

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
December 2, 2019
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL

INVOCATION Pastor Rife Stewart, Destiny Church

PLEDGE OF ALLEGIANCE

PRESENTATION: Attorney Jim Scroggins

PUBLIC HEARING: Speed limit on Main Street

3. APPROVE MINUTES: Council Meeting – November 18, 2019

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Conaway

Review the minutes from the November 18th meeting.

Treasurer's Report for October 2019:

- Unrestricted Fund Balance: \$14,222,953
- Total Cash Balance: \$22,813,361

Sales Tax for September 2019: \$1,520,965

Lodging Tax for September 2019: \$83,144

B. BUILDINGS & PROPERTY COMMITTEE – Goodlin

C. PUBLIC SAFETY COMMITTEE – Scott

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Phillips

E. PUBLIC WORKS COMMITTEE – Coleman

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

MOTION to reappoint Dayna Oldham for a 6 year term from November 2019- November 2025.

C. INDUSTRIAL DEVELOPMENT BOARD - Rudicell

D. LIBRARY BOARD –Phillips

E. PLANNING COMMISSION – Scott

Review the minutes from the October 24, 2019 meeting.

F. RECREATION BOARD – Coleman

G. UTILITY BOARD – LeJeune

City Council Agenda – December 2, 2019

6. MAYOR’S REPORT

7. CITY ATTORNEY REPORT

8. DEPARTMENT HEAD REPORTS

9. CITY CLERK’S REPORT

MOTION to approve the Apollo’s Mystic Ladies Mardi Gras Parade on February 14, 2019 from 6:45pm – 8:30pm (rain date February 20, 2020).

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2019-66 – Resolution Abating Certain Assessments for the Cost of Improvements Provided by Ordinance 2007-05 and 2007-20 and Assessed by Resolution 2009-89

B. 2ND READ ORDINANCES:

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

C. 1ST READ ORDINANCES:

2019-49 – Appropriation: Daphne High School Project – Refurbish Track - \$75,000

2019-50 – Adjust the Speed Limits and Post Speed Limit Signs

12. COUNCIL COMMENTS

13. ADJOURN

CITY OF DAPHNE, ALABAMA

ORDINANCE 2019-50

**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)	25	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, 2002-28 and 2017-17 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 _____ day of _____, 2019.

DANE HAYGOOD
Mayor

Attest:

CANDACE G. ANTINARELLA
City Clerk

**November 18, 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 Robin LeJeune called the meeting to order at 6:30 p.m.

2. ROLL CALL:

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

COUNCIL MEMBERS ABSENT: Ron Scott

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; Betsy Schneider, Operations Director; Andy Ray, Fire Department; Adrienne Jones, Planning Director; Scott Taylor, Police Department; Ange Baggett, Marketing Director; Conrad Bates, IT Director and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Jessica Linne, Assistant City Clerk.

PUBLIC HEARING: Morgan Ashurst presented on the property and said Ms. Anderson is looking to rezone the property from a R2 to a Mixed Use.

Public hearing opened at 6:33pm. No one came forward.

Public hearing closed at 6:34pm.

3. APPROVE MINUTES:

The minutes of the November 4, 2019 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Conaway said the report for the Finance Committee will be at the next Council meeting.

**MOTION by Councilwoman Conaway 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. Seconded by Councilwoman Phillips. Councilwoman Phillips said the signs are about \$4,000 each.
MOTION CARRIED UNANIMOUSLY.**

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Coleman said the next meeting is December 9th at 5:15pm.

C. PUBLIC SAFETY COMMITTEE

Councilman Scott was absent. Councilman LeJeune mentioned the minutes from the October 14th meeting were in the packet.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilwoman Phillips said the next meeting is December 2nd at 4:30pm.

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

E. PUBLIC WORKS COMMITTEE

Councilman Coleman said the minutes from the November 6th Beautification Committee meeting are in the packet. He said the next meeting is December 2nd at 5:30pm.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said there was no report.

B. Downtown Redevelopment Authority

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

C. Industrial Development Board

Councilman Rudicell said the next meeting is tomorrow, November 19th at 4:30pm.

D. Library Board

Councilwoman Phillips said the board meets the 2nd Thursday of the month at 4:00pm at the Library. She said the Porch Grand opening celebration will be November 19th at 6:00pm.

E. Planning Commission

Councilman Scott was absent. No report was given.

F. Recreation Board

Councilman Coleman said the board met last Wednesday. They are developing a long range plan. He said there is one position available on the board and anyone interested should submit a resume.

