8 units per acre which is a strong yield for residential development in this area.
- That said, there needs to be discussed future considerations of development under these zonings. These considerations would be at the time of subdivision preliminary or site plan approvals. My position would be:
 - Interconnectivity between the R-6(G) and the R-3 – this integration would at least attempt the appearance of a “Traditional Neighborhood”. In addition, the connectivity would support the existing and future road network in the multimodal movements of the current and future residents.
 - Buffering between commercial and residential – the B-2(a) are deep tracts (+1,200 feet from the CR64 frontage). I don’t feel the zoning’s required 10 feet is sufficient (if I am reading it correctly). If there is a big box store located in this future development, and it is realistic to think considering the tract size and

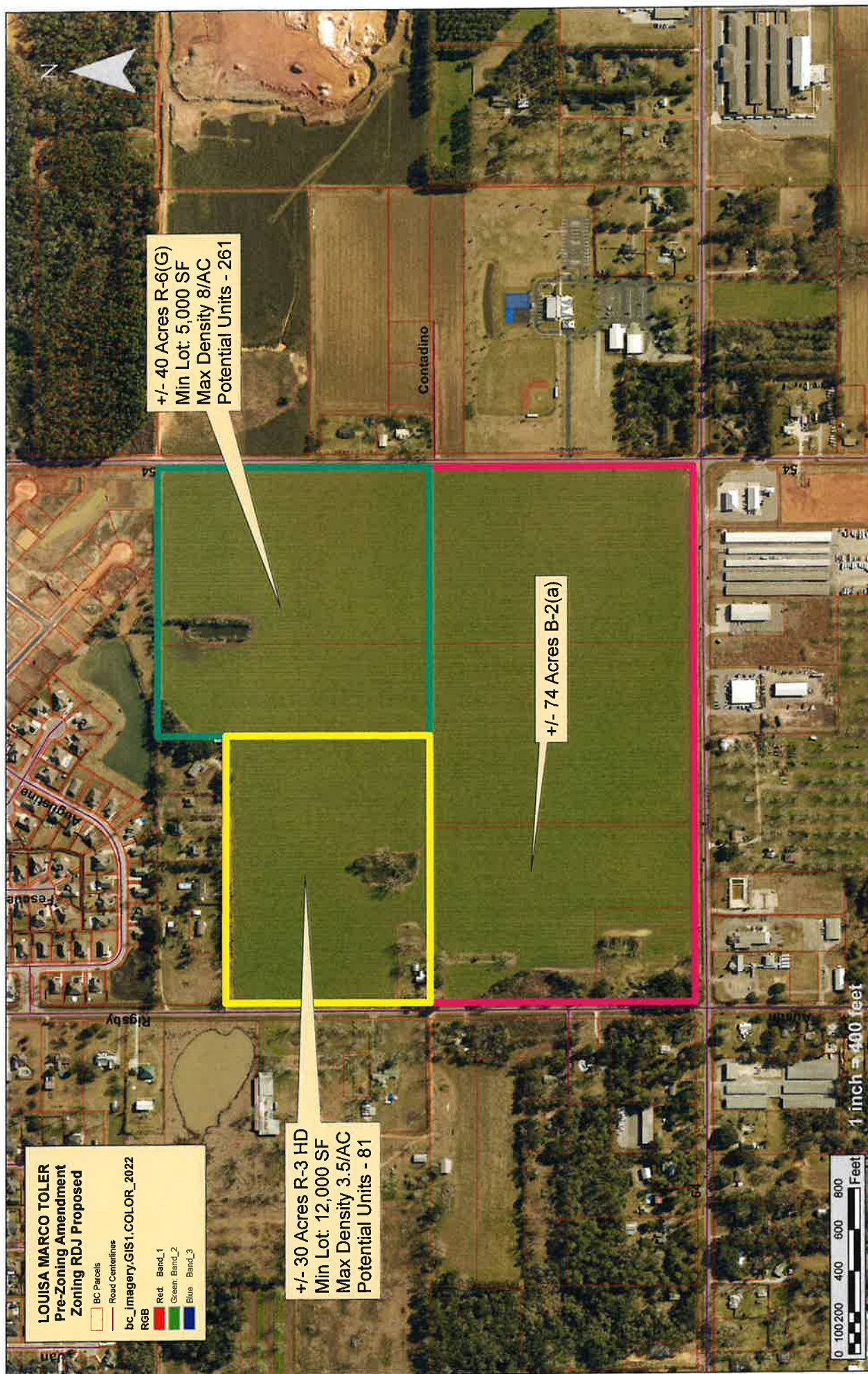
location, that buffer needs to be 5X minimum. Ultimately use and site geometry will need to be considered when sizing a buffer. However, as I understand it, there is a developer chomping at the bit to plop down the 40-acres of traditional neighborhood comprised of R-6(G) garden homes. So, we can assume what comes first – residents, then commercial to follow. There needs to be a strong buffer between the dense residential development and the wide-open commercial. Who pays the land price – residential vs. commercial – that will be a fun debate.

I request that this be entered into the case file and distributed to my fellow commissioners and Planning Staff. If anyone feels that I have misinterpreted the LUDO or the Envision Daphne 2042 Comprehensive Plan in any way, please feel free to share those insights.

Regards,

A handwritten signature in blue ink that reads "Richard D. Johnson". The signature is fluid and cursive, with the first name "Richard" and last name "Johnson" clearly legible.

Richard D. Johnson, PE
Daphne Planning Commissioner





**CITY OF DAPHNE, ALABAMA
ORDINANCE 2025-____**

**AN ORDINANCE ESTABLISHING IMPACT FEES
ON NEW DEVELOPMENT IN THE CITY OF DAPHNE**

WHEREAS, in accordance with Act 2006-300, as codified at §§ 45-2-243.80–243.87, *Code of Alabama* (1975) (the “Act”), the City of Daphne (the “City”) is authorized by the Legislature of the State of Alabama to adopt and impose impact fees on new development within the City’s corporate limits.

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

Section 1. Findings. In support of the adoption and imposition of impact fees authorized by the Act, the City Council makes the following findings:

- A. The City is a municipal corporation vested with a portion of the state’s sovereign power to protect and provide for the public health, safety, and welfare. The City is authorized to adopt and implement comprehensive plans, zoning ordinances, and other land use regulations to assure its orderly development.
- B. The City is a fast-growing community of over 30,000 full time residents. In calendar years 2023-24, approximately 1,462 new building permits and renovation permits were issued.
- C. The City encourages development that will make the City a vital, attractive community to serve both residents of the City and the substantial and significant number of visitors who visit the City on a yearly basis.
- D. New residential and nonresidential development, however, imposes increased and excessive demands upon public facilities. As demand for public facilities has increased, funding sources for those facilities have decreased at both the state and federal level. In addition, demand for new facilities necessitated by new development impairs the ability of the City to maintain existing facilities because funds must be diverted to construction or expansion of new facilities.
- E. The City’s current Comprehensive Plan, *Envision Daphne 2042*, projects that new development will continue and will place ever-increasing demands on the City to provide public facilities to serve new development.
- F. Following the adoption of the Act by the Legislature of the State of Alabama, the City engaged the consulting firm TischlerBise for purposes of preparing an impact fee study. With input from the City, TischlerBise prepared an “Impact Fee Study” for the City dated January 31, 2025 (the “Study”).
- G. The Study demonstrates the monetary needs of the City in adding the additional governmental infrastructure necessary to keep pace with the City’s growth.
- H. In accordance with Alabama Code § 45-2-243.86, a public meeting during a Work Session of the City Council was held on January 13, 2025, at City Hall with a representative of TischlerBise to present the Study to the Council and the public and to address the City’s governmental infrastructure needs as a result of new development. A public hearing was

held on [_____], 2025, to give the public the opportunity to provide additional comments.

- I. To the extent that new development places demands upon public facilities, those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the public to the development creating the demands.
- J. An impact fee, established in accordance with this Ordinance, will benefit new development.

Section 2. Authorization. This Ordinance is adopted pursuant to the Act and the City's general police power and land use authority.

Section 3. Purpose and Intent. The purpose of this Ordinance is to establish procedures to:

- A. determine what local capital improvements are reasonably necessary to serve New Development and the cost thereof;
- B. determine the portion of the demand for local capital improvements created by particular types of New Development; and
- C. assess against New Development an Impact Fee to finance the cost of local capital improvements proportional to the New Development's demand for said capital improvements.

Section 4. Definitions. Whenever used in this Ordinance, the following capitalized words, terms, and phrases, and their derivations, shall have the meanings ascribed to them below except where the context clearly indicates a different meaning:

- i. "Act" shall mean the enabling legislation for Impact Fees applicable to Baldwin County, Alabama as established by the Alabama Legislature and set forth in Alabama Code §§ 45-2-243.80 through 45-2-243.87 (Act 2006-300), as the same may hereafter be altered or amended from time to time.
- ii. "All Other Housing" means residential housing units and/or structures other than single-family residential structures, and includes, without limitation, duplexes, triplexes, apartments, condominiums and other multi-family developments.
- iii. "Applicant" shall mean any person or entity making an application for a Building Permit with the City.
- iv. "Benefit Area" means one or more areas as defined herein which are used to calculate the costs and expenses relative to the Governmental Infrastructure needs created by a particular type of New Development.
- v. "Building Department" means the City's Building and Inspection Department.
- vi. "Building Permit" means a document issued by the City authorizing construction of new buildings and/or improvements within the City's corporate limits.
- vii. "Business Park" means a cluster of associated businesses, usually in a campus setting, typically consisting of the use of buildings for the administration of business, professional firms and other organizations.

