

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
November 18, 2019
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL

INVOCATION Lamar Green, Daphne Fire Department Chaplain

PLEDGE OF ALLEGIANCE

PUBLIC HEARING: Damaris Anderson Zoning Amendment located Northwest of Main Street and Van Avenue

3. APPROVE MINUTES: Council Meeting – November 4, 2019

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Conaway

MOTION to use funds for traffic calming in Timbercreek with four digital signs (2 on Pine Run, 2 on Timbercreek Boulevard) with the POA funding one sign.

B. BUILDINGS & PROPERTY COMMITTEE – Goodlin

C. PUBLIC SAFETY COMMITTEE – Scott

Review the minutes from the October 14, 2019 meeting.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Phillips

E. PUBLIC WORKS COMMITTEE – Coleman

Review the minutes from the November 6th Beautification Committee meeting.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD - Rudicell

D. LIBRARY BOARD –Phillips

E. PLANNING COMMISSION – Scott

F. RECREATION BOARD – Coleman

G. UTILITY BOARD – LeJeune

Review minutes from the September 2019 meeting and the special called October 8th meeting.

6. MAYOR’S REPORT

7. CITY ATTORNEY REPORT

City Council Agenda – November 18, 2019

8. DEPARTMENT HEAD REPORTS

9. CITY CLERK’S REPORT

MOTION to approve the 020 – Restaurant Retail Liquor to Beans and Brews LLC located at 1539 US Highway 98, Suite 203, Daphne, AL.

MOTION to approve the 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) to Dragon City Buffet, Inc located at 28611 Highway 98, Daphne, AL.

MOTION to reclassify a full time library position to part time and use the payroll funds to add two part-time library aide positions to the FY 2020 budget.

MOTION to set a public hearing on December 2, 2019 to discuss the speed limit on Main Street.

MOTION to waive the building department fees for Christ the King School’s renovation of the exterior facade of the school building.

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2019-61 – Janitorial Bid

2019-62 – Support of MPO Surface Transportation Funds to Install Intersection Improvements on County Road 64 and Pollard Rd

2019-63 – Support of MPO Planning Funds to Prepare Traffic Calming Guidelines

2019-64 – Declaring Certain Personal Property Surplus and Authorizing the Mayor to Dispose of Such Property –mosquito sprayer

2019-65 - Declaring Certain Personal Property Surplus and Authorizing the Mayor to Dispose of Such Property –Christmas decorations

B. 2ND READ ORDINANCES:

C. 1ST READ ORDINANCES:

2019-48 – Re-zone Property located Northwest of Main Street and Van Avenue – Damaris Anderson

12. COUNCIL COMMENTS

13. ADJOURN

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones, ⁹AO
Director of Community Development

Subject: Damaris Anderson Zoning Amendment

Date: September 30, 2019

PRESENT ZONING: R-2, Medium Density Single Family Residential

PROPOSED REZONING: MU, Mixed Use District

LOCATION: Northwest of Main Street and Van Avenue

RECOMMENDATION: At the Thursday, September 26, 2019, regular meeting of the Daphne Planning Commission, six members were present, and the motion carried for a favorable recommendation for the above-mentioned zoning amendment.

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

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

Thank you,
ADJ/jv

Attachment(s)

1. Zoning Amendment Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Adjacent property owners list
5. Community Development Report

FILE
9:10 am



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted

8/26/19

Application Number:

ZA-19-04 or PZA-

Planning Commission Public

Hearing Date: 9/26/19

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

SITE DATA

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

PPIN#(s):

1401 Main St., Daphne AL

030643

Gross Site Area (acreage):

10.205 sq ft

Requested Zoning or Pre-Zoning:

Mix Use

Current Zoning Designation(s):

R-2 DP

Amended Request:

Initials:

Date:

Current Land Use:

Residential

Anticipated Land Use:

Business / Residential

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

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

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Name of Current Owner:

Damaris L Anderson

972-832-8167

Mailing Address:

1401 Main St. Daphne

Phone/Fax:

E-mail:

Name of Authorized Agent:

Morgan Ashurst

201-583-5016

morgan@ashurstandnietmeyer.com

Mailing Address:

PO Box 928 Montrose AL

Phone/Fax:

E-mail:

Name of Developer*:

John + Jamie McAleer

Phone/Fax:

E-mail:

cell 336 462-0001

jnmcaleer@aol.com

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:

Damaris L Anderson

Date 7/22/2019

Agent's Signature:

J McAleer

Date 7/22/19

**REVERSIONARY CLAUSE
ACKNOWLEDGEMENT**

SKIP THIS PAGE IF REQUESTING PRE-ZONING OR PLANNED UNIT DEVELOPMENT ZONING

Pursuant to Article 22-2 of the Land Use & Development Ordinance, zoning and rezoning may revert back to prior designation if certain conditions are not met. Said conditions are specified in Article 22 of the Land Use Ordinance. Legibly sign and print/type responses below. Indicate N/A or an "X" where item is not applicable. **Submit with rezoning request where applicable.**

CURRENT OWNER'S ACKNOWLEDGEMENT

I, Damaris Anderson, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 7-22-19

Damaris Anderson Damaris L. Anderson
PRINTED NAME OF CURRENT OWNER/PEITIONER

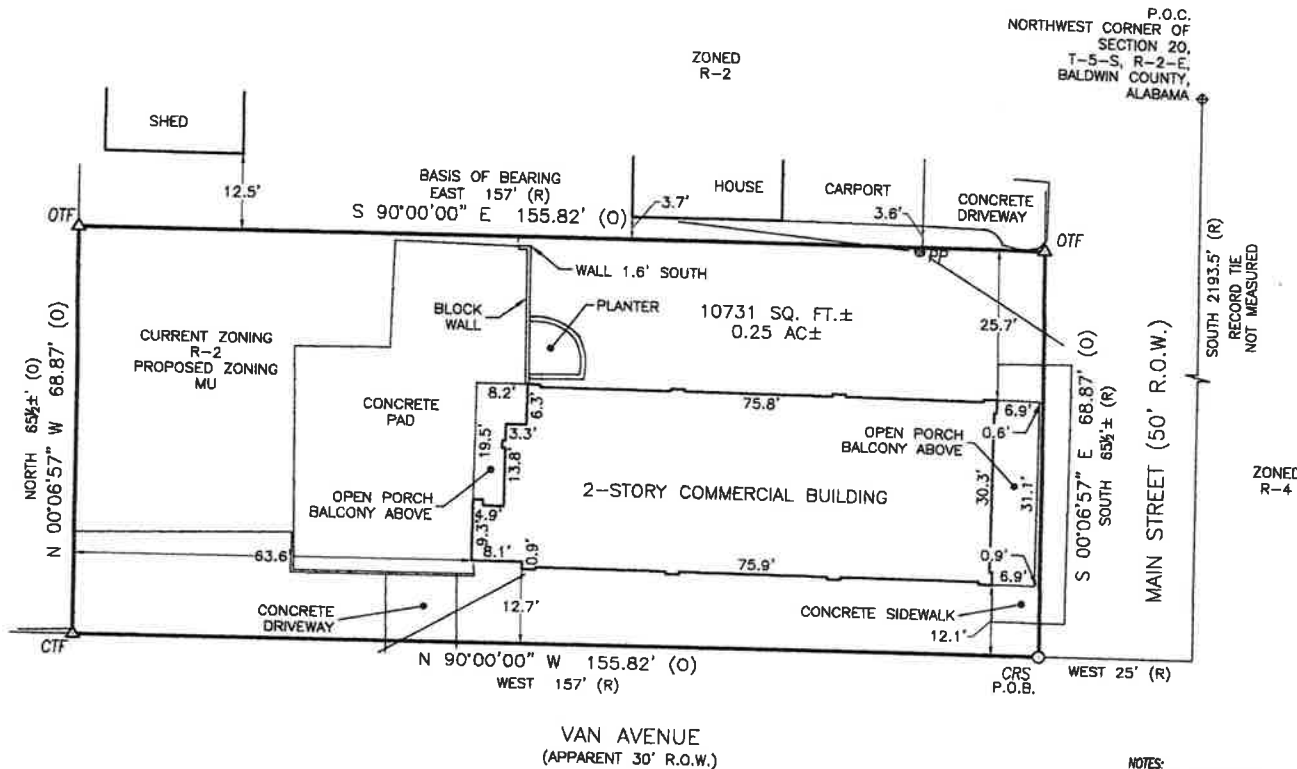
DEVELOPER'S ACKNOWLEDGEMENT

I, John McAleer, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: July 23 2019

John N McAleer John n mcaleer
PRINTED NAME OF DEVELOPER

PROPERTY ADDRESS OR PPIN#(s): 1401 Main St., Daphne, AL 36526
PPIN 030643

ZONED
R-2



- LEGEND**
- △ CRF CAPPED IRON ROD FOUND
 - △ CTF CRIMPED TOP PIPE FOUND
 - △ OTF OPEN TOP IRON PIPE FOUND
 - △ RBF REBAR IRON FOUND
 - △ IPF IRON PIN FOUND
 - CRS CAPPED IRON ROD SET
 - (R) RECORD
 - (O) OBSERVED
 - R.O.W. RIGHT OF WAY
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - CHAIN LINK FENCE
 - WIRE FENCE
 - WOOD FENCE
 - LP LIGHT POLE
 - PP POWER POLE
 - SS SANITARY SEWER MANHOLE
 - S SANITARY SEWER VALVE
 - GM GAS METER
 - WM WATER METER
 - WV WATER VALVE
 - FH FIRE HYDRANT
 - TP TELEPHONE PEDESTAL

NOTES:

1. TYPE OF SURVEY: ZONING EXHIBIT
2. OBSERVED DIMENSIONS FROM SURVEY PERFORMED BY THIS FIRM ON 7/29/2019, RECORD DIMENSIONS BASED ON QUIT CLAIM DEED RECORDED AS INSTRUMENT NO. 1582233 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.
3. THIS DRAWING AND DESCRIPTION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE OR PROVIDED BY THE CLIENT'S CONVEYANCE. SETBACK LINES ESTABLISHED BY STATUTE, ORDINANCE OR RESTRICTIVE COVENANTS ARE NOT SHOWN.
4. THIS DRAWING IS THE PROPERTY OF SMITH, CLARK & ASSOCIATES. IT IS SOLELY FOR THE USE OF THE CLIENT NAMED HEREON AND IS NONTRANSFERABLE TO ANY OTHER PARTY. IT MAY NOT BE USED WITHOUT PRIOR CONSENT FROM SMITH, CLARK & ASSOCIATES.
5. THIS DRAWING IS TO SCALE WHEN PRINTED ON 11X17 PAPER IN LANDSCAPE VIEW WITH NO SCALING.