G. Utility Board

Councilman LeJeune welcomed Scott Polk as the new General Manager at Daphne Utilities. He said the recent lawsuit between ADEM and Baykeeper's is now put to rest. .

6. MAYOR'S REPORT:

Mayor Haygood mentioned multiple employees who have upcoming retirement dates. He thanked the Marketing Department and Daphne High School for all they did for the November 8th Veteran's Program. He wished everyone a Happy Thanksgiving and encouraged everyone to join the City in the upcoming Christmas activities.

7. CITY ATTORNEY REPORT:

City Attorney had no report.

8. DEPARTMENT HEAD COMMENTS:

Fire Department had no report.

Scott Taylor said they have three officers graduating the Academy.

Ange Baggett, Recreation and Civic Center, updated the Council and citizens on upcoming events within the City.

Adrienne Jones, Planning, said there will be a Planning Commission meeting on Thursday at 5pm.

Troy Strunk mentioned that there was also a retirement from the Grounds Department.

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

9. **CITY CLERK'S REPORT:**

**MOTION by Councilwoman Phillips to approve the 020 – Restaurant Retail Liquor to Beans and Brews LLC located at 1539 US Highway 98, Suite 203, Daphne, AL. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Phillips 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. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway 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. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Coleman to set a public hearing on December 2, 2019 to discuss the speed limit on Main Street. Seconded by Councilwoman Phillips.
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.

10. **PUBLIC PARTICIPATION:**

Public Participation opened at 6:55pm.

Ray Moore shared about the kickoff for the Project Sandbox. He invited everyone out to Wednesday's event at 12:00pm.

Cathy O'Hara, 500 Jackson Street Apartment 1505-B, shared concerns about the dog park. She said they were given no notice of the closing. She asked about having lights installed at the dog park.

Public Participation closed at 7:05pm.

11. **RESOLUTIONS & ORDINANCES:**

RESOLUTIONS:

2019-61 – Janitorial Bid

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

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

**MOTION by Councilwoman Conaway to waive the reading of Resolution 2019-61, 2019-62, 2019-63, 2019-64 and 2019-65. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conway to adopt Resolution 2019-61. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Phillips to adopt Resolution 2019-62. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Phillips to adopt Resolution 2019-63. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Resolution 2019-64. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Coleman to adopt Resolution 2019-65. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

ORDINANCES:

2nd READ:

1st READ:

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

12. COUNCIL COMMENTS:

Mayor Haygood thanks Ms. O'Hara for coming. He said his office is working the lights request. He thanked Betsy and Kelli for the work they did on the custodial services. He wished everyone a happy thanksgiving.

Councilwoman Conaway wished everyone a happy thanksgiving.

Councilman Rudicell agreed with Councilwoman Conaway. He encouraged everyone to check on the elderly in their neighborhoods over the holidays.

Councilman Coleman wished everyone a happy thanksgiving.

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

Councilman Goodlin thanked Mrs. Reid for her work on the end of year audit.

Councilwoman Phillips said she is grateful for everyone and glad when citizens come out to express concerns. She reiterated what Councilman Rudicell said concerning elderly neighbors.

Councilman LeJeune thanked Councilman Rudicell for his work over the last year. He encouraged people to look into the Angel Trees during the holiday season. He thanked the Council for allowing him to lead this upcoming year. He wished everyone happy thanksgiving.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 7:16PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, City Clerk

Robin LeJeune, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
NOVEMBER 18, 2019
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

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

Present were:

Chairperson Mrs. Tommie Conaway
Councilman Mr. Pat Rudicell
Councilman Mr. Joel Coleman
Councilman Mr. Doug Goodlin
Councilman Mr. Robin LeJeune

Councilwoman Mrs. Angie Phillips

Also Present: Mayor Dane Haygood, Finance Director Mrs. Kelli Reid, Human Resource Director Vickie Hinman, Revenue Officer Courtney Coleman, Public Works Director Mr. Jeremy Sasser, Operations Director Mrs. Betsy Schneider, City Clerk Mrs. Candace Antinarella, Executive Director of City Development Troy Strunk, Director of Events and Marketing Ange Baggett, Battalion Chief Kenny Hanak, and City Attorney Mr. Patrick Dungan.

Engineer- Mr. Jeff Jordan, Foster Daniell & Associates, P.C.