- viii. “Calculate” means to determine the amount of the Impact Fees assessed against a particular New Development in accordance with the terms and conditions of this Ordinance and the Act.
- ix. “City” means the City of Daphne, Alabama.
- x. “Com/Shop Ctr” means a building or series of buildings in which retail and/or wholesale sales and services will be delivered to the public.
- xi. “Estimated Fair and Reasonable Market Value” shall have the meaning ascribed to such term in Alabama Code § 45-2-243.84.
- xii. “Fire” means a Benefit Area for (i) the construction, development and/or improvement of fire stations, (ii) the acquisition of fire fighting vehicles, (iii) the acquisition of firefighting apparatus, and (iv) the fire component of the Study and/or any other impact fee study obtained by the City in connection with the imposition of Impact Fees.
- xiii. “Governmental Infrastructure” shall have the meaning ascribed to such term in the Act.
- xiv. “Impact Fee” shall have the meaning ascribed to such term in the Act.
- xv. “Impact Fee Account” means a special interest-bearing account of the City established by the City at a banking institution whose deposits are insured by the Federal Deposit Insurance Corporation.
- xvi. “Impact Fee Committee” means a committee chaired by the Mayor and comprised of the Mayor, the City Finance Director, the City Building Official, the City Public Works Director, the Chief of the Daphne Fire Department, the Chief of the Daphne Police Department, and the City’s Director of Parks and Recreation.
- xvii. “Impact Fee Schedule” means the schedule of fees adopted by the Council setting the base fee amount for each Benefit Area and the total Impact Fee for each type of New Development, which schedule is attached hereto as **Exhibit A** and incorporated herein by reference.
- xviii. “Light Industrial” means facilities used for the manufacturing or assembly of products to their final form. These uses could be enclosed or could have outside storage of equipment, materials or merchandise. In addition to the actual production of goods, industrial facilities generally also have incidental office, warehouse and associated functions.
- xix. “Lodging” means a building or group of buildings having five (5) or more guest rooms under a common or individual ownership and single management. These buildings are designed to give, for a fee, transient guests sleeping accommodations and may include as incidental uses, restaurants, cafes, lounges or other guest services. These buildings typically, but do not necessarily have to, have an inner lobby and furnish a room cleaning service for their paying customers.
- xx. “Manufacturing” means a building or series of buildings for businesses engaged in economic activity involving construction, production, processing, transformation, warehousing, wholesale, and disposal of goods, products and component parts of goods and products, including related services.
- xxi. “New Development” shall mean the subdivision of land, the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any

structure; any use of the extension of the use of land; any of which increases the demand on governmental infrastructure.

- xxii. “Nonresidential Development Project” means all New Development in the City other than Residential Development Projects, and shall include, without limitation, any New Development project consisting of one or any combination of Comm/Shop Ctr, Office/Inst, Business Park, Light Industrial, Warehousing, Manufacturing and Lodging.
- xxiii. “Occupancy classification” means the intended use of a structure or tenant spaces within a structure as defined by the International Building Code.
- xxiv. “Office/Inst” means a building used for professional, administrative, financial, clerical and similar uses. This definition includes, without limitation, institutional uses such as churches, schools, hospitals, libraries, clubs, police and fire stations and other public buildings.
- xxv. “Parks and Recreation” means a Benefit Area for (i) the acquisition of new public park lands, (ii) the construction, development and/or improvement of public recreational facilities, (iii) the construction, development and/or improvement of public park amenities, (iv) the acquisition of new park vehicles, and (v) the parks and recreation component of the Study and/or any other impact fee study obtained by the City in connection with the imposition of Impact Fees.
- xxvi. “Police” means a Benefit Area for (i) the cost recovery of the City’s cost and expense related to the construction, development and improvement of its justice center, (ii) the cost recovery of the City’s cost and expense related to the construction, development and improvement of its animal shelter, (iii) the acquisition of police vehicles, and (iv) the acquisition of police-related apparatus and equipment, and (v) the police component of the Study and/or any other impact fee study obtained by the City in connection with the imposition of Impact Fees.
- xxvii. “Residential Development Project” means any New Development in the City undertaken with respect to a Single-Family development and/or an All Other Housing development.
- xxviii. “Single Family” means a detached residential dwelling unit designed for and occupied by one family as a home.
- xxix. “Transportation” means a Benefit Area for the cost of intersection improvements made to address additional demand generated by New Development.
- xxx. “Warehousing” means the storage of materials, but may also include incidental office and maintenance areas.

Section 5. Imposition of Impact Fees. The City hereby imposes an Impact Fee in accordance with the Impact Fee Schedule against all New Development and renovation or expansion of existing structures within the City’s corporate limits subject to any limitations on the amount of the Impact Fee set forth in the Act. In the event any appraisal process is commenced in accordance with the Act, the City shall be responsible for the cost of any appraisal required by the City, and the City and the Applicant shall share equally in the cost of any appraisal obtained at the request of both the City and the Applicant. This Ordinance and/or the Impact Fee Schedule may be amended at any time hereafter and from time to time by the Council in accordance with the

procedure set forth in the Act for the adoption of an Impact Fee. The Impact Fee shall be collected and administered as hereinafter provided.

Section 6. Calculation and Collection of Impact Fees. Impact Fees may be imposed on New Development or renovation or expansion of existing structures as defined in Section 8 hereof, and subject to any limitations on the imposition and collection thereof in the Act. Impact Fees shall be Calculated using either 1% of the combined construction and land cost, or per the fees listed in **Exhibit A**, and the lesser of the two calculations will apply. Land cost will not be assessed or added to renovation, expansion, or change in occupancy classification of existing structures. Fees shall be collected by the Building Department prior to the issuance of a Building Permit for New Development and in accordance with the Impact Fee Schedule. Except as is hereafter provided in Section 14 hereof, all Impact Fees shall be paid by an Applicant to the City in cash or other immediately available funds.

Section 7. No Additional Capacity. No Impact Fee may be assessed for or expended upon the construction, improvement, operation or maintenance of any Governmental Infrastructure that does not create additional capacity for use by the general public. The following shall be exempt from the payment of impact fees:

- A. Alteration or expansion of an existing dwelling unit which does not result in any additional dwelling units or increase in the number of families for which such dwelling unit is arranged, designed or intended to accommodate for the purposes of living quarters.
- B. The replacement of a building or dwelling unit where no additional square footage or dwelling units are created and when the existing and replacement or dwelling unit are located on the same lot. To be eligible for this exemption, official evidence such as, but not limited to, aerial photos, property surveys, Revenue Commission property appraiser data, or building permit data must be provided that confirms a building of equivalent use existed within the parcel boundaries in which the replacement structure is to be located.

Section 8. Change in Size and Use. An impact fee shall be imposed and calculated for alteration, expansion or replacement of a building if the alteration, expansion or replacement of a building results in a use that it is determined to generate greater impact than the present under the applicable fee rate schedule. Impact fee shall be calculated as follows:

- A. If the impact fee is based on a per dwelling unit method, the impact fee shall be the amount due under the applicable impact fee rate schedule, less the calculated impact fee applicable prior to the alteration, expansion or replacement.
- B. If the impact fee is based on the square footage method, the impact fee due for the increased square footage shall be calculated by determining the impact fee due according to the square footage resulting from the alteration, expansion or replacement, less the impact fee that would have been imposed for the original square footage prior to the alteration, expansion or replacement.
- C. All single family residential fees in the fee schedule are based on an assumed 3-bedroom home. If the replacement structure has an increase in the number of bedrooms or sleeping rooms as defined by the City of Daphne Building Code Supplement, any partial impact fee will be calculated on a percentage basis based on the increased number of sleeping rooms within the structure.

- D. If a building is demolished in preparation of a new structure, a pre-demolition inspection will be performed to determine the number of sleeping rooms in the existing structure to establish the baseline for the calculation of any partial impact fee imposed.
- E. All changes in use or Occupancy classification as defined by the International Building Code will be subject to full impact fees calculated at the new construction fee based of Occupancy classification. Credit will be given for the calculation of the new construction fee of the previous building based on Occupancy Classification.

Section 9. Nature of Impact Fee. An Impact Fee is both a personal liability of the Applicant and a lien upon the real property upon which the New Development is to be constructed and/or improved. Said lien may be foreclosed upon in accordance with the procedure for the foreclosure of real estate mortgages in the State of Alabama.

Section 10. Refund of Impact Fee. Except as is specifically required by the Act, Impact Fees are not refundable, unless the applicable Building Permit is voided in writing by the Applicant and no construction or construction-related activities have taken place. In the event a refund is made pursuant to the foregoing sentence, a processing fee of five hundred and no/100 dollars (\$500.00) shall be withheld by the City from any such refund.

Section 11. Impact Fee Amounts. The funds collected pursuant to this Ordinance shall be deposited into the Impact Fee Account. The funds of the Impact Fee Account shall not be commingled with other funds of the City. The City shall separately account for fees collected for the Benefit Areas of Parks and Recreation, Fire, Police and Transportation. In the event that less than the full Impact Fee is assessed for any reason, including, without limitation, any cap on such fee contained in the Act, said partial Impact Fee shall be allocated to the applicable Benefit Areas in the same proportion as the full Impact Fee would be allocated to and among the applicable Benefit Areas.