PARTY CHIEF:	DRAWN:	CHECKED:	CLIENT:
DS	PTS	BAG	
DATE:	SCALE:		
7/29/19	1"=20'		
DRAWING NUMBER:	FILE/PC:		
190725	87/25		

ASHURST & NIEMEYER

ZONING EXHIBIT
1401 MAIN STREET
DAPHNE, ALABAMA



Physical Address: 1111 U.S. Hwy. 31
Suite 2
Spanish Fort, AL 36581
Phone: (251) 626-4404
Mailing Address: P.O. Box 7002
Spanish Fort, AL 36581
Phone: (251) 626-4404

DEMARIS L. ANDERSON
REZONING REQUEST OF
1401 MAIN STREET
DAPHNE, AL 36526

EXHIBIT A

STATE OF ALABAMA
COUNTY OF BALDWIN
CITY OF DAPHNE

DESCRIPTION OF PROPERTY TO BE RE-ZONED TO MU MIXED USE:

LEGAL DESCRIPTION:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST, THENCE SOUTH ALONG SAID SECTION LINE A DISTANCE OF 2193.5 FEET TO A POINT; THENCE WEST 25 FEET TO A POINT ON THE WEST MARGIN OF MAIN STREET AT THE INTERSECTION WITH THE NORTH MARGIN OF VAN AVENUE AND THE POINT OF BEGINNING, SAID POINT MARKED BY A CAPPED IRON ROAD (REBAR); THENCE ALONG SAID NORTH MARGIN NORTH 90°00'00" WEST A DISTANCE OF 155.82 FEET TO A POINT MARKED BY A CRIMPED TOP PIPE; THENCE DEPARTING SAID NORTH MARGIN NORTH 00°06'57" WEST A DISTANCE OF 68.87 FEET TO A POINT MARKED BY AN OPEN TOP PIPE; THENCE NORTH 90°00'00" EAST A DISTANCE OF 155.82 FEET TO A POINT ON SAID WEST MARGIN MARKED BY AN OPEN TOP PIPE; THENCE ALONG SAID WEST MARGIN SOUTH 00°06'57" EAST A DISTANCE OF 68.87 FEET TO THE POINT OF BEGINNING CONTAINING 10731.1 SQUARE FEET (0.2 ACRES), MORE OR LESS.

DANE HAYGOOD
MAYOR

ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR



CITY COUNCIL
TOMMIE CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOEL COLEMAN
DISTRICT 3
DOUG GOODLIN
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
ANGIE PHILLIPS
DISTRICT 7

September 13, 2019

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Damaris Anderson containing 0.20 acres +/- located at the northwest corner of Main Street and Van Avenue zoned R-2, Medium Density Single Family Residential, proposed to be rezoned MU, Mixed Use.

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, September 18, 2019 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, September 26, 2019 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
Director of Community Development

Demaris Anderson

P. O. Box 400 - Daphne, Alabama 36526
Phone: 251.620.1700

DAMARIS L ANDERSON
ADJACENT PROPERTY OWNERS LIST

EAST SIDE PROPERTY OWNERS

43-04-20-2-000-073.003
Vira & Associates LLC
701 S Mobile Avenue
Fairhope, AL 36532

SOUTHEAST SIDE PROPERTY OWNERS

43-04-20-0-000-090.000
68V Pay Dirt LLC
29891 Woodrow Ln Ste 300
Spanish Fort, AL 36527

SOUTH SIDE PROPERTY OWNERS

43-04-41-0-005-125.000
Pensco Trust Company
PO Box 1342
Fairhope, AL 36533

SOUTHWEST SIDE PROPERTY OWNERS

43-04-41-0-005-130.000
Claymark Properties LLC
PO Box 241
Fairhope, AL 36533

NORTH SIDE PROPERTY OWNERS

43-04-41-0-005-123.000
Trammell, Helen Lurleen Brown
23 Georges Pl
Clinton, NJ 08809 1320

WEST SIDE PROPERTY OWNERS

43-04-41-0-005-118.000
Rowell, Julie Russell
703 Van Avenue
Daphne, AL 36526

PROPERTY OWNER

43-04-41-0-005-124.000

Anderson, Damaris L

1401 Main Street

Daphne, AL 36526

DEVELOPER/AGENT

Ashurst & Niemeyer LLC

Morgan Ashurst

7472 Parker Road

Fairhope, AL 36532

REZONING REQUEST DEMARIS ANDERSON

LOCATION:

*Northwest intersection of Main
Street and Van Avenue*

APPLICANT:

Demaris Anderson

AREA:

0.20 ac

LOTS:

1

PPIN:

0606343

ZONING:

*R-2, Medium Density Single
Family Residential*

PROPOSED ZONING:

MU, Mixed Use

EXISTING PRECEDENT FOR

PROPOSED ZONING:

Yes, Trione Avenue

COMPREHENSIVE PLAN:

Olde Towne Daphne

Visioning Report

Consistent

RECOMMENDATION:

Approve



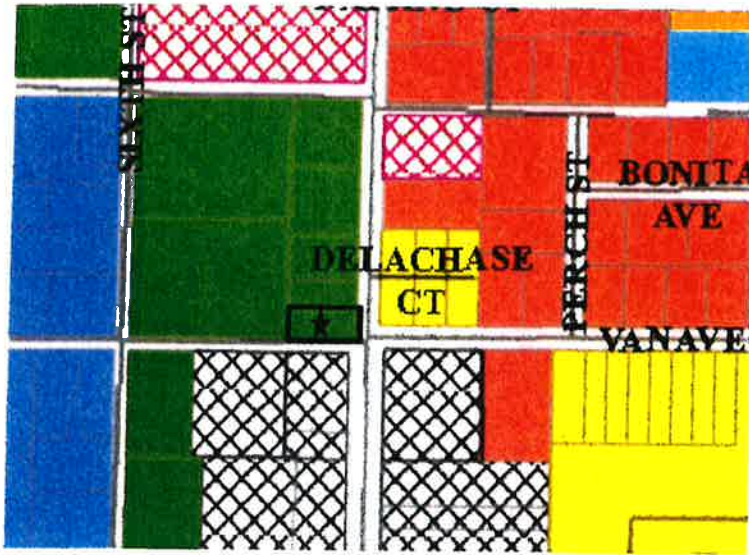
REZONING REQUEST DEMARIS ANDERSON

Existing Conditions: Two story structure grandfathered mixed use building with residential on upper floor and artist studio on the ground level

Existing Zoning: R-2, Medium Density Single Family Residential

Proposed Zoning: MU, Mixed Use

Surrounding Zonings/Uses:



North – R-2, Medium Density Single Family Residential (residence)

South – B-3, Professional Business (undeveloped)

West – R-2, Medium Density Single Family Residential (residence)

East – R-4, High Density Single Family Residential (residence)

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility.

REZONING REQUEST DEMARIS ANDERSON

Staff Recommendation

The request to rezone the property to Mixed Use is appropriate primarily because the property has long been used as both residential and as an artist's studio. The structure is a well preserved piece of Daphne's history and it should be preserved as it has added to the charm of the Olde Towne area. Staff recommends approval.

DEMARIS L. ANDERSON
REZONING REQUEST OF
1401 MAIN STREET
DAPHNE, AL 36526

EXHIBIT A

STATE OF ALABAMA
COUNTY OF BALDWIN
CITY OF DAPHNE

DESCRIPTION OF PROPERTY TO BE RE-ZONED TO MU MIXED USE:

LEGAL DESCRIPTION:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST, THENCE SOUTH ALONG SAID SECTION LINE A DISTANCE OF 2193.5 FEET TO A POINT; THENCE WEST 25 FEET TO A POINT ON THE WEST MARGIN OF MAIN STREET AT THE INTERSECTION WITH THE NORTH MARGIN OF VAN AVENUE AND THE POINT OF BEGINNING, SAID POINT MARKED BY A CAPPED IRON ROAD (REBAR); THENCE ALONG SAID NORTH MARGIN NORTH 90°00'00" WEST A DISTANCE OF 155.82 FEET TO A POINT MARKED BY A CRIMPED TOP PIPE; THENCE DEPARTING SAID NORTH MARGIN NORTH 00°06'57" WEST A DISTANCE OF 68.87 FEET TO A POINT MARKED BY AN OPEN TOP PIPE; THENCE NORTH 90°00'00" EAST A DISTANCE OF 155.82 FEET TO A POINT ON SAID WEST MARGIN MARKED BY AN OPEN TOP PIPE; THENCE ALONG SAID WEST MARGIN SOUTH 00°06'57" EAST A DISTANCE OF 68.87 FEET TO THE POINT OF BEGINNING CONTAINING 10731.1 SQUARE FEET (0.2 ACRES), MORE OR LESS.