II. PUBLIC PARTICIPATION

There was no public participation.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved with one change.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resource Report:

- Posted positions – 2
- Reviewing/Testing/Interviewing/Background check - 12
- Promotion/Internal Transfer - 2
- New Hires – 1
- Open positions - 1

Mrs. Hinman reviewed the monthly Safety Committee meeting topics discussed and other Human Resource projects and events and the Loss Control Report and noted what steps had been taken to correct noted issues.

Other HR projects/meetings/events:

- HR training for employees re: Supervisory Training on November 19 and 20
- Fall employee picnic: November 14, 2019
- Longevity Pay: November 20, 2019
- Police Oral Board: November 22, 2019

B. Overtime Report and Special Events Overtime Recap Report

Mrs. Reid reviewed the overtime report.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – October, 2019

Mrs. Coleman reviewed the following reports and information:

- Code enforcement issued 3 warnings resulting in businesses becoming compliant and \$503 in revenue.
- New Businesses with a physical location in Daphne - 9
- Simplified Sellers Use Tax collections - \$54,443.51

BUSINESS LICENSE ACTIVITY REPORT

BUSINESS LICENSE COUNT through 10/31/2019	
NEW Licenses	39
RENEWAL Licenses (2019)	40
Total Issued THIS MONTH	79
Total Issued THIS MONTH - PREVIOUS YEAR	53
Net Gain/-Loss Current VS Previous Yr MONTH +	26
Total Issued YTD 2019	4,651
Total Issued YTD - PREVIOUS YEAR	4,489
Net Gain/-Loss Current VS Previous Yr YTD +	162

Business License Fee Historical Comparison 2019 / 2020				
	FY 19	FY 20	+/- Previous Year	Budget 2020 * \$2,335,000
October	\$7,486.91	\$15,924.77	\$8,437.86	(\$2,199,075.23)
Year to Date	\$7,486.91	\$15,924.77	\$8,437.86	(\$2,134,075.23)
* Amounts include penalty and interest.				

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: September, 2019

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,520,965.28 was collected for September, 2019 which was up \$130,515.49 from September 2018's collections: :

- YTD Variance over Budget - \$961,022.61

B. Lodging Tax Collections, September, 2019

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for September, 2019 were \$83,143.98 which is down (\$9,598.09) from September 2018's collections .

- YTD Variance over Budget: \$ 60,639.01

C. Lodging Tax Fund : Statement of Rev over Exp, October, 2019

Mrs. Reid reviewed the Lodging Tax Statement of Revenues over Expenditure report for **October**, 2019.

- Unreserved balance for Bayfront related purchases - \$ 725,094.39
- Recreation related purchases - \$ 1,594,352.53

Mrs. Reid noted there was no activity for October 2019 with the exception of the monthly distributions to the IDB and DRA. Mr. Rudicell asked about funding a splash pad.

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: October, 2019

Mrs. Reid reviewed the Treasurer's Report:

TREASURER'S REPORT As of October 31, 2019					
Account Type/Title	10/31/2019	9/30/2019	Increase (Decrease) from last Month	10/31/2018	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	\$ 8,031,368	\$ 8,274,680	\$ (243,312)	\$ 4,816,549	\$ 3,214,819
CERTIFICATE OF DEPOSIT	505,908	500,000	5,908	504,979	\$ 930
INVESTMENT FUND	5,669,872	5,669,872	-	5,320,680	\$ 349,192
CREDIT CARD ACCOUNT	15,803	12,959	2,845	10,158	\$ 5,646
Total Unrestricted Cash Balance	14,222,953	14,457,511	(234,559)	10,652,366	3,570,587
SPECIAL REVENUE FUNDS					
AGENCY FUNDS					
	3,477,468	3,461,587	15,881	3,941,088	(463,621)
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	2,426,716	2,851,720	(425,004)	5,392,499	(2,965,783)
2016 CAPITAL IMPROVEMENTS	-	-	-	845,944	(845,944)
2017 CONSTRUCTION	-	-	-	5,351,506	(5,351,506)
2019 CAPITAL IMPROVEMENTS	919,811	919,755	55	-	919,811
	3,346,527	3,771,475	(424,949)	11,589,949	(8,243,422)
DEBT SERVICE FUNDS					
DEBT SERVICE	1,766,414	1,741,101	25,313	1,958,174	(191,760)
Total Restricted Cash Balance	8,590,409	8,974,164	(383,755)	17,489,211	(8,898,803)
Total City Cash Balance	\$ 22,813,361	\$ 23,431,675	\$ (618,314)	\$ 28,141,577	\$ (5,328,216)

Mrs. Reid noted that the decrease was basically from 2017 Construction funds spent down and the account has been closed.