Section 12. Use of Impact Fees. Impact Fees may be expended only for the Benefit Area for which they were imposed, calculated, and collected and according to the time limits and procedures established in this Ordinance and the Act, if any. All impact fees collected for a Benefit Area must be spent in that Benefit Area. Impact Fees generated by this Ordinance may be used for any purpose permitted by the Act.

Section 13. Time Limitations on Use of Impact Fees. The City shall expend or contract for the expenditure of all Impact Fees collected in accordance with this Ordinance within any time periods set forth in the Act; provided, however, that in the event the Act does not impose any limitation on the timing of the expenditure of Impact Fees, then the City shall have no obligation to expend any Impact Fees within any specific period of time. In the event it becomes necessary for the City to refund any Impact Fees due to the failure to expend or contract for the expenditure of such Impact Fees within a given period of time as required by the Act, the City shall refund such Impact Fees to the Applicant who paid such Impact Fees.

Notwithstanding anything contained herein to the contrary, no party entitled to a refund of any Impact Fee hereunder shall be entitled to any interest on said refunded Impact Fee.

Section 14. Appeals. In the event the Building Department and an Applicant are unable to agree upon the Estimated Fair and Reasonable Value following the appraisal process set forth in Alabama Code § 45-2-243.84, the Applicant against which an Impact Fee has been assessed may pay the Impact Fee as Calculated by the Building Department and preserve the right to appeal the

amount of the Impact Fee by submitting with payment a written statement that payment is made “under protest” or that includes other language that would notify a reasonable person that the Applicant intends to preserve its right of appeal. Any Applicant intending to appeal the Calculation of an Impact Fee must file said appeal in writing with the City Clerk of the City within thirty (30) days of the last to occur of the Calculation of the Impact Fee by the Building Department and the payment of the Impact Fee by the Applicant to the City. In the written appeal provided to the City Clerk by the Applicant, the Applicant shall set forth enough detail to allow the City to reasonably determine the basis for the Applicant’s appeal. All appeals of Impact Fee assessments shall be heard by the Council at a regularly held meeting of the Council within thirty (30) days of the date of the filing of the notice of appeal by the Applicant with the City Clerk. At such appeal hearing, the Applicant and the City shall have the right to present evidence relative to the establishment of the Estimated Fair and Reasonable Market Value of a New Development. In making such presentations, each of the Applicant and the City shall be limited to fifteen (15) minutes for the presentation of such evidence. Thereafter, a majority decision by the Council shall be required to overturn the decision of the Building Department with regard to the Calculation of the applicable Impact Fee.

Section 15. Review of Impact Fee Structure. The Impact Fee Committee shall report at least once every three (3) years to the Council with:

- A. recommendations, if any, for amendments to this Ordinance;
- B. proposals identifying capital improvements to be funded in whole or in part by the Impact Fees collected pursuant to this Ordinance; and
- C. proposals for changes to the Impact Fee Schedule.

In connection with the foregoing, the Impact Fee Committee is hereby authorized to engage such consultants as it deems reasonably necessary to prepare additional impact fee studies for purposes of arriving at an appropriate and reasonable impact fee rate structure.

Section 16. Credits. An Applicant who offers to dedicate land or otherwise provide for the funding of Governmental Infrastructure may be eligible for a credit for such contribution against the Impact Fee otherwise due for that Benefit Area. In the event an Applicant desires to obtain a credit in accordance with the foregoing, the Applicant shall submit its proposal for a credit in writing to the Building Department. To the extent the City prepares forms for the credit process, the Applicant shall make its submittal on said City provided forms.

Thereafter, the Building Department shall submit said proposal to the Impact Fee Committee. The Impact Fee Committee shall make written findings with regard to (a) the value of the Applicant’s proposed contribution; (b) whether the proposed contribution meets capital improvement needs for which the particular Impact Fee has been imposed; and (c) whether the proposed contribution will substitute or otherwise reduce the need for Governmental Infrastructure anticipated to be provided with Impact Fees otherwise assessable against the Applicant.

The Impact Fee Committee shall transmit said written findings to the Council along with a recommendation for whether to accept or decline the Applicant’s offer. The Council shall make the final determination as to whether to accept the Applicant’s proposed contribution; provided, however, that in no event shall the credit given to any such Applicant exceed the amount of the otherwise applicable Impact Fee.

Section 17. Recovery of Public Hearing Costs. Any costs incurred by the City (a) in preparing for and conducting any public hearing required by the Act and (b) in connection with the Study or any similar study conducted hereafter may be recovered as a part of the Impact Fees assessed and collected in accordance with this Ordinance.

Section 18. Grandfathered Developments. Impact Fees authorized by this Ordinance shall not be imposed upon any development that has obtained PUD approval, preliminary plat approval, or site plan approval by the City prior to the adoption of this Ordinance.

Section 19. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-exemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 20. Effective Date. This Ordinance shall be effective from and after its adoption by Council and publication as required by law.

ADOPTED AND APPROVED on this _____ day of _____, 2025.

Robin LeJeune,
Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

EXHIBIT A

Impact Fee Schedule¹

Residential Fees per Unit					
Development Type	Fire	Parks and Recreation	Police	Transportation	Total
Single Family	\$833	\$2,656	\$1,212	\$4,648	\$9,349
Percentage allocation	9%	28%	13%	50%	1% max
Multi-Family	\$536	\$1,708	\$779	\$2,210	\$5,233
Percentage allocation	10%	33%	15%	42%	1% max

Nonresidential Fees per 1,000 Square Feet					
Development Type	Fire	Parks and Recreation	Police	Transportation	Total
Industrial	\$388	\$0	\$277	\$1,133	\$1,798
Percentage allocation	22%	0%	15%	63%	1% max
Commercial/Retail	\$524	\$0	\$1,388	\$3,788	\$5,700
Percentage allocation	9%	0%	24%	66%	1% max
Office/Institutional	\$806	\$0	\$616	\$2,521	\$3,943
Percentage allocation	20%	0%	16%	64%	1% max
Lodging (per room)	\$138	\$1,528	\$455	\$1,239	\$3,360
Percentage allocation	4%	45%	14%	37%	1% max

¹ The total Impact Fee imposed per development unit shall be ***the lesser of*** the amount shown in the “Total” column and one percent (1%) of the combined construction and land cost.

**April 7, 2025
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 Ron Scott called the meeting to order at 5:59pm.

2. ROLL CALL:

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

Also Present: Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; Captain David Smith, Police; Chief Tacon, Fire; Adrienne Jones, Planning; Emmie Powell, Library; Kelli Reid, Finance; Bobby Purvis, Public Works; Toby Pearce, Police; Andy Bobe, City Engineer; Troy Strunk, City Development; Jaynae Nichols, Telecommunications; Schuyler Smith, Junior City Councilmember; Abby English, Junior City Councilmember; John Wallace Simpson, Junior City Councilmember; Emma Coleman, Junior City Councilmember; Dareon Maynard, Junior City Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Pastor Connor Baker, Church of the Highlands.

PROCLAMATION: Councilman Hughes presented the National Public Safety Telecommunicators' Week proclamation.

3. APPROVE THE MINUTES:

The minutes from the March 17, 2025 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Phillips said the minutes from the March 17th meeting are in the packet and gave the Treasurer's Report for February 2025: Unrestricted Fund Balance - \$36,506,0557; Total Cash Balance - \$54,394,354; Sales Tax for January 2025 - \$2,193,618.36; Lodging tax for January 2025 - \$122,522.52; Deb Summary – February 2025 – Warrants: \$29,888,902; Capital Leases: General Fund - \$30,244,219; Enterprise Fund - \$1,046,895. She said the next meeting is April 21st at 4:30pm.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Goodlin said the next meeting is April 14th at 5:15pm.

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the next meeting is April 14th at 4:30pm.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Olen said the next meeting is May 5th at 4:30pm.

E. PUBLIC WORKS COMMITTEE

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

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said the next meeting is May 1st at 6:00pm and there are two applications.

**April 7, 2025
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

B. Daphne Public School Commission

Councilman Hughes said the next meeting is April 28th at 5:30pm at Daphne Middle School.

**MOTION by Councilman Hughes to reappoint Tommie Conaway to the Daphne Public School Commission. Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.**

C. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting was April 10th at 5:30pm.

D. Industrial Development Board

Councilman Scott said the next meeting is April 22th at 4:30pm.

E. Library Board

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

F. Planning Commission

Council President Scott said the next meeting is April 24th at 5:00pm.

G. Recreation Board

Councilman Hughes said the next meeting is May 14th at 6:00pm. He also said there were multiple vacancies on the Board.

H. Utility Board

Councilman Coleman said the next meeting is April 30th at 5:00pm and the minutes from the February 26th meeting were in the packet.

6. PUBLIC PARTICIPATION:

Public participation opened at 6:10pm.

Victoria Phelps, Worchester Drive, spoke on the recent rain event.

Public participation closed at 6:12pm.

7. MAYOR'S REPORT:

Mayor LeJeune was absent.

8. CITY ATTORNEY REPORT:

City Attorney said there was no report.

9. DEPARTMENT HEAD COMMENTS:

Captain Smith, Police, said they had extra officers on shift during the rain event.

Chief Tacon, Fire, mentioned the Baby Box is installed. She spoke on the rescues during the recent rain event.

Emmie Powell, Library, shared it was National Library Week and shared about upcoming events at the Library in April.

Bobby Purvis, Public Works, commended Randy Jones on his direction during the recent rain and said there are openings in the Public Works' Department.