**November 4, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Pat Rudicell called the meeting to order at 6:30 p.m.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Pat Rudicell, Tommie Conaway, Joel Coleman, Doug Goodlin, Ron Scott and Angie Phillips

COUNCIL MEMBERS ABSENT: Robin LeJeune

Also Present: Candace Antinarella, City Clerk; Jay Ross, City Attorney; Mayor Haygood; Vickie Hinman, Human Resources Director; Troy Strunk, Executive Director of City Development; Tonya Young, Library Director; BJ Eringman, Public Works Deputy Director; Betsy Schneider, Operations Director; James White, Fire Department; Adrienne Jones, Planning Director; David Carpenter, Police Department; Ange Baggett, Marketing Director and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Father Tuck Bowen, St. Stephen's Charismatic Episcopal Church.

PROCLAMATION: Mayor Haygood presented a proclamation to Ecumenical Ministries. Sally Deane and Dr. Cindy Wilson received the proclamation and shared about the services offered at Ecumenical Ministries.

PRESENTATION: Mayor Haygood introduced Scott Polk, the new General Manager for Daphne Utilities. Samantha Coppels, Daphne Utilities Communication Manager, shared about Mr. Polk as well.

3. APPROVE MINUTES:

The minutes of the October 21, 2019 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Conaway said the minutes from the October 21st meeting were in the packet. She said the Sales Tax for August 2019 was \$1,496,945; the Lodging Tax for August 2019 was \$95,408; the Unrestricted Fund Balance was \$14,457,511 and the Total Cash Balance was \$23,431,675.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Coleman said the next meeting is November 12th at 5:15pm.

C. PUBLIC SAFETY COMMITTEE

Councilman Scott said the next meeting is November 12th at 4:30pm. He read a letter from City Prosecutor Jim Scroggins regarding his upcoming resignation from the City. The effective date will be December 31, 2019. Councilman Rudicell asked the City Clerk to advertise the position for three weeks. He said the second Monday in December there will be a special called Council Meeting to interview and vote on the candidates. City Clerk said she can accept resumes in her office until November 22, 2019.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilwoman Phillips said the committee didn't meet in November, but the next meeting is December 2nd at 4:30pm.

November 4, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

E. PUBLIC WORKS COMMITTEE

Councilman Coleman said the committee met earlier that afternoon and have a very good discussion concerning solid waste and recycling. He said they will be presenting items in the near future. He said the next meeting will be December 2nd at 5:30pm.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said there will be no meeting in November or December.

B. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting is November 21st at 5:30pm.

C. Industrial Development Board

Councilman Rudicell said the committee met a few weeks ago and they are working on a resolution to pay back the loan to the City.

D. Library Board

Councilwoman Phillips said the next meeting is November 14th at 4:00pm. She said the Porch is now complete and there will be a celebration on Tuesday, November 19th at 6:00pm.

E. Planning Commission

Councilman Scott said the next meeting is November 21st, Thursday at 5:00pm. He said the minutes from the September 26th meeting are in the packet.

F. Recreation Board

Councilman Coleman said the next meeting is Wednesday, November 13th.

G. Utility Board

Mayor Haygood said the meeting last Wednesday was cancelled and the rescheduled for November 6th at 4:00pm.

6. MAYOR'S REPORT:

Mayor Haygood said there was good discussion had at the Public Works meeting earlier in the afternoon. He said that is a strong need to extend the contract with ECUA. He asked the Council to consider adding a motion to the agenda authorizing the Mayor to enter into contract with ECUA for recycling processing services for the City of Daphne.

7. CITY ATTORNEY REPORT:

City Attorney said there are a few matters of pending litigation that requires the Council enter into executive session at the end of the meeting. He said there would be no need for a vote and he expected it to last no more than 15-20 minutes.

8. DEPARTMENT HEAD COMMENTS:

Fire Department had no report.

Chief Carpenter said there had recently been spotted an alligator at the end of Deer Avenue. He was happy to report that alligator has been captured.

**November 4, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Ange Baggett, Recreation and Civic Center, reported the Bicentennial Celebration will be held on November 7th. She said the Veteran's Day Program will take place on November 8th. She also reminded everyone that Police Safety in the Park is coming up.

Mayor Haygood reported that the Library recently had a bookmark contest.

Vickie Hinman reported that there will be an Employee Appreciation Luncheon on November 14th from 11-1 at Daphne Sports Complex.

Jeremy Sasser, Public Works, said there were a few trees down last week due to the storms. He reminded everyone that next Monday is Veteran's Day and there will be no garbage pick up.

Adrienne Jones, Planning, said that everything for the Planning Department is on the current agenda.

Mayor Haygood introduced the new IT Director, Mr. Conrad Bates.

9. CITY CLERK'S REPORT:

**MOTION by Councilman Scott to approve the SEEDS Classic Rock 5k and 1 mile fun run on March 7, 2020. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to approve the Public Hanukkah Menorah Lighting at Daphne City Hall on December 29, 2019 from 5:00pm – 9:30pm. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to appoint Khalilah Burton to the Education Advisory Committee for a two year term (November 2019-2021). Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Phillips to approve the issuance of the 020 – Restaurant Retail Liquor to Daphne IWC LLC dba Island Wing Company located at 29740 A Urgent Care Drive, Daphne, AL.
Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to approve the publication and set a public hearing on December 16, 2019 for the Rachel Burmeister and James Stock proposed zoning amendment located southwest of Main Street and Belrose Avenue. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to approve the publication and set a public hearing on December 16, 2019 for the proposed amendments to the Ordinance 2011-54, Land Use and Development Ordinance, Articles 13, 14 and 36. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

City Clerk reminded everyone that City Hall will be closed on Monday, November 11th in observance of Veteran's Day. All meetings scheduled for that day will be moved to Tuesday.

**MOTION by Councilman Scott to add to the agenda a motion to authorize the Mayor to enter into a contract with Emerald Coast Utility Authority for recycling processing, along with adding a motion to approve the Scott Ward Memorial Fit for Duty 5k and Family Fun Run on November 16, 2019.
Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**November 4, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

**MOTION by Councilman Scott to authorize the Mayor to enter into a contract with Emerald Coast Utility Authority for recycling processing. Seconded by Councilwoman Phillips.
Councilman Scott asked if they were committed to a certain amount with the contract. Jeremy Sasser said the contract stated a maximum, but not a minimum. He also stated that the contract would expire September 20, 2021.**

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to approve the Scott Warm Memorial Fit for Duty 5k and Family Fun Run on November 16, 2019. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY.

City Clerk read the Bicentennial Celebration invitation to remind everyone of the date and time. She encourages everyone to attend.

10. PUBLIC PARTICIPATION:

Public Participation opened at 7:09pm.

Rebecca Gardner, 2533 Main Street, expressed concerns regarding the Daphne Animal Shelter. She asked the City to reconsider allowing community involvement.

Councilman Scott recommended she come to the next Public Safety Committee meeting on November 12th at 4:30pm where she could discuss with the Council her ideas and have more of a conversation setting.

Councilman Rudicell and Mayor Haygood discussed how to respond to Ms. Gardner.

Public Participation closed at 7:14pm.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

2019-60 – Public Safety Vehicle Equipment

MOTION by Councilman Scott to waive the reading of Resolution 2019-60. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2019-60. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

ORDINANCES:

2nd READ:

2019-46 – Pre-zoning – Down by the Bay, LLC located NE of Cnty Rd 64 and Cnty Rd 13, SE of Rand Avenue and Cnty Rd 13

2019-47 – Annexation – Down by the Bay, LLC located NE of Cnty Rd 64 and Cnty Rd 13, SE of Rand Avenue and Cnty Rd 13

**November 4, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

MOTION by Councilman Scott to waive the reading of Ordinances 2019-46 and 2019-47. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2019-46. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2019-47. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

1st READ:

12. ELECTION OF OFFICERS

Councilman Rudicell asked if there were any nominations for Council President.

MOTION by Councilman Goodlin nominated Councilman LeJeune. Councilman Rudicell asked three times if there were any other nominations. There were none.

MOTION CARRIED UNANIMOUSLY.

Councilman Rudicell asked if there were any nominations for President Pro-Tem.

MOTION by Councilman Scott nominated Councilman Goodlin for Pro-Tem. Councilman Rudicell asked three times if there were any other nominations. There were none.

MOTION CARRIED. Councilman Goodlin abstained.

13. COUNCIL COMMENTS:

Mayor Haygood congratulated Councilman Goodlin and Councilman LeJeune on their recent elected positions. He said there are some changes underway at the Animal Shelter. He suggested speaking to Betsy Schneider regarding volunteerism with the City. He encouraged everyone to come out to the Veteran's Day Program.

Councilwoman Conaway thanked Councilman Rudicell and Councilman LeJeune for a job well done. She congratulated Councilman Goodlin. She congratulated Councilwoman Phillips for her being selected at Teacher of the Year at Spanish Fort High School.

Councilman Rudicell thanked the Council for their support over the last year.

Councilman Coleman congratulated Councilman Goodlin and Councilman LeJeune and thanked Councilman Rudicell for his leadership. He congratulated Bayside Academy volleyball team for winning the state championship. He also congratulated Eastern Shore Repertory Theater for receiving the Impact 100 Grant.

Councilman Scott thanked Councilman Rudicell for his leadership as well as congratulating Councilmen Goodlin and LeJeune.

Councilwoman Phillips congratulated Councilman Goodlin and Councilman LeJeune for their recent elected positions. She said she's very thankful to work with the Council. She acknowledged that Councilman Rudicell was exonerated of all the charges he had recently faced.

**November 4, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

City Attorney asked the City Council to enter into an Executive Session concerning matters of pending litigation. He said there would be no need to come out of Executive Session to vote and it should take no more than 15-20 minutes.

MOTION by Councilman Scott to enter into executive session and adjourn from there. Seconded by Councilman Rudicell.