The Treasurer's Report as of OCTOBER, 2019 Total Unrestricted Cash Balance - \$14,222,953 and Total City Cash Balance - \$22,813,361 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance is - \$798,970.98 as of **October**, 2019.

Mrs. Reid reviewed the Encumbrance Report and reviewed funds that were being carried over to FY2020. Discussion continued on sidewalk project, long term comprehensive plan, and the Jubilee Breeze magazine.

3. Outstanding Appropriations

Mrs. Reid reviewed the outstanding appropriations report and noted she has updated the report to include all new projects included in the FY2020 budget. Mr. Rudicell discussed the sidewalk projects for FY2020.

4. Financial Overview: Debt Summaries & Monthly Financial Statements, September, 2019

Mrs. Reid reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), **October**, 2019
 - Jubilee Square: Debt payments are currently fully paid through December 2018 thus 10 months in arrears. Arrearage includes \$415,998 in principal and \$97,162 in interest.

Mrs. Reid noted that the financial statements for September are not the final statement so below is a draft.

Monthly Financial Statements –September 2019 Financial Highlights

General Fund:

- | | <u>FY 2019</u> | <u>FY 2018</u> | <u>Change</u> |
|--|----------------|----------------|---------------|
| YTD Budgetary Net Income: | \$1,562,667 | \$750,409 | \$812,258 |
| Total sales tax collected year to date is approximately 1,093,000 over prior year and \$961,000 over budgeted income | | | |
| Investment and interest earnings are approximately \$406,000 over prior year to date earnings | | | |

- Ad Valorem Tax collections are approximately \$478,000 over prior year
- Charges for services are approximately \$329,000 over prior year, due directly to the City now being reimbursed up to \$250,000 for the SROs. This income was partially offset by the addition of three new SROs.
- Unassigned Fund Balance: \$14,784,502
- Outstanding Encumbrances: \$798,971
- Total revenue was 107.30% of budgeted revenue and total expenses were 92.63% of budgeted expenses

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of September 30, 2019: \$35,874,840
- Outstanding Note Payable Balance as of September 30, 2019: \$779,102
- Outstanding Capital Lease Balance as of September 30, 2019:
 - o General Fund: \$1,572,915
 - o Enterprise Funds: \$310,165

Capital Project Funds (Capital Reserve, 2016 Construction, 2017, and 2019 Construction):

- YTD Park Improvements Expenditures: \$10,409,909
- YTD Corte Road Paving Expenditures: \$785,651
- YTD Road Repaving Initiative Expenditures: \$922,978
- The 2016 Construction was closed in February with all of the bond refunding proceeds being expended on Lott Park and the 2017 Construction Fund was closed in May with all of the bond refunding proceeds being expended on the Daphne Sports Complex
- The 2019 Construction Fund was opened in May with approximately \$918,000 of savings from the 2012 Warrant refunding with the proceeds to be used for the construction of fire station #5

Special Revenue Funds (11 separate funds):

Lodging Tax Fund –

- o Bayfront Unreserved Fund Balance: \$1,580,246
- o Recreation Unreserved Fund Balance: \$724,635
- o Total lodging tax collected year to date is approximately \$25,000 over prior year and \$60,600 over budgeted income.

Mrs. Reid discussed numbers would change after OPEB numbers were received.

5. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary. No appropriations have been made.

- Total Project Estimated Cost: \$9,700,000 - Total City Cost needing to be appropriated - \$6,982,000 .
- Annual Yearly Expenditures: \$1,900,000 - Total City Cost needing to be appropriated - \$1,900,000 .

B. Bills Paid Reports – October, 2019

The Bills Paid Report were previously presented electronically.

VIII. BIDS (Resolution)

A. 2020-A-Fire Station #5

Mrs. Reid reviewed the bid tabulation noting the Add Alternate was for a fifth bay. Mrs. Reid reviewed her handout showing cost and what appropriation was needed for the different options. Discussion continued on the bay doors and that they would be purchased separately from the construction bid. Battalion Chief Kenny Hanak, Engineer Jeff Jordan, and the Mayor discussed the doors and needed changes that were made before the project was bid. Discussion continued on potential cost savings. The Mayor discussed the City managing the construction process and evaluating any negotiation options for potential savings. Mrs. Reid stated if they wanted to award the bid to the low bidder then the decision needs to be made to award with the Add Alternate or without it. Discussion continued on awarding the bid now or looking at other options. Mr. Jeff Jordan stated that the bids received were solid and noted that there were six responses. The Mayor discussed the option of hiring a General Contractor to be the program manager to save monies.