**April 7, 2025
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

Troy Strunk, Community Development, said they are seeking a declaration of emergency through the Governor's Office and commended multiple departments for their work during the recent storms.

Junior Councilmembers Abby English and Emma Coleman shared on their recent trip to Washington, D.C. and reminded everyone the next meeting is April 9th at 5:00pm.

Vickie Hinman, Human Resources, shared about an upcoming Job Fair on April 15th, spoke on the employee compliance training beginning and reminded the Council and others to complete their Statement of Economic Interest.

10. CITY CLERK'S REPORT:

**MOTION by Councilman Goodlin to approve the publication and set a public hearing on May 19, 2025 for a proposed amendment to Article XXIV, Vacation of Easement and/or Right-of-Way. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

11. RESOLUTIONS:

- A. 2025-21- Resolution Declaring Certain Personal Property Suplus and Authorizing the Mayor to Dispose of Such Property - 2005 Ford F150**
- B. 2025-22- 2025-E-Monitoring Services for Disaster Debris Removal - Bid Award: Tetra Tech Inc**
- C. 2025-23- 2025-F-Disaster Debris Removal and Disposal Services - Bid Award: CrowderGulf LLC**
- D. 2025-24- 2025-G-Mosquito Management Program - Bid Award: Mississippi Mosquito Control LLC**
- E. 2025-25- 2025-H-Pine Straw - Bid Award: Siteone Landscape Supply**
- F. 2025-26 - Donation of Real Property to the City of Daphne**

**MOTION by Councilwoman Conaway to waive the reading of Resolutions 2025-21, 2025-22, 2025-23, 2025-24, 2025-25 and 2025-26. Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Resolution 2025-21. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Resolution 2025-22. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Olen to adopt Resolution 2025-23. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Hughes to adopt Resolution 2025-24. Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.**

April 7, 2025
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

**MOTION by Councilman Hughes to adopt Resolution 2025-25. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Hughes to adopt Resolution 2025-26. Seconded by Councilman Olen.
MOTION CARRIED UNANIMOUSLY.**

12. **2ND READ ORDINANCES:**

13. **1ST READ ORDINANCES:**

14. **COUNCIL COMMENTS**

Councilwoman Phillips thanked the Junior Council for their presentation along with Candace, the Council and Mayor for their work on the trip. She said her prayers are with those affected by the recent storms.

Councilman Hughes echoed Councilwoman Phillips' comments and thanked the Police Department, Fire Department and Public Works. He said United Way of Baldwin County is gathering information from those recently affected. said she enjoyed the recent trip to D.C.

Councilman Coleman thanked all who helped during the recent storms.

Councilman Olen thanked the Police Department, Fire Department and Public Works for their response to the storms and said his prayers are with those affected.

Councilwoman Conaway thanked telecommunicators for their service and commended the Junior Council.

Councilman Scott commended the Junior Council and thanked all first responders. Hughes congratulated Lieutenant Pearce.

15. **ADJOURN:**

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 6:42PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, MMC, City Clerk

Ron Scott, Council President

**April 10, 2025
CITY COUNCIL MEETING
SPECIAL CALLED MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Ron Scott called the meeting to order at 5:01pm.

2. ROLL CALL:

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

COUNCIL MEMBERS ABSENT: Tommie Conaway and Joel Coleman

Also Present: Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; Mayor LeJeune; Adrienne Jones, Planning; and Troy Strunk, City Development.

INVOCATION: Council President Scott gave the invocation.

PLEDGE OF ALLEGIANCE

3. RESOLUTION 2025-27 – Resolution to Declare a State of Emergency Resulting from April 6, 2025, Rain and Flood Event:

MOTION by Councilwoman Phillips to waive the reading of Resolution 2025-27. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Phillips to adopt Resolution 2025-27. Seconded by Councilman Hughes. MOTION CARRIED UNANIMOUSLY.

4. ANYTHING ELSE DEEMED NECESSARY

John Lake, Lake Forest, thanked the Mayor, Councilman Hughes and City Employees for their help during the recent storm and flooding.

5. COUNCIL COMMENTS

Council President Scott said he feels something needs to be done to help with the flooding in Lake Forest.

Councilwoman Phillips said her heart goes out to all those affected.

Mayor LeJeune said it is a tragedy and heartbreaking for all those who have been affected. Thanks Lake Forest POA for their efforts to help. He encouraged individuals to reach out to the City to report damages.

6. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 5:14PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, MMC, City Clerk

Ron Scott, Council President

City of Daphne Building Department

2020 / 2021 / 2022 / 2023 / 2024 Comparison Report

	Fees Collected					Permits Issued					CO's Issued				
	2021	2022	2023	2024	2025	2021	2022	2023	2024	2025	2021	2022	2023	2024	2025
Oct	\$94,131.53	\$84,303.63	\$47,086.96	\$83,607.35	\$143,569.06	357	308	192	223	213	31	40	28	32	17
Nov	\$109,387.14	\$91,672.49	\$50,279.03	\$27,758.62	\$58,210.00	378	351	286	166	142	30	30	36	23	12
Dec	\$101,471.36	\$128,605.99	\$57,070.59	\$40,344.17	\$50,271.68	383	296	216	181	150	43	53	36	33	25
Jan	\$132,049.79	\$259,810.62	\$33,804.54	\$163,953.56	\$80,404.50	372	350	152	295	173	24	36	33	25	20
Feb	\$97,396.64	\$129,315.56	\$44,081.76	\$84,412.27	\$37,199.09	350	292	169	229	163	32	32	31	23	20
Mar	\$95,472.42	\$116,358.20	\$30,603.28	\$57,825.99		391	431	181	240		52	84	44	24	
Apr	\$80,088.89	\$60,816.35	\$76,873.19	\$171,191.80		373	324	212	348		40	42	27	15	
May	\$101,848.37	\$65,454.25	\$147,875.62	\$207,947.06		380	306	288	368		42	48	20	30	
June	\$100,508.32	\$147,395.66	\$234,524.02	\$58,420.91		394	355	308	232		50	34	25	43	
July	\$78,547.74	\$87,733.72	\$100,809.42	\$69,318.38		408	305	267	273		29	23	13	33	
Aug	\$59,376.50	\$61,504.63	\$60,342.37	\$181,357.78		309	299	192	239		30	19	4	29	
Sept	\$93,879.09	\$140,065.18	\$108,322.22	\$189,261.78		442	328	277	344		48	40	34	20	
Total	\$1,144,157.79	\$1,373,036.28	\$991,673.00	\$1,335,399.67	\$369,654.33	4537	3945	2740	3138	841	451	481	331	330	94
Percent	NA	20.00%	-27.78%	34.66%		NA	-13.05%	-30.54%	14.53%	%	NA	6.65%	-31.19%	-0.30%	

January FY2025 Building Inspections- **345**

163 Permits issued, 20 Certificate Of Occupancies issued, and 8 New home permits issued

BUILDINGS & PROPERTY COMMITTEE MEETING

February 10, 2025 5:15 p.m.

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

MEETING MINUTES

MEMBERS PRESENT: Councilman Goodlin, Councilman Coleman, Councilwoman Conaway, Councilman Hughes and Councilman Scott

MEMBERS ABSENT: Councilwoman Phillips and Councilman Olen

ALSO PRESENT: Mayor LeJeune, Patrick Dungan, City Attorney; Candace Antinarella, City Clerk; Troy Strunk, City Development; Eric Butler, Building Inspection; Andy Bobe, City Engineer; Kelli Reid, Finance; Charlie McDavid, Recreation; Ange Baggett, Civic Center; Jennifer Rulon, Senior Center; Bobby Purvis, Public Works; Emmie Powell, Library; Adrienne Jones, Planning; Abby English, Junior City Councilmember; and Dareon Maynard, Junior City Councilmember.

1) CALL MEETING TO ORDER / ROLL CALL

There being a quorum present Councilman Goodlin called the meeting to order at 5:13p.m.

2) MINUTES

Councilman Goodlin reviewed the minutes from the January meeting.

3) PUBLIC PARTICIPATION

4) BUILDING INSPECTION REPORT

Eric Butler gave the Building Inspection Report.

5) CIVIC CENTER & BAYFRONT PAVILION REPORT

Ange Baggett gave the Civic Center Report as well as an update on the Museum.

6) RECREATION REPORT

Charlie McDavid gave a Recreation report. Jennifer Rulon gave a report on the Senior Center.

7) LIBRARY REPORT

Emmie Powell gave the Library Report.

8) FACILITIES REPORT

Bobby Purvis gave the Facilities Report.

9) OLD BUSINESS

10) NEW BUSINESS

City Attorney presented on the Resolution of Donation of Real Property – Bertolla Properties.

**MOTION by Councilman Scott to recommend to Council to approve the Resolution for the Donation of Real Property – Bertolla Properties. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

Eric Butler presented on the Abatement Proposal located at 505 Van Avenue.

**MOTION by Councilwoman Conaway to recommend to Council to authorize the City Clerk to send an initial 20-day letter for Abatement of a Dangerous Building located at 505 Van Avenue, Daphne, Alabama. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

Eric Butler presented on the Abatement Proposal located at 1110 Johnson Road.

**MOTION by Councilman Scott to recommend to Council to authorize the City Clerk to send an initial 20-day letter for Abatement of a Dangerous Building located at 1110 Johnson Road, Daphne, Alabama. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

Troy Strunk presented on the Legislative Annexation of the Toler McKnight Property.