Councilwoman Conaway	aye
Councilman Coleman	aye
Councilman Goodlin	aye
Councilman Scott	aye
Councilman LeJeune	absent
Councilwoman Phillips	aye
Councilman Rudicell	aye

MOTION CARRIED.

14. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ENTERED INTO EXECUTIVE SESSION AT 7:28PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, City Clerk

Pat Rudicell, Council President

Public Safety Committee
Monday, October 14, 2019

Councilman Ron Scott
Councilman Doug Goodlin
Councilman Robin LeJeune
Councilman Pat Rudicell
Councilwoman Tommie Conaway
Councilman Joel Coleman
Councilwoman Angie Phillips

Police Chief David Carpenter
Fire Chief James White
Public Works Director, Jeremy Sasser
Samantha Cooper - Secretary

Committee Members Attending:

Councilman Ron Scott, Councilman Doug Goodlin, Councilman Pat Rudicell, Councilwoman Tommie Conaway, Councilman Joel Coleman, Councilwoman Angie Phillips, Police Lieutenant Brian Gulsby, Fire Chief James White, Public Works Director Jeremy Sasser

CALL TO ORDER

Councilman Ron Scott **convened** the meeting at 4:30 p.m.

PUBLIC PARTICIPATION –

Laureal Anderson, 27799 Moniac Cove (Sehoy), Daphne AL- Ms. Anderson stated she had a safety concern in the subdivision that is being built just north of Sehoy – Diamonte. She stated she was at the planning commission meeting and spoke of two concerns she had with this subdivision; the first being water intrusion into our properties and lake and the second being with the addition of phase 2, the plan is to put 34 homes on the back side of the power cut line with only one road being able to access in and out. She stated originally the Sehoy POA requested to not have any connectivity between the two different subdivisions, however it was brought to their attention and ultimately done and decided on that they would have connectivity and another in/out access from Sehoy, due to safety concerns of public safety. Ms. Anderson questioned why this too (stage 2 of Diamonte and only having one in/out access point) is also not a safety concern, along with being built underneath large power lines that can fall down on them.

Councilman Scott stated he would bring this up to Adrienne, our planning director, and speak to her about Ms. Anderson's concerns and get back to her regarding her safety concerns.

Sandy Robinson, 1500 Main St., Daphne AL- Ms. Robinson stated she was here tonight to follow up on the issue regarding the sidewalks on the east side of Main St. that was spoke about in previous meetings. Public Works Director Jeremy Sasser stated he looked into the area that she was speaking about and there is no room (currently) to put a side walk in plus allow for the utilities that are already there; it poses too many safety issues in his opinion. Sasser stated you would be putting in a side walk that is very narrow, will have obstacles in the middle of it (power poles etc.) that people would have to navigate around on an already narrow side walk that will have to be butt-up right next to the travel lane for traffic. There is no possibility to put in a rollover curb/gutter type of system that would at least give a little buffer and protection to pedestrians on the side walk from vehicle traffic.

Ms. Robinson stated that people are walking there with or without a sidewalk, often doing the little tight-rope walk necessary to navigate this area, it is very dangerous right here, very narrow, and with more and more young families moving in to the area and the downtown area being more utilized, we need to offer a

safe way for pedestrians to navigate the Main St. area.

Councilwoman Phillips stated the council did recently pass funding for \$50,000 worth of bollards and trees along Main St. She is unsure of how many and where they will go but the funding has been given for this project.

Councilman Scott stated to Ms. Robinson that previously they have changed the speed limit to 25 mph in this area, and due to the way it was done and a lot of kick-back it was put back to 35 mph, however we have started a recommendation to lower the speed limit to 25 mph. He stated it will slow people down, as well as prevent Scenic 98 from being used as a cut through from Hwy 98. He stated that the Mayor has also suggested that we put a “table” that would connect City Hall over to Centennial Park. This speed table would have a walkway through it to allow pedestrian crossing. He stated all of these things combined should help reinforce pedestrian safety on Main St.

Ms. Robinson asked what the next stages are regarding the \$50,000 appropriation, where does it go next to get this moving forward. Councilman Rudicell stated that he has asked for a cumulative plan and for whoever the next Council President is in November to put that on the work session to start discussing multiple traffic calming measures on Main St. He said he hopes that they will at least have an answer as to where the bollards are going by November as well as get the discussion going on what the next step is regarding everything else. He stated we are in charge of the money (the \$50,000 appropriation), but we don’t do the plan, however they want to see the plan before they give out the money.

Councilman Goodlin inquired as to if we could ask the property owners on this section of Main St. if they would be willing to give a few feet of easement for the City to put in sidewalks and move them a safe distance from the roadway. Mr. Sasser stated that they have not approached this issue regarding the sidewalks from this angle yet, however, he stated he would be happy to come up with a drawing and propose it to those property owners that it would effect on this section on the east side of Main St. and see if they would be willing to give us that few feet of easement that would be required to make this safe.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from September 9, 2019, were approved as presented.

POLICE DEPARTMENT

A. New Business –

August 2019 stats were presented in the packet. August 2019 D-runs were also presented.

Lieutenant Brian Gulsby stated that October is National Crime Prevention Month and he has proposed, with the blessing of the city, a program that would be a voluntarily registration of home surveillance systems. He stated the police department has had a lot of recent success with car break ins / thefts from garages etc. by using surveillance systems that residents have. He stated currently the way they do that is to go door-to-door and knock asking them if they happen to have outside/home surveillance cameras, and if they would allow them to see if they were able to catch the crime on them. He stated if we have a way for them to register that they do have a surveillance system that we keep on file, the detective can call if/when a crime is committed in that area and have them review their systems to see if the crime was caught on camera. He stated they are not looking for access themselves, just a voluntary registration database of where they are in case a crime is committed in that area they know who to reach out to. He stated if you see and/or hear anything from anyone regarding this program just know it is 100% voluntary and we are not looking for access of their surveillance cameras.

Councilman Goodlin inquired around the money seizures for August, \$1.5mil. Gulsby stated this was a stop on the interstate with our county interdiction program, they seized the money from cars on a car hauler, and it was stuffed inside the cars. We do get a percentage of that, but it usually takes 2/3 years before it will hit our drug fund account, which can only be used for certain things – crime fighting equipment.

Councilman Scott stated he wanted to give a shout out to our Animal Control department and what a great job they have been doing on getting animals out there, posted and seen for adoption. He said the adoption efforts have seemed to be very successful and he just wanted to give them recognition on behalf of the public safety committee.

Councilwoman Phillips stated that due to the recent increase in suicide attempts from young juveniles in our eastern shore area, 3 in the last month with one being successful among very young children, if we could know the ages of the suicide attempts on the monthly report. Gulsby did state that Shatter the Silence program was held at Daphne United Methodist Church this past week in regards to Bullying Prevention, and the Out of the Darkness suicide prevention walk is being held this coming week. Gulsby added that when we do answer these calls and they are regarding a juvenile, we do notify DHR, we speak to the parents, multiple services are provided regarding help for these children, as well as multiple follow-ups are made from our Juvenile Detective as well as the assigned SRO with the child. He added that the SRO's have been very invested within the schools in bullying prevention.

FIRE DEPARTMENT

A. New Business –

The stats were presented for August 2019 in the packet.

Fire Chief White stated last week they had a pre-bid for Fire Station 5 with the contractors and they had a great showing for this. He stated the bid opening is scheduled for October 25th. Public Works Director Jeremy Sasser stated it is usually around a 45 day process to get them on-site after the contracts are agreed and signed. He added that with the holidays coming up we are probably realistically looking at having the awarded contractor on site starting probably around the 1st of the year.

Mayor Haygood added that it is a 270 day contract regarding performance period, so you are realistically looking at 1 year from now with this being complete.

Councilman Rudicell inquired as to where we are with the SAFER grant. Chief White stated that will not be awarded until March/April. The Fire Department put in for 12 positions which would cover all of the necessary hiring positions to staff Fire Station 5.

Councilman Goodlin inquired regarding if anything stood out to Chief White statistic wise at all for August, and Chief White stated no, not really, that their response times are still hurting them in District 5, but that will change once the new fire department is up and running.

OTHER BUSINESS –

Councilwoman Phillips inquired as to what they need to do to go ahead and lower the speed limit on Main St. to 25 mph. Mayor Haygood stated it needs to go in front of the ordinance committee. Councilman Scott inquired as to if we need to have a public hearing/forum for the public to voice/state their opinions prior to adapting this change, as well as for us to state our opinion/stance as to why we propose to lower the speed limit. Councilman Rudicell stated he felt that we should. Mayor Haygood agreed that our position should be to make Main St. more business and family/pedestrian and community friendly; that this is an area to serve the businesses/families/community, not for the likes of commuting through the city. He stated for those

purposes we should be directing/forcing traffic out to Hwy. 98 so that this area of Main St. can be what it should be.

Councilman Rudicell stated that he knows they have put money in the budget for traffic calming devices, and on Old County Rd. on one of those straight-a-ways there are new roads, some straight-a-ways, and whoever is putting the data down on where a traffic calming device should be placed, or should at least be reviewed to see if this is a location that would suit a traffic calming device, he feels this is an area that needs to be considered. He stated there are two or three subdivisions that go on the East side of Old County, and two or three subdivisions that are on the West side of Old County, the area between North of Belrose and South of the Baptist Cemetery, and feels this is an area that should be considered for traffic calming devices. He requested that Public Works looks at this area and gets some data back. He stated he didn't know if there is a standard operating procedure on this process with Public Works, but if there isn't he would love to see one. Mayor Haygood added that he felt whenever there is a recommendation or a review that Public Safety (Police, Fire, etc.) also be engaged within that so that we can assure it is the best fit for all of public safety in approving these recommendations regarding safety concerns as well as response times. Rudicell added that as people (HOA's and the public) come to us with requests for review, I feel we just need a formalized operating procedure in taking care of these requests. Mayor Haygood added that one of the HOA's within the city had made a more formalized request specific to their subdivision for some traffic calming measures, which he believed was 4 of the solar speed limit signs, and they proposed to put toward \$2,500 which doesn't really meet that "standard" of 50/50 that we were speak of. This would more so cover 1/8 of the cost. The Mayor proposed that we look into setting an internal policy where it is close to 50/50 regarding such requests moving forward. Councilman Rudicell added that he would agree but they also need to consider the haves/haves not in regards to who's willing to fund it and who's actually able to fund it.