Discussion continued that hiring a program manager to obtain the individual sub-contractors would require the City to bid out individual parts of the project that exceed \$50,000. Mrs. Phillips expressed her concerns on hiring a program manager and piece milling the project but would like to look at options for finding some savings. Mrs. Reid and the Mayor discussed putting the bid on the next Public Works Committee meeting agenda to allow more time for legal research on the City's options.

IX. NEW BUSINESS

A. IDB-DISC Loan Repayment - \$1,200,000

Mrs. Reid reviewed the DISC resolution. Mr. Rudicell and the Mayor discussed what the process would be if IDB subdivides or sells any of the properties. Discussion continued that IDB wanted Council to review the resolution before IDB adopted it and that no action was required by Council.

B. Sewer Assessments – Abating certain assessments for the cost of improvements

Mrs. Reid discussed that at last month's finance meeting a motion was made to write off two sewer assessments for retention pond properties in the Renaissance district but after further research the City attorney had advised that there is a statutory lien on the property so the City needs adopt a resolution to strike the previous motion from City records

Property Owner	Parcel No.	Assessment Amount
Renaissance Cooperative District	05-32-08-34-0-000-002.065	\$9,329.00
Renaissance Cooperative District	05-32-08-34-0-000-002.046	\$6,948.00

MOTION BY Mr. LeJeune to recommend to Council to adopt a Resolution striking the previous discussion/recommendation to write off two assessments for the following properties:

<i>Property Owner</i>	<i>Parcel No.</i>	<i>Assessment Amount</i>
<i>Renaissance Cooperative District</i>	<i>05-32-08-34-0-000-002.065</i>	<i>\$9,329.00</i>
<i>Renaissance Cooperative District</i>	<i>05-32-08-34-0-000-002.046</i>	<i>\$6,948.00</i>

Seconded by Mr. Goodlin.

MOTION CARRIED UNANIMOUSLY

C. Daphne High School - Refurbish Track - \$75,000/match

Mr. LeJeune discussed the need for Daphne High School to refurbish their track and explained that this track is also used by the public during games. Mr. LeJeune stated the request is for the City to appropriate half of the cost to refurbish the track and that the total cost is \$150,000. The Mayor continued discussing the cost to refurbish the track and Daphne High School contributing half of this cost - \$75,000. Mr. Rudicell discussed setting a timeline for the track to be refurbished. Discussion continued on setting an expected timeline.

MOTION BY Mr. LeJeune to recommend to Council to adopt an ordinance appropriating \$75,000 pending a \$75,000 match from Daphne High School/Baldwin County Board of Education out of the General Fund .
Seconded by Mr. Goodlin.

MOTION CARRIED UNANIMOUSLY

XI. OLD BUSINESS

A. Discuss Solid Waste

Mrs. Reid discussed the options that were listed at the last Finance Committee meeting and listed in the draft resolution in the packet:

1. Implement the SW2020CIP in order to upgrade recycling trucks to facilitate automated recycling curbside pickup.
2. Change the frequency of curbside recycling pickup from weekly to bi-weekly.
3. Modify the recycling program to limit the recyclable materials collected by the City to consist of aluminum and cardboard only in order to ensure there is a marketplace for the recycling material collected by the City.

4. Establish a defined annual subsidy in the amount of \$200,000 from the General Fund to the Solid Waste Enterprise Fund.
5. Increase the monthly rates for all Solid Waste services by \$3.50 per month per customer effective January 1, 2020.
6. Provide for sustainability of the Solid Waste Enterprise Fund by establishing an automatic increase of \$0.35 per month per customer for each increment of \$35,000 of expenses over revenues incurred by the Solid Waste Enterprise Fund following the City's annual audit.

Discussion continued on putting this resolution on the Ordinance Committee agenda for further discussion and setting a public hearing once these items have been discussed further.

XII. ADJOURN

The meeting adjourned at 6:21 p.m.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 24, 2019
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

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

Call of Roll:

Members Present:

Bo Tucker
Ed Kirby
Marybeth Bergin, Chairman
Phillip Hodgson, Secretary (excused @ 5:55 p.m.)
Ron Scott
Andrew Prescott, Vice Chairman
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development

The first order of business is the approval of the minutes.

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of September 26, 2019. There being none, minutes are approved as submitted.***

Chairman stated the next order of business is a request for Planning Commission approval of a psychic services business at 29159 U.S. Highway 98. She explained that the Commission will hold a public hearing because the ordinance does not specifically address this use in the Land Use and Development Ordinance.