**MOTION by Councilman Scott to recommend to Council to approve the Resolution for the Legislative Annexation of the Toler McKnight Property. Seconded by Councilman Hughes.
MOTION CARRIED UNANIMOUSLY.**

11) ANY OTHER BUILDINGS AND PROPERTY BUSINESS

12) NEXT MEETING

The next meeting is scheduled for Monday, March 10, 2025 at 5:15 p.m.

13) ADJOURN

There being no further business to discuss, the Committee adjourned at 5:57pm.

February 10, 2024
PUBLIC SAFETY MEETING MINUTES
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

1. **CALL TO ORDER:**

There being a quorum present, Councilman Hughes called the meeting to order at 4:30pm.

2. **ROLL CALL:**

COUNCIL MEMBERS PRESENT: Council President, Ron Scott, Councilmen Doug Goodlin, Joel Coleman, (4:45p.m.) and Benjamin Hughes

ABSENT: Councilwomen Tommie Conaway and Angie Phillips, and Councilman Steve Olen

Also Present: Mayor LeJeune, City Attorney; Patrick Dungan, Fire Department; Chief Tacon, Police Department; Captain Smith, City Clerk; Candice Antinarella, Recording Secretary; Christina Brazell

Junior City Council present: Emma Coleman and Merrill Rigby

3. **PUBLIC PARTICIPATION:**

None

4. **APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Minutes from January 13, 2014 Public Safety meeting were approved as presented.

5. **POLICE DEPARTMENT – Captain Smith**

Old Business: Monthly stats provided.

Update on Officers in APOSTC academy as well as hiring status on candidates.

Annual Report for 2024 provided.

Troy provided an update on the Police Department expansion. He is going to schedule a site visit for Council with the contractors.

New Business:

(Jail) Reports made regarding inmates fighting, as well as an assault charge brought against an inmate that fought several of our Corrections Officers.

February 10, 2024
PUBLIC SAFETY MEETING MINUTES
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

6. FIRE DEPARTMENT: - Brett Camilleri

Old Business: Monthly stats provided.

New Business: New project, Community Risk Assessment to begin soon.

7. OTHER BUSINESS

None

Adjournment 5:00 p.m.



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
March 3rd, 2025 - 5:15 P.M.
DAPHNE CITY HALL

I. CALL TO ORDER

II. COMMITTEE MEMBERS PRESENT:

Councilman Ron Scott; Councilman Steve Olen; Mayor Robin LeJeune; Councilwoman Angie Phillips; Councilman Joel Coleman; Councilman Benjamin Hughes

Others Present: Patrick Dugan, City Attorney; Troy Strunk, Executive Director, City Development; Candace Antinarella, City Clerk; Andy Bobe, City Engineer; Leanne Tacon: Fire Chief; Vickie Hinman, HR Director; Kelli Reid, Finance Director; Suzanne Henson, Senior Accountant III; Adrienne Jones, Community Development Director; Emma Coleman, Junior City Council

III. PUBLIC PARTICIPATION & CORRESPONDENCE

Correspondence and Public Participation— There was no public participation.

IV. OLD BUSINESS

Approval of Minutes – February 3rd, 2025 —Minutes were reviewed and approved by the committee.

V. NEW BUSINESS

2025-C-Labor and Installation for the Joe Louis Park Splash Pad – Troy Strunk stated this bid was opened last week and this is a recommendation to award the bid to Struthers Recreation. He stated this was the only bid and there is a 90-day contract for build time.

MOTION by Councilman Scott to recommend to Council to award the 2025-C-Labor and Installation for the Joe Louis Park Splash Pad Bid to Struthers Recreation.
Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY

Councilman Coleman asked what size this splash pad would be compared to the one next to the Purple Park. Mr. Strunk stated it is between 20-30% smaller in size. He stated the main difference will be that this splash pad will have no vertical equipment or fixtures, only spray jets.

VI. City Engineer's Report (Separate Handout)

Andy Bobe addressed the Council with the City Engineer's report.

Mr. Bobe stated 21-09 HWY-90 widening project is almost out for bid. He stated the city is still waiting on some ROW documents from the Infirmary to proceed.

Mr. Bobe stated 21-11 Resurfacing on CR-64 to CR-13 project now has the south leg of the project



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
March 3rd, 2025 - 5:15 P.M.
DAPHNE CITY HALL

shut down and it will be for the next two months. He stated the road work has been slowly starting.

Mr. Bobe stated 21-14 HWY-98 Access Management and Lavender Lane project has received information from ALDOT and the punch list was sent to the contractor.

Mr. Bobe stated 21-16 Bayfront Master Plan project had additional borings collected the previous week. He stated it should be ready to bid out in late April. Mr. Strunk stated the structure can be finalized after the borings are put in.

Mr. Bobe stated 21-19 Justice Center project has had the bids open for the phase 2 of the Courtroom addition. He stated C. Roberds was the lowest bidder and he is trying to coordinate to get the work started after the current contractor completes their work.

Mr. Bobe stated 22-03 Animal Shelter project still has some items of customization.

Mr. Bobe stated 21-19 Pollard Road/ Park Drive TAP Grant project still has surveying to be completed and he is waiting on the schematic layout from the engineer.

Councilman Hughes inquired about project 22-11 Lake Front Dr. and 22-12 Michocaun Cir that there have been no changes. Mr. Bobe stated they are still pursuing those projects and had scheduled a meeting with the contractor last week to go over the plans. He stated they would like to use an extensive underdrain system to cut off some of the drainage, but needs to meet with the contractor to make sure this is something feasible that they can do. Councilman Hughes stated how bad the issues have gotten. The Council discussed that Bucu Circle in Lake Forest has these same issues as well. Mr. Strunk stated Mr. Bobe has been working close with public works, the mayor's office and finance to try to address the situation. The Council discussed the urgency to fix these deterioration issues.

02.

VII. DIRECTOR'S REPORT (Handouts reviewed by committee)

Mayor LeJeune stated Bobby Purvis was not able to make it to the meeting due to sickness. He stated the Grounds Dept. currently had the most overtime due to events earlier in the year.

Councilman Hughes stated he would like the Streets Dept. to go out to Meadow Wood Dr. to fix a stop sign that has been flipped around.

- A. Work Request Report – January 2024 & January 2025
The Public Works Department completed 582 work orders in January 2025.
- B. Vehicle/Equipment Maintenance Reports – FY2024-2025 YTD
- C. Public Works Related Overtime Report — 41.67% of the year used; \$62,332.41 Used YTD as of February 27th, 2025.
- D. Street Sweeper Report — January 24th – February 20th, 2025



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
March 3rd, 2025 - 5:15 P.M.
DAPHNE CITY HALL

VIII. DAPHNE SOLID WASTE DISPOSAL ENTERPRISE (Handouts reviewed by committee)

- A. Solid Waste New Customer Report – January 2025 — 16 new residential; 2 new commercial
- B. Tallent Lane Facility Report – January 2025 – 262.50 SW Total Tonnage, 9.69 Other Depts. Total Tonnage

IX. MOSQUITO CONTROL SERVICES

- A. Mosquito Report— No Report

X. MUSEUM COMMITTEE

- A. Minutes – January 13th, 2025
- B. Minutes – February 10th, 2025

XI. BEAUTIFICATION COMMITTEE

- A. Minutes – February 5th, 2025
Councilman Olen stated the DBC have 260 volunteer hours for the first two months of the year. He stated they gave out candy bags, cards and Valentine socks to the residents of the Gardens of Daphne. He continued to state that they have started cleaning up the Wetlands and have done rock painting classes with the children at the butterfly gardens.

Councilman Hughes inquired where the butterfly gardens are. The Council stated it is at the Wetlands located behind the Daphne Middle School.

XII. ENVIRONMENTAL ADVISORY COMMITTEE

- A. Minutes – January 27th, 2025
Cathy Barnette, Environmental Advisory Committee Chair, handed out a list of committee priorities. She stated that prior public works leadership did not think storm drain stenciling would be a value in Daphne and the EAC felt that it was important to bring it back up to the Council. Councilman Coleman inquired why the EAC believes that storm drain stenciling is a good idea. Ms. Barnette stated it creates public participation and civic engagement. She also stated it helps people understand that everything drains into the bay. Ms. Barnette stated they are looking into grants, which she will bring it up again when they have more information regarding the project.

Ms. Barnette stated that the City of Daphne is now a Bee City. She stated Daphne is the first Bee City in south Alabama, and there are only two other cities in Alabama with that title. She stated that pollinators, including monarch butterflies and bees, are on the endangered species lists so this will help protect them. She stated they will encourage pollinator habits in front yards and other things to incorporate in the city. Councilman



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
March 3rd, 2025 - 5:15 P.M.
DAPHNE CITY HALL

Coleman inquired if they could give out seeds at Arbor Day to encourage these habitats. She stated the EAC has discussed different things they could do.

Ms. Barnette stated they would also like to do a native plant trail. She stated they had someone come down from the Auburn Arboretum and walked our native plant trail that has over 44 plant species at Central Park. She continued to state that they would like to do a ground-breaking event sometime in March or April for that trail. She also stated they plan on putting all the species on the website with links and will be having posts and signage made for this trail. She stated they will be made out of aluminum for the squirrels to chew on to sharpen their teeth.

Ms. Barnette stated that the Daphne High School has started working with the EAC for the National Honor Society. She stated three students have been participating regularly by adopting ways they can be involved and getting other students involved.

XIII. FUTURE BUSINESS

A. Next Meeting – **Monday, April 7th, 2025**

XIV. ADJOURNMENT

Councilman Scott stated he has received his recycling flyer from Baldwin County Solid Waste. He stated the program starts in June and it will be \$10 a month. The Council discussed the recycling program that will take place.