City Clerk Candace Antinarella, stated she wanted to follow up with their meetings last week stating she prepared a letter on Thursday, October 10th and it was hand delivered by Code Enforcement to the business we are looking at revoking their business license. She stated they were on track for this to be addressed in the council meeting next week. This was at the recommendation of the Police Department.

ADJOURN

There being no further business to discuss, Councilman Scott made a motion to adjourn the meeting at 5:25 p.m. The next meeting will be Tuesday, November 12, 2019, at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

Wednesday, November 6, 2019, 10 AM

RECORD OF COMMITTEE DISCUSSION

THERE not being a chairperson at this time, Mahail Rhodes opened the meeting at 10:01am, as Secretary and Information Officer, letting all Committee Members know we are a duly appointed Committee, appointed by the City of Daphne, and under the Robert's Rules of Order by which we function according to our Bylaws we are able to meet in a discussion format and report to the City Council through our Minutes and Recordings by the Secretary. Everyone agreed and the following discussion was commenced:

PRESENT FOR THE DISCUSSION: Members: Judie Swan, Mahail Rhodes, Dorothy Morrison, Emma Harris, Mimi Boxx, Ann Hostrander, Robert Wagner, Tomasina Werner; **City of Daphne:** Troy Strunk and Angie Baggett; **Member of Public:** Richard Johnson

Mahail Rhodes asked for a spokesperson as she could not take notes and lead discussion; Judie Swann volunteered, all agreed.

Judie called on Mimi Boxx to **update the group on the Wetlands Project behind DMS**. Wetlands update project reported 3 Scouts have completed their Eagle Scout Projects. The projects included the new pier, Birding & Tree Identification Trail which includes 21 tree markers and a trail Map pamphlet which is now available on site, and a low barrier post fence with cable. The barrier fence has helped tremendously by helping to keep out unwanted traffic. We have a Scout who has begun drawings & plans for a butterfly exhibit & pollinator Gardens and another Troop Scout is interested in cleaning up behind the Eagle Pavillion which includes clearing a trail along the ditch line to DEE School.

Dorothy Morrison interjected **awarding the Scouts that have completed their work in the Wetlands** and after discussion the consensus is that Mimi contact Kara Wilbourn for guidance to coordinate the presentment of certificates at Daphne City Council Meeting, like the DBC presents beautification awards.

Judie Swann then asked Ann Hostrander for an **update on the DBC website** and the report is favorable. Ann asked for continual input.

Troy Strunk brought into the discussion that the 160 wreaths the DBC volunteered to “bow” was complete, work continues on finishing sidewalks in Lake Forest, median day was a success in Lake Forest; as part of this discussion, Judie Swann commented the **Lake Forest area** is looking sparkling clean and our new volunteer, Richard Johnson, has committed to keep it that way; Tomasina Werner generously informed members of the perseverance “let’s get it done” history of the Lake Forest sidewalks and the present day enthusiastic neighborhoods’ use of the same, as well as sharing THE LAKE FORESTER with all present.

Judi Swann commented that the DBC is strong today because of faithful members like Tomasina Werner and Dorothy Morrison throughout their years of service.

The group then moved on to hear the **Volunteers’ Report** from Judie Swann: the 3 Circle Church cleanup projects scheduled for October 19th were rained out, looking at Spring reschedule; Village Point clean up with Publix, Hwy 98, Daphne, successful – 7-8 volunteers employees as well as DBC volunteers and DHS student volunteers participated; Lake Forest median cleanup was a success, lead VJ Phelps. **ONGOING PROJECTS:** Judie Swann met with DMS SGA club which has adopted “Clean Campus” a PALS program and DBC will be working with them; Volunteer Dan – will do remake of DHS Senior Pavilion; DES Demonstration Garden, lead Emma Harris, 60 plants donated by Flowerwood Nursery; DES Pansy Patch planting successful with Ms. Starnbridge’s 2nd grade class, fun had by all; W J Carroll in process of putting up 2 outdoor blackboards; anonymous volunteer to power wash Trojan Hall, the whole Hall at DHS; another anonymous volunteer to finish washing windows at Trojan Hall; Lowes donated \$5,000 of wood for City to redo Gator Boardwalk walkway, Selena Vaughn instrumental in accomplishing this donation; Judie Swann has been contacted by Barnes & Noble, they want to know how they can participate in keeping Daphne beautiful; Jubilee Scapes will begin November 7th putting in school colors at 5 Daphne City schools; Image 360 has donated ROTC sign to DHS; **FUTURE PROJECTS:** there will be a new flyer covering February, March, April 2020 setting forth project dates, times (8-11 Sat encouraging student service hours) and descriptions and encouraging volunteerism with Daphne Beautification Committee; DBC will be awarding in February 2020 3 DBC Student Ambassadors; Judie Swann brought to everyone’s attention Tractor Supply on Hwy 98 as a nominee for the next beautification award; during November, December 2019 and January 2020, Emma Harris and Mahail Rhodes will be contacts for project communication to all Committee Members.

FURTHER DISCUSSION centered around **IMPROVEMENTS** around the City of Daphne, members thanking the City representatives and the Public Works Department for the repairs to the bridge walkways handrails which had been brought to their attention; Emma Harris asked about the Dog Park and Troy Strunk shared there is a \$50,000 budget every year for next few years to build up funding, also ongoing improvements have been made such as new dog run, and new gates replacing rusted ones; everyone was glad to see new benches at May Day Park and Troy Strunk indicated more to come; Richard Johnson shared that he asks not what the City can do for him, but what he can do for the City and is very pleased to be part of the Daphne Beautification Committee.

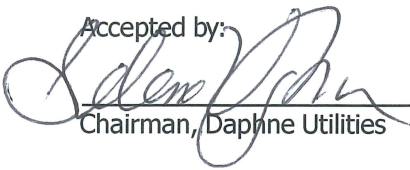
Troy asked about 1973 alligator and indicated it would be returned to the DBC after Dorothy Morrison confirmed it did indeed belong to the Committee.

Robert Wagner gave a positive report that the Veterans interviews will be forthcoming as the camera donated by the City of Daphne is on its way into his hands, of which all Committee Members are most grateful; he also shared that VA brochures have been put in the DHS on-campus library.

Angie Baggett thanked members for their passion and ongoing service. Everyone agreed it was a pleasure having her with us and hope she can join us regularly.

Everyone agreed the December meeting would be attendance at the City of Daphne Tree Trimming on December 4 at 8:30am at City Hall, with no Committee meeting afterwards. Also, everyone agreed to meet as usual on Wednesday, January 8, 2020 10am City Hall, Mayor's Conference Room.

At 10:40am, everyone cordially dismissed.

Accepted by:

Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ September 25, 2019 ♦ 5:00 p.m.

I. Call to Order

The regular September 2019 Board meeting for the Utilities Board of the City of Daphne was held on September 25, 2019 in the Council Chambers at Daphne City Hall and called to order at 5:03 p.m. by Chairman Selena Vaughn, followed by the Roll Call:

II. Roll Call

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

Members Absent: Mayor Dane Haygood, Board Member

Others Present: Tony Hoffman – Board Attorney
Bobby Purvis – Interim General Manager
Teresa Logiotatos – Finance Manager
Samantha Coppels – Communications Manager
Lori May-Wilson – Executive Assistant
Melinda Immell – Volkert & Associates
Ray Moore – GMC
Joe Asarisi – Asarisi & Associates

Others Absent: Jerry Speegle – Board Attorney
Drew Klumpp – Administrative Services Manager

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Meeting Minutes August 28, 2019

The Chairman requested any additions, corrections, or deletions for the submitted minutes for the August 28, 2019 Utilities Board meeting.

With no additions, deletions or corrections, the Chairman declared that the submitted August 28th minutes would stand approved.

V. OLD BUSINESS –

A. Capacity Fees for Daphne Sports Complex

Mr. Tony Hoffman had no updates at this time.

VI. NEW BUSINESS –

A. Election of Board Officers – BOARD ACTION: MOTION

After getting clarification on combining the nominations into one motion from Mr. Hoffman, the Chairman opened the floor for nominations.

MOTION by Tim Patton to nominate Selena Vaughn for the officer position of Chairman; Billy Mayhand moved to close the nomination.

AYE: Mayhand, Patton, Vaughn NAY: ABSENT: Haygood, LeJeune ABSTAIN: **MOTION CARRIED**

MOTION by Tim Patton to nominate Billy Mayhand for the officer position of Vice Chairman; Billy Mayhand moved to close the nomination.

AYE: Mayhand, Patton, Vaughn NAY: ABSENT: Haygood, LeJeune ABSTAIN: **MOTION CARRIED**

MOTION by Billy Mayhand to nominate Tim Patton for the officer position of Secretary/Treasurer; Tim Patton moved to close the nomination.

AYE: Mayhand, Patton, Vaughn NAY: ABSENT: Haygood, LeJeune ABSTAIN: **MOTION CARRIED**

VII. BOARD ATTORNEY'S REPORT

Mr. Hoffman had nothing to add to the submitted report.

VIII. FINANCIAL REPORT

Mr. Robin LeJeune arrived at 5:06pm.