An introductory presentation was given by Jennifer Marks, representative, requesting consideration of a proposed psychic services business in a B-2 zone at 29159 U.S. Highway 98, north of the intersection of Shriner Avenue and U.S. Highway 98. She presented an overview of the psychic services provided.

Chairman stated the agenda item is before us for consideration because there isn't a specific designation in the ordinance that states where the use is allowed and asked for Commission questions or comments.

Mr. Dungan advised that the Table of Permitted Uses does not have a specific category for these types of services; however, there is a provision in the ordinance where you utilize the NAICS code to find similar personal service uses that would require Planning Commission approval to operate in a general business zone.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 24, 2019
Council Chamber, City Hall - 5:00 P.M.

Mr. Dungan stated that other municipalities do allow this type of business by right in a general business zone.

Chairman opened the floor to public participation and no one came forward; additional discussion followed.

Mr. Kirby expressed concern about this type of business at this location. He stated the second sentence of Article 35, Table of Permitted Uses, states, "Uses not provided for herein are prohibited."

Mr. Kirby stated this use is allowed by right in a C/I, Commercial/Industrial zone. Mr. Dungan concurred.

Chairman asked if Commissioners approve the request would it be specific to this site. Mr. Dungan responded this is specific to an application for a business license at this location and does not set a precedent.

Mr. Scott asked about the operation of this type of business at a different location. Ms. Marks responded that this has been an established family business in Foley for approximately thirteen years.

Chairman commented correspondence from the City of Foley stated that the business was annexed into the city limits and grandfathered as an appropriate use and no negative comments were provided.

Mr. Scott referred to the fireworks stand located on Alabama Highway 181 being annexed and grandfathered.

Chairman opened the floor to public participation.

David Pope, 1105 Whispering Pines, spoke in opposition and asked about the fees and if they are taxable.

Chairman responded that isn't our purview, Ms. Marks has a business license application that will be registered with the city; she will responsible for the applicable taxes.

Jewel Sparks, 8223 Pecan Court, spoke in opposition and expressed concern about minors and children viewing this type of business as entertainment; she asked about identification and age requirements for minors and fees.

Chairman stated that the applicant has noted that most of her clients are seen by appointment and not open hours. Ms. Marks concurred.

During rebuttal, Ms. Marks stated that her clientele is mainly middle age and older.

Chairman closed public participation.

Chairman asked about the consideration of an age limitation.

Mr. Dungan stated Commissioners must determine if B-2 is an appropriate zoning district for this type of use.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 24, 2019
Council Chamber, City Hall - 5:00 P.M.

Mr. Kirby reiterated his concern about this type of business on U.S. Highway 98 rather than in a commercial district and expressed concern about the minimum age requirement.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Kirby and **Seconded** by Mr. Scott **to deny planning approval for a psychic studio. There was no discussion on the motion.**

Upon roll call vote, **the Motion failed.**

Mr. Tucker	Nay
Mr. Kirby	Aye
Ms. Bergin	Nay
Mr. Hodgson	Nay
Mr. Scott	Aye
Chief White	Nay

A Motion was made by Mr. Hodgson and **Seconded** by Mr. Tucker **to grant Planning Commission approval for a psychic studio.**

During discussion, Mr. Scott asked for the motion to include twelve months as a trial period.

Chairman asked for Commission questions or comments.

An Amendment to main motion was made by Mr. Scott and **Seconded** by Mr. Kirby **to grant Planning Commission approval for a psychic studio for twelve months as a trial period. There was no further discussion on the motion.**

Chairman called for a vote on the motion as amended. The Motion carried unanimously.

During discussion, Mr. Dungan stated that the business license would expire December 31, 2020. Mr. Scott asked to amend the motion to include "through December 31, 2020 as a trial period".

An Amendment to the main motion was made by Mr. Scott and **Seconded** by Mr. Kirby **to grant Planning Commission approval for a psychic studio through December 21, 2020 as a trial period. There was no further discussion on the motion.**

Chairman called for a vote on the motion as amended. The Motion carried unanimously.

Chairman stated that Planning Commission approval has been granted through December 31, 2020 prior to expiration of the business license. To operate at this location you are required to seek Planning Commission approval again.

The next order of business is site plan review for J H Wright Warehouse.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 24, 2019
Council Chamber, City Hall - 5:00 P.M.

An introductory presentation was given by Phillip Owens, representative of Coastal Architects, requesting site plan review of a warehouse with associated drainage, landscaping, and irrigation located northwest of the intersection of Whispering Pines and Pollard Road.