Motion by Doug Goodlin, seconded by Ben Hughes to adjourn. Meeting adjourned at 5:23 p.m.

Daphne Downtown Redevelopment Authority

Thursday, March 20, 2025

Meeting Minutes

Chairperson/Members

- Daphne Robinson, Chairperson
- Monica Kurth, Vice Chairperson
- Dayna Oldham, Treasurer
- Jason Goffinet
- Laura Johnson
- Tommie Conaway (Council Liaison)

Absent: Pamela Marks, Shawn Mitchell, Councilman Steve Olen, PLA Troy Strunk

A. Call to Order - 5:30 p.m.

- a. Prayer/Pledge of Allegiance
- b. Member present roll Sheet / Greet Public Participants
- c. February distributed minutes approved as e-mailed.

B. Public Participants

- a. Daphne H.S. student attending as an observer as well as Mrs. Penny Goffinet

C. Treasurer Report

- a. Full report was prepared by the bank and submitted to City Council.
- b. Current balance \$93,052.83

D. City Council update

- a. Crawfish boil for SEEDS taking place Saturday March 22, 2025 from 4p.m. – 7p.m. outside of City Hall. Free recycling event, “Keep Daphne Beautiful,” scheduled for the 12th of April.

E. Committee Progress Reports

- a. Website and Social Media Pages
 - i No changes/ update
- b. Directional signs
 - i Tabled
- c. Lea Avenue Development
 - i Tabled
- d. Main Street Development: Daphne Robinson
 - i Savings from opting for electric exterior fixtures verses gas as well as savings for eliminating tankless gas water heater have been redirected into finishing the bathroom
 - ii Flooring selection for residential space will be high mill LVP, chosen for durability as well as aesthetic for the property
 - iii Flooring for retail space on the main level will be stained concrete

Motion: Monica motions to approve color scheme and fixtures, Jason seconds the motion, all approve, motion passes unanimously.

F. New Business

- a. Next meeting date: Thursday April 10, 2015
- b. Adjourn

Victor LeJeune - Profile

WORK EXPERIENCE

1. Previous owner of Market by The Bay Seafood Fresh Market and Restaurants – Location Daphne and Fairhope. (19 years)
2. VHL Enterprises – Power Industry Technical Training Company. Provided operations training for Fossil Fuel Power Plants in the US and Asia. (27 years)
3. B&W Boiler Manufacturing Company – Started their training company in 1985. (10 years)
4. Operations Experience for the following:
 - Alabama Power Company – Operated Coal Fired Power Plants
 - Cajun Electric Cooperative – Baton Rouge, Supervised the startup of a 600-mw coal fired unit

RECREATION EXPERIENCE

1. Racquetball
 - 1988 No. 1 in state of Virginia
 - Won regionals in the 1992
 - Invited to play in the Nationals in Houston Texas
 - Racquetball Instructor for 5 years
2. Pickleball
 - Current President of Jubilee Pickleball Club
 - Member of the USA Pickleball Association
 - Current Doubles DUPR Rating 3.80
 - Organized Youth Clinic for the Daphne Recreation Department (March 29 Clinic starts)

PERSONAL DATA

1. Military Service – United States Air Force Honorably Discharged – 1969-74
 - Weapons Mechanic – Loaded bombs on B-52's during Vietnam War
 - Served in Korea and Guam
2. Education –
 - Vigor High School (1968)
 - Faulkner State College (1977)
3. Family
 - Born in Jeanerette, Louisiana in 1950

-
-
- I grew up in Chickasaw, Alabama
 - Married to Hollie Allen LeJeune for 55 years
 - Two sons Chad and Robin and four beautiful grandchildren Lexi, Libby, Aiden and Xander

1. Daphne Resident - Moved to Daphne in 1995 from Lynchburg, Virginia

ADDRESS

126 Hope Drive
Daphne, Alabama 36526
Telephone: (251) 458-7565
E-Mail Address: VHLENT95@hotmail.com

CONTACT NUMBER

(251) 458-7565 Cell

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2025-28**

REQUEST TO RECLASSIFY MILTON JONES ROAD TO MINOR COLLECTOR

WHEREAS, the City of Daphne is desirous of changing the Functional Classification of a section of road included in the Baldwin County Road System and described as follows:

**Reclassify the Functional Classification of Milton Jones Road (from
County Road 13 to State Route 181) from a Local Road to a Minor
Collector.**

WHEREAS, the City acknowledges that a safety assessment and recommendations report is required to be submitted to the Alabama Department of Transportation in accordance with the Federal Highway Administration Highway Functional Classification Concepts, Criteria, and Procedures; now therefore

BE IT RESOLVED, BY THE CITY OF DAPHNE IN REGULAR SESSION ASSEMBLED, hereby requests to change the Functional Classification of the above referenced road.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS _____ day of _____, 2025.**

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, City Clerk, MMC

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2025-29**

2025-L-ROCK MATERIAL - NEGOTIATED

WHEREAS, The City of Daphne is required under section 41-16-50 of the Code of Alabama to secure competitive bids for items in excess of \$30,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the negotiated Rock Material will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the Rock Material and determined that the negotiated bid as presented is reasonable; and

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

WHEREAS, Staff recommends the negotiated bid for the Rock Material be awarded to Vulcan Materials Company.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the City

1. Accept the negotiated bid of Vulcan Materials Company for unit cost (delivered) as specified in BID SPECIFICATION NO. 2025-M-ROCK MATERIAL:

Decription	Vulcan Materials Co.
	Cost Per Ton Delivered
Crushed Aggregate 825-A	No Bid
Crushed Aggregate 825-B	\$57.65
#57 Limestone	\$58.65
Rip Rap-Class I	\$69.80
Rip Rap-Class II	\$69.80
#801 Aggregate-3/4" Stone - #67	\$57.65

2. The Mayor is hereby authorized and directed to do or perform or cause to be done or performed in the name of and behalf of the City such other acts, and to execute, deliver, file and record such other instruments, documents, certificates, notifications and related documents, all as shall be required by law or necessary or desirable to carry out the provisions and purposes of this resolution.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS _____day of _____, 2025.**

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2025-06**

**Ordinance to Pre-Zone Property Located at the
Northwest intersection of County Road 64 and County Road 54 West
Louisa Marco Toler Revocable Trust Dated July 24, 2024**

WHEREAS, Louisa Marco Toler Revocable Trust Dated July 24, 2024 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 RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as R-6(G), Garden or Patio Home and B-2(a), General Business, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located at the Northwest intersection of County Road 64 and County Road 54 West, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

R-6G DESCRIPTION

BEGIN AT THE SOUTHEAST CORNER OF SAINT AUGUSTINE PHASE 5, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2894-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, SAID POINT BEING ALSO ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W; THENCE RUN SOUTH, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 1,320 FEET, MORE OR LESS; THENCE RUN WEST, DEPARTING SAID WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W, A DISTANCE OF 1,290 FEET, MORE OR LESS; THENCE RUN NORTH, A DISTANCE OF 1,320 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAINT AUGUSTINE PHASE 1A, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDES 2451-A, B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST, ALONG SAID SOUTH LINE AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TRACT CONTAINING 39 ACRES, MORE OR LESS, AND LIES IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

B-2A DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF SAINT AUGUSTINE PHASE 5, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN SLIDE 2894-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, SAID POINT BEING ALSO ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 54 W; THENCE RUN SOUTH, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 1,320 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 1,260 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY OF COUNTY ROAD 64; THENCE RUN WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 2,580 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT-OF-WAY OF RIGSBY ROAD; THENCE RUN NORTH, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 2,260 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF PARKER SUBDIVISION, AS SHOWN IN MAP OR PLAT THEREOF RECORDED IN

SLIDE 2540-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST, ALONG THE SOUTH LINE OF SAID PARKER SUBDIVISION AND A CONTINUATION THEREOF, A DISTANCE OF 1,290 TO THE SOUTHEAST CORNER OF LANDS HERETOFORE CONVEYED TO L.B. WOODRUFF, III AND JAIMIE WOODRUFF, RECORDED AT INSTRUMENT 2023051, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH, A DISTANCE OF 990 FEET, MORE OR LESS; THENCE RUN EAST, A DISTANCE OF 1,290 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

TRACT CONTAINING 105 ACRES, MORE OR LESS, AND LIES IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on February 27, 2025, the Commission considered said request and voted to set forth a favorable recommendation to the City Council to pre-zone the property R-6(G), Garden or Patio Home and B-2(a), General Business; 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 April 21, 2025; 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 “B” is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby pre-zoned R-6(G), Garden or Patio Home and B-2(a), General Business, 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 RA, Rural Agricultural, 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 ____, 2025.**

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2025-07**

**AN ORDINANCE ESTABLISHING IMPACT FEES
ON NEW DEVELOPMENT IN THE CITY OF DAPHNE**

WHEREAS, in accordance with Act 2006-300, as codified at §§ 45-2-243.80–243.87, *Code of Alabama* (1975) (the “Act”), the City of Daphne (the “City”) is authorized by the Legislature of the State of Alabama to adopt and impose impact fees on new development within the City’s corporate limits.