Teresa Logiotatos reviewed the August 2019 financials for the Board pointing out: revenue, expenses, and net income for the year; budgeted year-end income; graphs; and check register.

GENERAL MANAGER'S REPORT

A. GM Report

Bobby Purvis updated the Board regarding: the projects that are closed out, training at Leak City and WEFTEC, energy costs savings, and main office renovations. He answered Board members' questions regarding natural gas vehicle fueling station.

B. Operations Report

Bobby Purvis previously addressed under GM Report.

C. Engineering & Consulting Reports

No additional information to add to the submitted reports.

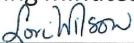
IX. BOARD ACTION – Previously addressed.

- X. **PUBLIC PARTICIPATION** – the Chairman invited participants to address the Board at 5:16 pm; with no participants, the Chairman closed Public Participation at 5:16 pm.
- XI. **BOARD COMMENTS** – Mr. Billy Mayhand noted his satisfaction to be able to attend tonight's meeting and expressed anticipation to reviewing the information on the natural gas fueling savings potential. Mr. Tim Patton remarked positively about the energy cost savings information. Mr. Robin LeJeune also commented on the information regarding energy cost savings. Chairman Vaughn congratulated the officers elected and complimented the employees for the hard work on the facilities during the recent tours.
- XII. **ADJOURNMENT**

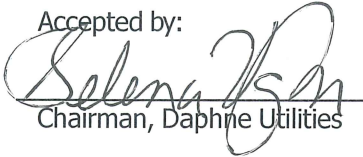
MOTION by Billy Mayhand to adjourn; Seconded by Tim Patton.

The meeting adjourned at 5:17 pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities

Accepted by:

Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Special Meeting

Council Chambers, Daphne City Hall ♦ October 8, 2019 ♦ 7:00 p.m.

I. Call to Order

A special meeting of the Utilities Board of the City of Daphne was held on October 8, 2019 at 7:03 p.m. in the Council Chambers at Daphne City Hall and called to order by Chairman Selena Vaughn.

II. Pledge of Allegiance

The Chairman led the Board and meeting attendees in the Pledge of Allegiance followed by the roll call.

III. Roll Call

Members Present: Selena Vaughn, Secretary/Treasurer
Billy Mayhand, Vice Chairman
Mayor Dane Haygood, Board Member
Robin LeJeune, Board Member

Members Absent: Tim Patton, Board Member

Others Present: Lori May-Wilson – Executive Assistant
Stephanie Constantine – Constantine Human Resource Consultant

Others Absent: Jerry Speegle – Board Attorney
Bobby Purvis – Interim General Manager
Drew Klumpp – Administrative Services Manager
Teresa Logiotatos – Finance Manager
Samantha Coppels – Communications Manager

IV. NEW BUSINESS

A. Finalizing the Employment Contract for General Manager - BOARD ACTION: MOTION

Chairman Vaughn advised that she had consulted with Board Attorney Jerry Speegle regarding legal verbiage in the offer letter. Stephanie Constantine announced she had one change to make regarding the retirement plan. A discussion followed regarding the employment offer.

V. BOARD ACTION

A. Motion to Approve Contract for General Manager (with Changes and Upon Legal Counsel Review) - BOARD ACTION: MOTION

MOTION by Mayor Dane Haygood to authorize the Chairwoman to be able to extend an offer to Mr. Scott Polk not to exceed an annual salary of \$120,000.00 with other terms as Chairwoman sees fit; Second by Billy Mayhand.

Discussion: Mayor Haygood commented that the five candidates had a variety of skillsets and there was strong agreement that this candidate seemed to be the right fit right now for the Board. He was pleased that all the board members were on the same page and it seems promising.

AYE: *Haygood, LeJeune, Mayhand, Vaughn* NAY: ABSENT: *Patton* ABSTAIN: **MOTION CARRIED**

VI. PUBLIC PARTICIPATION – No participants.

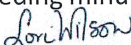
VII. BOARD COMMENTS – None

VIII. ADJOURNMENT

MOTION by Billy Mayhand to adjourn.

The meeting adjourned at 7:19 pm.

Preceding minutes submitted to the Daphne Utilities Board by:


Lori Wilson, Executive Assistant, Daphne Utilities



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20191108111745801



Type License: 020 - RESTAURANT RETAIL LIQUOR

State: \$300.00 **County:** \$440.00

Type License:

State: **County:**

Trade Name: BEANS AND BREWS

Filing Fee: \$50.00

Applicant: BEANS AND BREWS LLC

Transfer Fee:

Location Address: 1539 US HIGHWAY 98; SUITE 203 DAPHNE, AL 36526

Mailing Address: 22031 COUNTY RD 62 S ROBERTSDALE, AL 36567

County: BALDWIN **Tobacco sales:** NO

Tobacco Vending Machines:

Type Ownership: LLC

Book, Page, or Document info: INST 9201125

Date Incorporated: 10/09/2019 **State incorporated:** AL

County Incorporated: BALDWIN

Date of Authority: 10/09/2019

Alabama State Sales Tax ID: R010251717

Federal Tax ID: 84-3318044

Name:	Title:	Date and Place of Birth:	Residence Address:
RICHARD FRASIER HARGETT II 6199028 - AL	MEMBER	08/18/1976 FLORENCE, AL	22031 COUNTY ROAD 62 S ROBERTSDALE, AL 36567
WESLEY CHARLES BATES 69961789 - AL	MEMBER	11/17/1983 MOBILE	8797 NICHOLS AVE EXT FAIRHOPE, AL 36532

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

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

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

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

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

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

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

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

Contact Person: RICKY HARGETT

Home Phone: 251-517-3963

Business Phone: 251-978-6044

Cell Phone:

Fax:

E-mail: WESBATES13@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Previous License Number(s)

Trade Name:

License 1:

Applicant:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20191108111745801

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**

Name of Property owner/lessor and phone number: **EASTERN SHORE ASSOCIATES LLC 203-955-1978**

What is lessors primary business? **REAL ESTATES**

Is lessor involved in any way with the alcoholic beverage business? **NO**

Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**

Is the business used to habitually and principally provide food to the public? **YES**

Does the establishment have restroom facilities? **YES**

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**

Building Dimensions Square Footage: **2500** Display Square Footage:

Building seating capacity: **75** Does Licensed premises include a patio area? **YES**

License Structure: **ONE STORY** License covers: **OTHER**

Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:
WESLEY CHARLES BATES	DV3 HARRASMENT 02/1/2017	GULF SHORES POLICE DEPT	NOLLE PROSSED
WESLEY CHARLES BATES	DUI - 06/06/2014	ELBERTA POLICE DEPT	NOLLE PROSSED



STATE OF ALABAMA

ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION

Confirmation Number: 20191108111745801



Initial each

WB

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

WB

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

WB

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

N/A

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

N/A

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

N/A

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

WB

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

WB

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

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

WB

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

Applicant Name (print): Wesley Bates

Signature of Applicant: *Wesley Bates*

Notary Name (print): Betty G. Dean

Notary Signature: *Betty G. Dean*

Commission expires: 01/14/2023

Application Taken: 11/08/2019 App. Inv. Completed:

Submitted to Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to District Office:

Received from Local Government:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20191108111745801

Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

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

Has Agent verified membership applications for each member listed?

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

Agent's Initials:

For what purpose is the club organized?

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

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

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

License Covers: SUITE 203

Receipt Confirmation Page

Receipt Confirmation Number: **20191108111745801**
Application Payment Confirmation Number: **51898922**

Payment Summary	
Payment Item	Fee
Application Fee for License 020	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
020 - RESTAURANT RETAIL LIQUOR	\$440.00	\$300.00	\$740.00
			\$0.00
Total Amount to be Charged	\$440.00	\$300.00	\$740.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 020 - RESTAURANT RETAIL LIQUOR

License Type 2:

License County: BALDWIN

Business Type: LLC

Trade Name: **BEANS AND BREWS**

Applicant Name: **BEANS AND BREWS LLC**

Location Address: 1539 US HIGHWAY 98; SUITE 203
DAPHNE, AL 36526

Mailing Address: 22031 COUNTY RD 62 S
ROBERTSDALE, AL 36567

Contact Person: RICKY HARGETT

Contact Home Phone: 251-517-3963

Contact Business Phone: 251-978-6044

Contact Fax:

Contact Cell Phone:

Contact Email Address:

Contact Web Address:

CASE NO. 2019-11

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 11/7/19 (initial) CAC
DATE FORWARDED TO POLICE DEPT. 11/7/19 CAC
DATE RECEIVED BY POLICE DEPT. 11/12/19 HLL
DATE: APPROVED ☒ DISAPPROVED ☐
POLICE DEPT SIGNATURE [Signature] 11/12/19
DATE RETURNED TO REVENUE DIV. 11/12/19 HLL
DATE FORWARDED TO CITY CLERK 11/12/19 CAC
DATE RECEIVED BY CITY CLERK _____
SCHEDULED DATE ON AGENDA _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20191107090138955



Type License: 040 - RETAIL BEER (ON OR OFF PREMISES) State: County:

Type License: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES) State: County:

Trade Name: **DRAGON CITY BUFFET**

Filing Fee:

Applicant: **DRAGON CITY BUFFET INC**

Transfer Fee: \$100.00

Location Address: 28611 HWY 98 DAPHNE, AL 36526

Mailing Address: 28611 HWY 98 DAPHNE, AL 36526

County: BALDWIN Tobacco sales: NO

Tobacco Vending Machines:

Type Ownership: LLC

Book, Page, or Document info: INST 1528399

Date Incorporated: 08/05/2015 State incorporated: AL County Incorporated: BALDWIN

Date of Authority: 08/05/2015

Alabama State Sales Tax ID: R007211373

Federal Tax ID: 47-4763743

Name:	Title:	Date and Place of Birth:	Residence Address:
YI XIANG OU 9861284 - AL	MEMBER	05/02/1976 CHINA	9749 OTTAWA DR DAPHNE, AL 36526

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

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

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

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

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

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

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

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

Contact Person: YI YIANG OU

Business Phone: 251-626-5666

Fax:

Home Phone: 251-751-4493

Cell Phone: 251-626-5666

E-mail: 1459914885@QQ.COM

PREVIOUS LICENSE INFORMATION:

Trade Name: DRAGON CITY BUFFET

Applicant: DRAGON CITY 1 INC

Previous License Number(s)

License 1: 040-010045502-440

License 2: 060-010045502-440



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20191107090138955

If applicant is leasing the property, is a copy of the lease agreement attached?