Chairman asked for Commission questions or comments and about staff deficiencies.

Ms. Jones responded that Public Works and Environmental Programs issues have been addressed.

Chairman asked for Commission questions or comments and for a motion.

A Motion was made by Mr. Scott and Seconded by Mr. Kirby to approve J H Wright Warehouse site plan. There was no discussion on the motion. The Motion carried unanimously.

Chairman explained that the agenda items, Alberstadt Place, Planning Approval and Manufactured Home Site, and Frances & Patricia Jones, Zoning Amendment, were withdrawn by the applicants prior to the regular meeting.

The next order of business is master plan review for Eastwood Hills Subdivision.

An introductory presentation was given by Ercil Godwin, representative of Sawgrass Consulting, to request master plan review of a four-phased development and preliminary plat review of Eastwood Hills, Phase One, a thirty-nine lot residential subdivision consisting of approximately twenty-six point eight-five acres located east of Plantation Hills along Highway 90 south of Yance Lane.

Mr. Godwin presented an overview of the master plan including an addition of walking trails, lake feature, dog park, and playground. He also stated that ALDOT requires the construction of an acceleration and deceleration lane and a secondary access.

Mr. Scott asked about the school district. Mr. Goodwin advised the subdivision are served by Loxley water, fire, and school district.

Chief White responded the Fire Marshal requested a performance bond because the fire code requires a secondary access for a subdivision of more than thirty lots; however, Baldwin County advised that they could not accept a bond for private streets.

Chairman asked for Commission questions or comments and about staff deficiencies. Ms. Jones responded that Environmental Program Manager's issues have been addressed.

Chairman had Ms. Jones address the revisions to the master plan. Ms. Jones stated that the walking trail connects to the common areas and asked about amenities. Mr. Godwin stated that the dog park and playground will be constructed in phase one.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of October 24, 2019
Council Chamber, City Hall - 5:00 P.M.**

Chairman opened the floor to public participation.

Dale Karwowski, 12073 U. S. Highway 90, spoke in opposition and expressed concerns about additional traffic on U.S. Highway 90; effect on storm water drainage; square footage of the homes; possible negative impact on property values; speed limit decrease on U. S. Highway 90; traffic impact; dirt & debris from construction; public safety issues, and risk assessment of crime. He asked how to provide his comments to the Commissioners.

Chairman advised him to provide the comments to Community Development and Baldwin County.

Mr. Scott clarified that the subdivision is in Baldwin County, but the legislature designated an extraterritorial planning jurisdiction to ensure they use the design standards that the city requires.

David Nedoff, 12111 U.S. Highway 90, spoke in opposition and expressed concerns about the location of the primary access.

Chairman closed public participation and asked for a motion.

A Motion was made by Mr. Scott and Seconded by Mr. Kirby to approve the Eastwood Hills Subdivision master plan review as presented. There was no discussion on the motion. The Motion carried unanimously.

A Motion was made by Mr. Kirby and Seconded by Mr. Prescott to approve Eastwood Hills Subdivision, Phase One preliminary plat with a sidewalk exemption along U.S. Highway 90. There was no discussion on the motion. The Motion carried unanimously.

Mr. Hodgson was excused at 5:55 p.m.

The next order of business is a rezoning request for Rachel Burmeister and James Stocks.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry, to request rezoning of a zero-point three-acre parcel located southwest of Belrose Avenue and Main Street as MU, Mixed; he stated that the property while pending approval of rezoning required re-districting into the Olde Towne Daphne District, submission of a re-plat of the lots, and incorporation into the site to the east for participation in providing parking options for commercial business at Main Street; the site will also include a decorative masonry wall/fence on the west property line.

Chairman asked for Commission questions or comments.

Mr. Kirby asked about the boundary of the Olde Towne Daphne District.

Mr. Pumphrey responded this property serves as the western boundary of the district.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 24, 2019
Council Chamber, City Hall - 5:00 P.M.

Chairman asked for public participation.

None presented.

The next order of business is the attorney's report.

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

Mr. Scott asked for consideration of proposing an amendment to the Land Use Ordinance to regulate short-term rentals and/or Airbnb regulations; he also requested citizen participation in the SYNC program sponsored by Daphne Police Department.

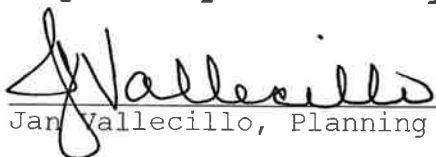
Mr. Prescott commented on his attendance at a downtown redevelopment conference, Secrets to Good Design, the quarterly training for Main Street Alabama in Wetumpka.