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

Section 1. Findings. In support of the adoption and imposition of impact fees authorized by the Act, the City Council makes the following findings:

- A. The City is a municipal corporation vested with a portion of the state’s sovereign power to protect and provide for the public health, safety, and welfare. The City is authorized to adopt and implement comprehensive plans, zoning ordinances, and other land use regulations to assure its orderly development.
- B. The City is a fast-growing community of over 30,000 full time residents. In calendar years 2023-24, approximately 1,462 new building permits and renovation permits were issued.
- C. The City encourages development that will make the City a vital, attractive community to serve both residents of the City and the substantial and significant number of visitors who visit the City on a yearly basis.
- D. New residential and nonresidential development, however, imposes increased and excessive demands upon public facilities. As demand for public facilities has increased, funding sources for those facilities have decreased at both the state and federal level. In addition, demand for new facilities necessitated by new development impairs the ability of the City to maintain existing facilities because funds must be diverted to construction or expansion of new facilities.
- E. The City’s current Comprehensive Plan, *Envision Daphne 2042*, projects that new development will continue and will place ever-increasing demands on the City to provide public facilities to serve new development.
- F. Following the adoption of the Act by the Legislature of the State of Alabama, the City engaged the consulting firm TischlerBise for purposes of preparing an impact fee study. With input from the City, TischlerBise prepared an “Impact Fee Study” for the City dated January 31, 2025 (the “Study”).
- G. The Study demonstrates the monetary needs of the City in adding the additional governmental infrastructure necessary to keep pace with the City’s growth.
- H. In accordance with Alabama Code § 45-2-243.86, a public meeting during a Work Session of the City Council was held on January 13, 2025, at City Hall with a representative of TischlerBise to present the Study to the Council and the public and to address the City’s governmental infrastructure needs as a result of new development. A public hearing was

held on [_____], 2025, to give the public the opportunity to provide additional comments.

- I. To the extent that new development places demands upon public facilities, those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the public to the development creating the demands.
- J. An impact fee, established in accordance with this Ordinance, will benefit new development.

Section 2. Authorization. This Ordinance is adopted pursuant to the Act and the City's general police power and land use authority.

Section 3. Purpose and Intent. The purpose of this Ordinance is to establish procedures to:

- A. determine what local capital improvements are reasonably necessary to serve New Development and the cost thereof;
- B. determine the portion of the demand for local capital improvements created by particular types of New Development; and
- C. assess against New Development an Impact Fee to finance the cost of local capital improvements proportional to the New Development's demand for said capital improvements.

Section 4. Definitions. Whenever used in this Ordinance, the following capitalized words, terms, and phrases, and their derivations, shall have the meanings ascribed to them below except where the context clearly indicates a different meaning:

- i. "Act" shall mean the enabling legislation for Impact Fees applicable to Baldwin County, Alabama as established by the Alabama Legislature and set forth in Alabama Code §§ 45-2-243.80 through 45-2-243.87 (Act 2006-300), as the same may hereafter be altered or amended from time to time.
- ii. "All Other Housing" means residential housing units and/or structures other than single-family residential structures, and includes, without limitation, duplexes, triplexes, apartments, condominiums and other multi-family developments.
- iii. "Applicant" shall mean any person or entity making an application for a Building Permit with the City.
- iv. "Benefit Area" means one or more areas as defined herein which are used to calculate the costs and expenses relative to the Governmental Infrastructure needs created by a particular type of New Development.
- v. "Building Department" means the City's Building and Inspection Department.
- vi. "Building Permit" means a document issued by the City authorizing construction of new buildings and/or improvements within the City's corporate limits.
- vii. "Business Park" means a cluster of associated businesses, usually in a campus setting, typically consisting of the use of buildings for the administration of business, professional firms and other organizations.

- viii. “Calculate” means to determine the amount of the Impact Fees assessed against a particular New Development in accordance with the terms and conditions of this Ordinance and the Act.
- ix. “City” means the City of Daphne, Alabama.
- x. “Com/Shop Ctr” means a building or series of buildings in which retail and/or wholesale sales and services will be delivered to the public.
- xi. “Estimated Fair and Reasonable Market Value” shall have the meaning ascribed to such term in Alabama Code § 45-2-243.84.
- xii. “Fire” means a Benefit Area for (i) the construction, development and/or improvement of fire stations, (ii) the acquisition of fire fighting vehicles, (iii) the acquisition of firefighting apparatus, and (iv) the fire component of the Study and/or any other impact fee study obtained by the City in connection with the imposition of Impact Fees.
- xiii. “Governmental Infrastructure” shall have the meaning ascribed to such term in the Act.
- xiv. “Impact Fee” shall have the meaning ascribed to such term in the Act.
- xv. “Impact Fee Account” means a special interest-bearing account of the City established by the City at a banking institution whose deposits are insured by the Federal Deposit Insurance Corporation.
- xvi. “Impact Fee Committee” means a committee chaired by the Mayor and comprised of the Mayor, the City Finance Director, the City Building Official, the City Public Works Director, the Chief of the Daphne Fire Department, the Chief of the Daphne Police Department, and the City’s Director of Parks and Recreation.
- xvii. “Impact Fee Schedule” means the schedule of fees adopted by the Council setting the base fee amount for each Benefit Area and the total Impact Fee for each type of New Development, which schedule is attached hereto as **Exhibit A** and incorporated herein by reference.
- xviii. “Light Industrial” means facilities used for the manufacturing or assembly of products to their final form. These uses could be enclosed or could have outside storage of equipment, materials or merchandise. In addition to the actual production of goods, industrial facilities generally also have incidental office, warehouse and associated functions.
- xix. “Lodging” means a building or group of buildings having five (5) or more guest rooms under a common or individual ownership and single management. These buildings are designed to give, for a fee, transient guests sleeping accommodations and may include as incidental uses, restaurants, cafes, lounges or other guest services. These buildings typically, but do not necessarily have to, have an inner lobby and furnish a room cleaning service for their paying customers.
- xx. “Manufacturing” means a building or series of buildings for businesses engaged in economic activity involving construction, production, processing, transformation, warehousing, wholesale, and disposal of goods, products and component parts of goods and products, including related services.
- xxi. “New Development” shall mean the subdivision of land, the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any

structure; any use of the extension of the use of land; any of which increases the demand on governmental infrastructure.

- xxii. “Nonresidential Development Project” means all New Development in the City other than Residential Development Projects, and shall include, without limitation, any New Development project consisting of one or any combination of Comm/Shop Ctr, Office/Inst, Business Park, Light Industrial, Warehousing, Manufacturing and Lodging.
- xxiii. “Occupancy classification” means the intended use of a structure or tenant spaces within a structure as defined by the International Building Code.
- xxiv. “Office/Inst” means a building used for professional, administrative, financial, clerical and similar uses. This definition includes, without limitation, institutional uses such as churches, schools, hospitals, libraries, clubs, police and fire stations and other public buildings.
- xxv. “Parks and Recreation” means a Benefit Area for (i) the acquisition of new public park lands, (ii) the construction, development and/or improvement of public recreational facilities, (iii) the construction, development and/or improvement of public park amenities, (iv) the acquisition of new park vehicles, and (v) the parks and recreation component of the Study and/or any other impact fee study obtained by the City in connection with the imposition of Impact Fees.
- xxvi. “Police” means a Benefit Area for (i) the cost recovery of the City’s cost and expense related to the construction, development and improvement of its justice center, (ii) the cost recovery of the City’s cost and expense related to the construction, development and improvement of its animal shelter, (iii) the acquisition of police vehicles, and (iv) the acquisition of police-related apparatus and equipment, and (v) the police component of the Study and/or any other impact fee study obtained by the City in connection with the imposition of Impact Fees.
- xxvii. “Residential Development Project” means any New Development in the City undertaken with respect to a Single-Family development and/or an All Other Housing development.
- xxviii. “Single Family” means a detached residential dwelling unit designed for and occupied by one family as a home.
- xxix. “Transportation” means a Benefit Area for the cost of intersection improvements made to address additional demand generated by New Development.
- xxx. “Warehousing” means the storage of materials, but may also include incidental office and maintenance areas.

Section 5. Imposition of Impact Fees. The City hereby imposes an Impact Fee in accordance with the Impact Fee Schedule against all New Development and renovation or expansion of existing structures within the City’s corporate limits subject to any limitations on the amount of the Impact Fee set forth in the Act. In the event any appraisal process is commenced in accordance with the Act, the City shall be responsible for the cost of any appraisal required by the City, and the City and the Applicant shall share equally in the cost of any appraisal obtained at the request of both the City and the Applicant. This Ordinance and/or the Impact Fee Schedule may be amended at any time hereafter and from time to time by the Council in accordance with the

procedure set forth in the Act for the adoption of an Impact Fee. The Impact Fee shall be collected and administered as hereinafter provided.

Section 6. Calculation and Collection of Impact Fees. Impact Fees may be imposed on New Development or renovation or expansion of existing structures as defined in Section 8 hereof, and subject to any limitations on the imposition and collection thereof in the Act. Impact Fees shall be Calculated using either 1% of the combined construction and land cost, or per the fees listed in **Exhibit A**, and the lesser of the two calculations will apply. Land cost will not be assessed or added to renovation, expansion, or change in occupancy classification of existing structures. Fees shall be collected by the Building Department prior to the issuance of a Building Permit for New Development and in accordance with the Impact Fee Schedule. Except as is hereafter provided in Section 14 hereof, all Impact Fees shall be paid by an Applicant to the City in cash or other immediately available funds.