Name of Property owner/lessor and phone number: DRAGON CITY BUFFET INC 251-626-5666

What is lessors primary business? RESTAURANT

Is lessor involved in any way with the alcoholic beverage business? YES

Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? YES

Is the business used to habitually and principally provide food to the public? YES

Does the establishment have restroom facilities? YES

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO

Building Dimensions Square Footage: 5000 Display Square Footage:

Building seating capacity: 150

Does Licensed premises include a patio area? NO

License Structure: ONE STORY

License covers: ENTIRE STRUCTURE

Location is within: CITY LIMITS

Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:

Violation & Date:

Arresting Agency:

Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
 ALCOHOL LICENSE APPLICATION
Confirmation Number: 20191107090138955



Initial each

Signature page

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

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

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

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

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

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

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

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

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

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

Applicant Name (print): yi xiang ou

Signature of Applicant: yi xiang ou

Notary Name (print): Betty G. Dean

Notary Signature:

Betty G. Dean

Commission expires: 01/14/2023

Application Taken: 11/07/2019 App. Inv. Completed:

Submitted to Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to District Office:

Received from Local Government:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20191107090138955

Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

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

Has Agent verified membership applications for each member listed?

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

Agent's Initials:

For what purpose is the club organized?

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

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

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

Is the lessor involved in any way with the alcohol beverage business?: APPLICANT
AND OWNER ARE THE SAME



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
Confirmation Number: 20191107090138955



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:
DRAGON CITY 1 INC
Address: 28611 HWY 98
DAPHNE, AL 36526
Telephone: 251-751-4793

NEW APPLICANT:
DRAGON CITY BUFFET INC
Address: 28611 HWY 98
DAPHNE, AL 36526
Telephone: 251-626-5666

Current License No: 040-010045502-440
060-010045502-440

LICENSED PREMISES ADDRESS: 28611 HWY 98 DAPHNE, AL 36526

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 7th day of November, 2019.

CURRENT LICENSEE (NAMED ON LICENSE)

NEW LICENSEE (APPLICANT)

Yi Xiang Ou
Print Name: Yi Xiang Ou
Title: Member

Yi Xiang Ou
Print Name: Yi Xiang Ou
Title: Member

WITNESS: (By ABC Enforcement)
Revised 9/08

Betty M. Wilson

Receipt Confirmation Page

Receipt Confirmation Number: **20191107090138955**
Application Payment Confirmation Number: **51879060**

Payment Summary	
Payment Item	Fee
Transfer Fee for License 040 and License 060	\$100.00
Total Amount to be Charged	\$100.00

Application Type

Application Type: TRANSFER

Applicant Information

License Type 1: 040 - RETAIL BEER (ON OR OFF PREMISES)
License Type 2: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES)
License County: BALDWIN
Business Type: LLC
Trade Name: **DRAGON CITY BUFFET**
Applicant Name: **DRAGON CITY BUFFET INC**
Location Address: 28611 HWY 98
DAPHNE, AL 36526
Mailing Address: 28611 HWY 98
DAPHNE, AL 36526
Contact Person: YI YIANG OU
Contact Home Phone: 251-751-4493
Contact Business Phone: 251-626-5666
Contact Fax:
Contact Cell Phone: 251-626-5666
Contact Email Address:
Contact Web Address:

CASE NO. 2019-10

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 11/7/19 (initial) CAC
DATE FORWARDED TO POLICE DEPT. 11/7/19 CAC
DATE RECEIVED BY POLICE DEPT. 11/7/19 AC
DATE: APPROVED ☒ DISAPPROVED ☐
POLICE DEPT SIGNATURE [Signature] 11/12/19
DATE RETURNED TO REVENUE DIV. 11/12/19 AC
DATE FORWARDED TO CITY CLERK 11/22/19 CAC
DATE RECEIVED BY CITY CLERK _____
SCHEDULED DATE ON AGENDA _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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

CITY OF DAPHNE, ALABAMA

ORDINANCE 2017-47

**AN ORDINANCE TO ADJUST SPEED LIMITS
AND TO POST SPEED LIMIT SIGNS**

WHEREAS, the traffic patterns and speeding problems on the public streets, roads, and highways within the City of Daphne have been studied and certain recommendations have been made to the City Council relative to establishing speed limits in accordance therewith; and

WHEREAS, the City Council of the City of Daphne has determined that it is in the best interests of the public health, safety, and welfare of the citizens of Daphne to adjust certain speed limits and post speed limit signs within the corporate boundaries of the City of Daphne; and

WHEREAS, the City Council of the City of Daphne desires to post speed limit signs, which shall reflect the adjusted speed limits, the quantity and location of which shall be determined by the City of Daphne Public Works Department; and

WHEREAS, any violation of the aforementioned posted speed limits shall constitute a traffic offense, pursuant to the Alabama Code, and within the jurisdiction of The City of Daphne Municipal Court.

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

SECTION ONE: PUBLIC STREETS

The speed limit on all public streets, roads and highways located within the City Limits of the City of Daphne, Alabama, excluding U.S. Highway 98, U.S. Highway 90, and State Road 181, are hereby fixed at 25 miles per hour (hereinafter "m.p.h.") unless listed herein.

SECTION TWO: NEW CITY ROADWAYS

The speed limit on all proposed new (residential or commercial) roadways shall be set at a maximum 25 m.p.h. and all plats, plans, and submissions to the City of Daphne shall reflect the maximum allowable speed for the proposed new roads. Any new roadways proposing speed limit greater than 25 m.p.h. shall be approved by the City Council with a favorable recommendation from the Planning Commission and Public Works Director.

SECTION THREE: SCHOOL ZONES

During the school year and at designated times while school is in session, the speed limit in and through school zones is hereby fixed at 25 m.p.h., unless otherwise posted. Outside of the designated times and/or when school is not in session, the speed limit in the school zone shall conform to the speed limit set in the adjacent areas, unless otherwise posted.

SECTION FOUR:**POSTED SPEEDS FOR LISTED ROADWAYS**

The following Roadways shall have posted speed limits for the extents shown:

Road Name	Speed (m.p.h.)	From	To
Capital Dr	30	Rand Ave	Daphne Ave, CR 64
Champions Way	35	CR 13	St Hwy 181
CR 13	35	CR 64	Whispering Pines Rd
CR 13	45	Milton Jones Rd	CR 64
CR 13	45	Whispering Pines Rd	US Hwy 90
CR 64 (Daphne Ave)	45	US Hwy 98	St. Hwy 181
Daphne Ave	30	Main Street	US Hwy 98
Deer Ave	30	Captain O'Neal	Main St (Scenic 98)
Equity Drive	30	Rand Ave	Daphne Ave, CR 64
Johnson Rd	30	Pine St	N. Main St (Scenic 98)
Milton Jones Rd	35	St. Hwy 181	CR 13
N. Main St	25	D'Olive Blvd	US Hwy 90
N. Main St	35	US Hwy 98	D'Olive Blvd
Park Dr	25	Jenkins Ln	Tallent Ln
Park Dr	35	Tallent Ln	N. Main St
Park Dr (Curve)	15	Pollard Rd	Jenkins Ln
Pinehill Rd	35	Park Dr	N. Main St
Pleasant Rd	35	St. Hwy 181	CR 13
Pollard Rd	35	South City Limits	Brookside Ln
Pollard Rd	25	Brookside Ln	Eagle Dr
Pollard Rd (Curve)	15	Eagle Dr	Park Dr
Public Works Rd	35	Well Rd	Rand Ave
Rand Ave	30	CR 13	Capital Dr
Main St (Scenic 98)	35	Holy Cross Dr	US Hwy 98
Timber Creek Blvd	30	US Hwy 31	St. Hwy 181
Well Rd	30	Pollard Rd	CR 13
Whispering Pines Rd	35	CR 13	S. Main St

SECTION FIVE:**ROADWAYS POSTED AT LESS THAN 25 M.P.H.**

The speed limit on Greenbay Circle is hereby fixed at 20 m.p.h. and the speed limit on Jackson Street is hereby fixed at 15 m.p.h.

SECTION SIX: **PENALTY**

Any person who is convicted of speeding in excess of the speed limits as set forth in Sections One (1) through Five (5) above shall be fined in accordance with Title 32-5A-8 of the Code of Alabama (1975), as amended or may be amended, and City of Daphne Ordinance 1987-8, as amended.

SECTION SEVEN: **REPEALER**

Ordinance Nos. 2016-22, 2012-43, and 2002-28 are hereby repealed in their entirety. All Ordinances repealed by those Ordinances shall remain repealed and are not revived. All other City of Daphne Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION EIGHT: **SEVERABILITY**

If any article, section, sentence, clause, or phrase in this Ordinance is, for any reason, held to be invalid or unconstitutional by declaration of any Court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

SECTION NINE: **EFFECTIVE DATE**

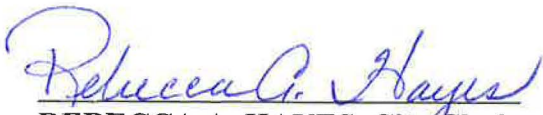
This Ordinance shall take effect as provided by law after passage, approval, and publication.