The next order of business is director's comments.

Ms. Jones presented the upcoming meeting dates. Site Preview is November 13, and the Regular Meeting is November 21, 2019.

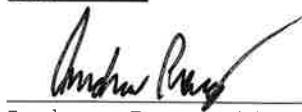
There being no further business, the meeting was adjourned at 6:29 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: November 21, 2019



Andrew Prescott, Vice Chairman



City of Daphne

Event Permit Application

Date of Application: November 12 2019 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information

Organization Name: Apollo's Mystic Ladies

Contact Name: Janelle Jones

E-mail Address: amlco7@yahoo.com

Address: P.O. Box 3133, Daphne AL 36526

Primary Phone Number: 251-751-7118

Secondary: _____

Event Information

Event Name: Apollo's Mystic Ladies Parade

Event Date: February 14 2020

Event Location: Mardi Gras route - Civic Center start/finish # Participants/Vehicles: approx 25-30

Start Time: 6:45pm

Stop Time: 8:30pm

Assembly Time: 5:30pm

Parades/Runs Only

Special Requests: rain date - Thursday, February 20 2020

Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: 11/14/19

Fire Dept: *[Signature]*

Police Dept: *[Signature]*

Public Works: *[Signature]*

Parks & Recreation: _____

Only required if event interrupts traffic near Daphne parks

Not valid unless stamped "Approved"

For Special Event/Band Permits:

Council Member: _____

District #

Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____

Date of Approval

Parade/Run Permits ONLY

☒ Fee Paid: \$ \$1,750.00 ☐ N/A ☐ Waived

☒ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2019-66**

**A RESOLUTION ABATING CERTAIN ASSESSMENTS FOR THE COST OF
IMPROVEMENTS PROVIDED BY ORDINANCE 2007-05 AND 2007-20
AND ASSESSED BY RESOLUTION 2009-89**

WHEREAS, on September 8, 2009, the City Council adopted Resolution No. 2009-89 assessing the costs of certain public improvements upon the properties specially benefitted thereby pursuant to Alabama Code §§ 11-48-1 *et seq.*; and

WHEREAS, after due inquiry, the City Council has determined that the assessment on two (2) particular parcels was made erroneously because, due to the nature of the certain parcels as incapable of development and reserved for drainage purposes, no benefit was derived by the properties from the public improvements for which the assessments were levied; and

WHEREAS, pursuant to Alabama Code § 11-48-31, the City Council now desires to abate the assessments levied on said properties.

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

1. That the assessments levied by Resolution No. 2009-89 on the following parcels of real property located within the City of Daphne are hereby abated in full:

Property Owner	Parcel No.	Assessment Amount
Renaissance Cooperative District	05-32-08-34-0-000-002.065	\$9,329.00
Renaissance Cooperative District	05-32-08-34-0-000-002.046	\$6,948.00

2. That the statutory liens resulting from the above-referenced assessments are hereby fully released.

3. That the City Clerk is directed to strike the above-referenced assessments from the assessment book and notify the subject property owners of the same.

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

Dane Haygood, Mayor

ATTEST:

Candace 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

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-49**

APPROPRIATION: DAPHNE HIGH SCHOOL PROJECT- REFURBISH TRACK

WHEREAS, Ordinance 2019-43 approved and adopted the Fiscal Year 2020 Budget on October 1, 2019; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2020 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2020 budget; and

WHEREAS, the City of Daphne recognizes Daphne High School and the importance of its programs to the City and the citizens of Daphne.

WHEREAS, the Daphne High School track needs refurbishing for the safety of the students and citizens and has requested the City pay one-half the cost.

WHEREAS, the estimated cost to refurbish the track is \$150,000.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that an additional appropriation in the amount of \$75,000 from the General Fund is appropriated and made a part of the Fiscal Year 2020 Budget for the refurbishing of the Daphne High School track contingent upon the Baldwin County School Board providing the remaining one-half funding in the amount of \$75,000.

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 2019-50

**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	Southern city limit	Johnson Rd
Main St (Scenic 98)	25	Johnson Rd	Santa Rosa Ave
Main St (Scenic 98)	35	Santa Rosa Ave	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, 2002-28 and 2017-17 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 _____ day of _____, 2019.

DANE HAYGOOD
Mayor

Attest:

CANDACE G. ANTINARELLA
City Clerk