Section 7. No Additional Capacity. No Impact Fee may be assessed for or expended upon the construction, improvement, operation or maintenance of any Governmental Infrastructure that does not create additional capacity for use by the general public. The following shall be exempt from the payment of impact fees:

- A. Alteration or expansion of an existing dwelling unit which does not result in any additional dwelling units or increase in the number of families for which such dwelling unit is arranged, designed or intended to accommodate for the purposes of living quarters.
- B. The replacement of a building or dwelling unit where no additional square footage or dwelling units are created and when the existing and replacement or dwelling unit are located on the same lot. To be eligible for this exemption, official evidence such as, but not limited to, aerial photos, property surveys, Revenue Commission property appraiser data, or building permit data must be provided that confirms a building of equivalent use existed within the parcel boundaries in which the replacement structure is to be located.

Section 8. Change in Size and Use. An impact fee shall be imposed and calculated for alteration, expansion or replacement of a building if the alteration, expansion or replacement of a building results in a use that it is determined to generate greater impact than the present under the applicable fee rate schedule. Impact fee shall be calculated as follows:

- A. If the impact fee is based on a per dwelling unit method, the impact fee shall be the amount due under the applicable impact fee rate schedule, less the calculated impact fee applicable prior to the alteration, expansion or replacement.
- B. If the impact fee is based on the square footage method, the impact fee due for the increased square footage shall be calculated by determining the impact fee due according to the square footage resulting from the alteration, expansion or replacement, less the impact fee that would have been imposed for the original square footage prior to the alteration, expansion or replacement.
- C. All single family residential fees in the fee schedule are based on an assumed 3-bedroom home. If the replacement structure has an increase in the number of bedrooms or sleeping rooms as defined by the City of Daphne Building Code Supplement, any partial impact fee will be calculated on a percentage basis based on the increased number of sleeping rooms within the structure.

- D. If a building is demolished in preparation of a new structure, a pre-demolition inspection will be performed to determine the number of sleeping rooms in the existing structure to establish the baseline for the calculation of any partial impact fee imposed.
- E. All changes in use or Occupancy classification as defined by the International Building Code will be subject to full impact fees calculated at the new construction fee based of Occupancy classification. Credit will be given for the calculation of the new construction fee of the previous building based on Occupancy Classification.

Section 9. Nature of Impact Fee. An Impact Fee is both a personal liability of the Applicant and a lien upon the real property upon which the New Development is to be constructed and/or improved. Said lien may be foreclosed upon in accordance with the procedure for the foreclosure of real estate mortgages in the State of Alabama.

Section 10. Refund of Impact Fee. Except as is specifically required by the Act, Impact Fees are not refundable, unless the applicable Building Permit is voided in writing by the Applicant and no construction or construction-related activities have taken place. In the event a refund is made pursuant to the foregoing sentence, a processing fee of five hundred and no/100 dollars (\$500.00) shall be withheld by the City from any such refund.

Section 11. Impact Fee Amounts. The funds collected pursuant to this Ordinance shall be deposited into the Impact Fee Account. The funds of the Impact Fee Account shall not be commingled with other funds of the City. The City shall separately account for fees collected for the Benefit Areas of Parks and Recreation, Fire, Police and Transportation. In the event that less than the full Impact Fee is assessed for any reason, including, without limitation, any cap on such fee contained in the Act, said partial Impact Fee shall be allocated to the applicable Benefit Areas in the same proportion as the full Impact Fee would be allocated to and among the applicable Benefit Areas.

Section 12. Use of Impact Fees. Impact Fees may be expended only for the Benefit Area for which they were imposed, calculated, and collected and according to the time limits and procedures established in this Ordinance and the Act, if any. All impact fees collected for a Benefit Area must be spent in that Benefit Area. Impact Fees generated by this Ordinance may be used for any purpose permitted by the Act.

Section 13. Time Limitations on Use of Impact Fees. The City shall expend or contract for the expenditure of all Impact Fees collected in accordance with this Ordinance within any time periods set forth in the Act; provided, however, that in the event the Act does not impose any limitation on the timing of the expenditure of Impact Fees, then the City shall have no obligation to expend any Impact Fees within any specific period of time. In the event it becomes necessary for the City to refund any Impact Fees due to the failure to expend or contract for the expenditure of such Impact Fees within a given period of time as required by the Act, the City shall refund such Impact Fees to the Applicant who paid such Impact Fees.

Notwithstanding anything contained herein to the contrary, no party entitled to a refund of any Impact Fee hereunder shall be entitled to any interest on said refunded Impact Fee.

Section 14. Appeals. In the event the Building Department and an Applicant are unable to agree upon the Estimated Fair and Reasonable Value following the appraisal process set forth in Alabama Code § 45-2-243.84, the Applicant against which an Impact Fee has been assessed may pay the Impact Fee as Calculated by the Building Department and preserve the right to appeal the

amount of the Impact Fee by submitting with payment a written statement that payment is made “under protest” or that includes other language that would notify a reasonable person that the Applicant intends to preserve its right of appeal. Any Applicant intending to appeal the Calculation of an Impact Fee must file said appeal in writing with the City Clerk of the City within thirty (30) days of the last to occur of the Calculation of the Impact Fee by the Building Department and the payment of the Impact Fee by the Applicant to the City. In the written appeal provided to the City Clerk by the Applicant, the Applicant shall set forth enough detail to allow the City to reasonably determine the basis for the Applicant’s appeal. All appeals of Impact Fee assessments shall be heard by the Council at a regularly held meeting of the Council within thirty (30) days of the date of the filing of the notice of appeal by the Applicant with the City Clerk. At such appeal hearing, the Applicant and the City shall have the right to present evidence relative to the establishment of the Estimated Fair and Reasonable Market Value of a New Development. In making such presentations, each of the Applicant and the City shall be limited to fifteen (15) minutes for the presentation of such evidence. Thereafter, a majority decision by the Council shall be required to overturn the decision of the Building Department with regard to the Calculation of the applicable Impact Fee.

Section 15. Review of Impact Fee Structure. The Impact Fee Committee shall report at least once every three (3) years to the Council with:

- A. recommendations, if any, for amendments to this Ordinance;
- B. proposals identifying capital improvements to be funded in whole or in part by the Impact Fees collected pursuant to this Ordinance; and
- C. proposals for changes to the Impact Fee Schedule.

In connection with the foregoing, the Impact Fee Committee is hereby authorized to engage such consultants as it deems reasonably necessary to prepare additional impact fee studies for purposes of arriving at an appropriate and reasonable impact fee rate structure.

Section 16. Credits. An Applicant who offers to dedicate land or otherwise provide for the funding of Governmental Infrastructure may be eligible for a credit for such contribution against the Impact Fee otherwise due for that Benefit Area. In the event an Applicant desires to obtain a credit in accordance with the foregoing, the Applicant shall submit its proposal for a credit in writing to the Building Department. To the extent the City prepares forms for the credit process, the Applicant shall make its submittal on said City provided forms.

Thereafter, the Building Department shall submit said proposal to the Impact Fee Committee. The Impact Fee Committee shall make written findings with regard to (a) the value of the Applicant’s proposed contribution; (b) whether the proposed contribution meets capital improvement needs for which the particular Impact Fee has been imposed; and (c) whether the proposed contribution will substitute or otherwise reduce the need for Governmental Infrastructure anticipated to be provided with Impact Fees otherwise assessable against the Applicant.

The Impact Fee Committee shall transmit said written findings to the Council along with a recommendation for whether to accept or decline the Applicant’s offer. The Council shall make the final determination as to whether to accept the Applicant’s proposed contribution; provided, however, that in no event shall the credit given to any such Applicant exceed the amount of the otherwise applicable Impact Fee.

Section 17. Recovery of Public Hearing Costs. Any costs incurred by the City (a) in preparing for and conducting any public hearing required by the Act and (b) in connection with the Study or any similar study conducted hereafter may be recovered as a part of the Impact Fees assessed and collected in accordance with this Ordinance.

Section 18. Grandfathered Developments. Impact Fees authorized by this Ordinance shall not be imposed upon any development that has obtained PUD approval, preliminary plat approval, or site plan approval by the City prior to the adoption of this Ordinance.

Section 19. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-exemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 20. Effective Date. This Ordinance shall be effective from and after its adoption by Council and publication as required by law.

ADOPTED AND APPROVED on this _____ day of _____, 2025.

Robin LeJeune,
Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

EXHIBIT A

Impact Fee Schedule¹

Residential Fees per Unit					
Development Type	Fire	Parks and Recreation	Police	Transportation	Total
Single Family	\$833	\$2,656	\$1,212	\$4,648	\$9,349
Percentage allocation	9%	28%	13%	50%	1% max
Multi-Family	\$536	\$1,708	\$779	\$2,210	\$5,233
Percentage allocation	10%	33%	15%	42%	1% max

Nonresidential Fees per 1,000 Square Feet					
Development Type	Fire	Parks and Recreation	Police	Transportation	Total
Industrial	\$388	\$0	\$277	\$1,133	\$1,798
Percentage allocation	22%	0%	15%	63%	1% max
Commercial/Retail	\$524	\$0	\$1,388	\$3,788	\$5,700
Percentage allocation	9%	0%	24%	66%	1% max
Office/Institutional	\$806	\$0	\$616	\$2,521	\$3,943
Percentage allocation	20%	0%	16%	64%	1% max
Lodging (per room)	\$138	\$1,528	\$455	\$1,239	\$3,360
Percentage allocation	4%	45%	14%	37%	1% max

¹ The total Impact Fee imposed per development unit shall be *the lesser of* the amount shown in the “Total” column and one percent (1%) of the combined construction and land cost.