APPROVED AND ADOPTED by the **CITY COUNCIL** of the **CITY OF DAPHNE, ALABAMA**, this 19th day of June, 2017.

Attest:



DANE HAYGOOD, Mayor



REBECCA A. HAYES, City Clerk

JUNE 23, 2017

**CITY OF DAPHNE)
STATE OF ALABAMA)
COUNTY OF BALDWIN)**

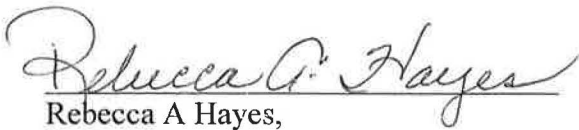
I, Rebecca A. Hayes, City Clerk for the City of Daphne, Alabama, do hereby certify that Ordinance No. 2017-47 was published in accordance with Section 11-45-8, Code of Alabama (1975) by posting for at least thirty (30) days in the following places:

- The Mayor's Office at City Hall
- The Daphne Public Library
- Daphne Utilities

A copy of the ordinance will also be posted on the City's website, www.daphneal.com, for thirty (30) days.

Pursuant to Section 11-45-8, Code of Alabama (1975), this Ordinance became effective on June 29, 2017.

ATTEST:



Rebecca A Hayes,
City Clerk
City of Daphne, AL

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2019-61
2020-B-JANITORIAL SERVICES**

WHEREAS, janitorial services are needed for the City Hall, Recreation/Senior Center and Library facilities; and

WHEREAS, The City of Daphne advertised for bids for the Janitorial Services and received three bids; and

WHEREAS, Staff has reviewed the bids for the Janitorial Services and determined that the low bid as presented is reasonable; and

WHEREAS, Staff has recommended to award to the low bidder Touchdown Cleaning Services, Inc. for rates as bid; and

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City hereby accept the bid of Touchdown Cleaning Services, Inc. at the rates as listed below and specified in BID SPECIFICATION NO. 2020-B-Janitorial Services:

ITEMS LIST	MONTH \$	12 MONTHS \$
Location: City of Daphne City Hall, 1705 Main Street, Daphne, AL		
Year 1 – Initial Term:	\$780.00	\$9,360.00
Year 2 – 1st Additional Term	\$780.00	\$9,360.00
Year 3 – 2st Additional Term	\$780.00	\$9,360.00
Location: LIBRARY		
Year 1 – Initial Term:	\$866.00	\$10,392.00
Year 2 – 1st Additional Term	\$866.00	\$10,392.00
Year 3 – 2st Additional Term	\$866.00	\$10,392.00
Location: RECREATION/SENIOR CENTER		
Year 1 – Initial Term:	\$866.00	\$10,392.00
Year 2 – 1st Additional Term	\$866.00	\$10,392.00
Year 3 – 2st Additional Term	\$866.00	\$10,392.00
UNIT PRICES –for Cleaning Carpet & Waxing Floors - SqFt & Total Bldg	SqFt	TOTAL BLDG
Location: City Hall- Carpet Cleaning	\$0.20	\$435.00
Location: City Hall - Waxing Floors	\$0.24	\$3,168.00
Location: Library - Carpet Cleaning	\$0.20	\$1,166.00
Location: Library - Waxing Floors	\$0.24	\$241.00
Location: Recreation/Senior Center - Carpet Cleaning	\$0.20	\$638.00
UNIT PRICES – for additional services outside the basic scope of services not included in the total Bid:	PER HOUR	
A. Regular Time (8am to 5pm, Monday-Friday):	\$10.00	
B. Overtime (5pm-8am, Monday-Friday & Weekends):	\$10.00	
C. Overtime Holidays (City Holidays):	\$10.00	

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,
THIS _____ day of _____, 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA
Resolution 2019-62

Support of MPO Surface Transportation Funds to Install Intersection Improvements on County Road 64 and Pollard Road

WHEREAS, the City of Daphne is a member Government of the Eastern Shore Metropolitan Planning Organization (MPO); and

WHEREAS, the Eastern Shore MPO was formed in June 2012 and has four years to allocate MPO Surface Transportation Project funds through the adoption of the 2040 Long Range Transportation Plan and FY20-23 Transportation Improvement Program (TIP); and

WHEREAS, the City of Daphne has submitted a project to install Intersection Improvements on County Road 64 at Pollard Rd (**CR 64 and Pollard Rd Intersection Improvements**) for inclusion in the FY 2020-2022 Transportation Improvement Program; and

WHEREAS, the CR 64 and Pollard Rd Intersection Improvements Project has been submitted for funding through MPO Surface Transportation Funds which require a twenty percent (20%) local match; and

WHEREAS, the CR 64 and Pollard Rd Intersection Improvements Project has an estimated cost of \$1,304,368.30 with an estimated local match of \$260,873.66(20%) to be provided by the City of Daphne; and

WHEREAS, the City of Daphne allocated \$175,000 as part of the FY20 Budget and has set aside \$90,000 in Capital Reserves to install CR 64 and Pollard Rd Improvements Project; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Daphne that:

- 1.) The City of Daphne supports the funding of the CR 64 and Pollard Rd Intersection Improvements Project through MPO Surface Transportation Funds; and
- 2.) The Mayor and the Director of Public Works are hereby authorized to execute all agreements, contracts and documents for CR 64 and Pollard Rd Improvements Project funded through MPO Surface Transportation Funds; and
- 3.) The City will appropriate funds for the project equal to 20% of the survey, design, construction and CE&I (Total Project) cost in addition to 100% of all related utility relocations, and Right of Way acquisition costs, if any.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA
Resolution 2019-63

Support of MPO Planning Funds to Prepare Traffic Calming Guidelines

WHEREAS, the City of Daphne is a member Government of the Eastern Shore Metropolitan Planning Organization (MPO); and

WHEREAS, the City of Daphne has submitted a project to prepare Traffic Calming Guidelines for use by all member Governments of the Eastern Shore Metropolitan Planning Organization; and

WHEREAS, the Traffic Calming Guidelines Project has been submitted for funding through MPO Planning Funds which require a twenty percent (20%) local match; and

WHEREAS, the Traffic Calming Guidelines Project has an estimated cost of \$40,000 with an estimated local match of \$8,000(20%) to be provided by the City of Daphne; and

WHEREAS, the City of Daphne allocated \$175,000 as part of the FY20 Budget and has set aside \$90,000 in Capital Reserves to install CR 64 and Pollard Rd Improvements Project; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Daphne that:

- 1.) The City of Daphne supports the funding of the Traffic Calming Guidelines Project through MPO Planning Funds; and
- 2.) The Mayor and the Director of Public Works are hereby authorized to execute all agreements, contracts and documents for Traffic Calming Guidelines Project funded through MPO Surface Transportation Funds; and
- 3.) The City will appropriate funds for the project equal to 20% of the design cost.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2019 - 64**

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

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

WHEREAS, the items listed below is recommended for disposal; and

WHEREAS, the equipment was purchased with ADEM Grant monies and approval from ADEM to sell the equipment has been obtained.

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

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

DEPT	EQ/VEH/#	DESCRIPTION	VIN/SN
Grounds	1407	Sprayer - Truck Mounted ULV Sprayer (Mosquito)	10298

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2019 - 65**

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

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

WHEREAS, the items listed below is recommended for disposal.

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

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

DEPT	DESCRIPTION
Grounds	Christmas "Pole" Decorations - Poinsettias (Qty-60)
Grounds	Christmas "Pole" Decorations - Snowflakes (Qty-40)

1. The Mayor is authorized to donate the such personal property to another governmental agency; and
2. The Mayor is further authorized to sell such personal property through Govdeals.com to the highest bidder and deposit any and all proceeds to the appropriate City Fund if for any reason the donation is not needed and sign all necessary documents.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2019

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-48**

**Ordinance to Re-Zone Property Located
Northwest of Main Street and Van Avenue
Damaris Anderson**

WHEREAS, Damaris Anderson, as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as R-2, Medium Density Single Family Residential District, be re-zoned as MU, Mixed Use District; and

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

Legal Description of Property to be Re-Zoned to MU, Mixed Use District:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST, THENCE SOUTH ALONG SAID SECTION LINE A DISTANCE OF 2193.5 FEET TO A POINT; THENCE WEST 25 FEET TO A POINT ON THE WEST MARGIN OF MAIN STREET AT THE INTERSECTION WITH THE NORTH MARGIN OF VAN AVENUE AND THE POINT OF BEGINNING, SAID POINT MARKED BY A CAPPED IRON ROAD (REBAR); THENCE ALONG SAID NORTH MARGIN NORTH 90°00'00" WEST A DISTANCE OF 155.82 FEET TO A POINT MARKED BY A CRIMPED TOP PIPE; THENCE DEPARTING SAID NORTH MARGIN NORTH 00°06'57" WEST A DISTANCE OF 68.87 FEET TO A POINT MARKED BY AN OPEN TOP PIPE; THENCE NORTH 90°00'00" EAST A DISTANCE OF 155.82 FEET TO A POINT ON SAID WEST MARGIN MARKED BY AN OPEN TOP PIPE; THENCE ALONG SAID WEST MARGIN SOUTH 00°06'57" EAST A DISTANCE OF 68.87 FEET TO THE POINT OF BEGINNING CONTAINING 10731.1 SQUARE FEET (0.2 ACRES), MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on September 26, 2019, the Commission considered said request and set forth a favorable recommendation; and,

WHEREAS, due notice of said proposed re-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, and a public hearing was held before the City Council on November 18, 2019; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for re-zoning of the above described real property is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

The above described real property is hereby re-zoned from R-2, Medium Density Single Family Residential District, be re-zoned as MU, Mixed Use District, and the zoning ordinance and zoning map shall be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE DATE AND REVERSION.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk