

**CITY OF DAPHNE**  
**1705 MAIN STREET, DAPHNE, AL**  
**CITY COUNCIL BUSINESS MEETING AGENDA**  
**February 3, 2020**  
**6:30 P.M.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**INVOCATION** Pastor Jourdain Thrash, 3 Circle Church

**PLEDGE OF ALLEGIANCE**

**PRESENTATION:** Beautification Award

**3. APPROVE MINUTES:** Council Meeting – January 21, 2020

**4. REPORTS OF STANDING COMMITTEES**

**A. FINANCE COMMITTEE – Conaway**

**MOTION** to renew the City's annual insurance policy with John A. Robertson Insurance Agency, Inc. in the amount of \$576,725.

**MOTION** to amend the budget to remove one full time Revenue Technician position and add one part-time administrative position for the Revenue Department and one part time administrative position for the Building Inspection Department.

**MOTION** to reject the 2019-P-Pollard Road Sidewalk Project TAPAA-TA17 (933) bid and rebid the project with updated plans.

Review the minutes from the January 21, 2020 meeting.

Treasurers Report for December 2019:

- Unrestricted Fund Balance - \$17,131,578
  - Total Cash Balance - \$26,185,516
- Sales Tax for November 2019 - \$1,484,867  
Lodging Tax for November 2019 - \$80,976.48

**B. BUILDINGS & PROPERTY COMMITTEE – Goodlin**

**C. PUBLIC SAFETY COMMITTEE – Scott**

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Phillips**

**E. PUBLIC WORKS COMMITTEE – Coleman**

Review the Beautification Committee minutes from the January 8, 2020 meeting.

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

**A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones**

**MOTION** to reappoint Billy Mayhand to the Board of Zoning Adjustments for a 3 year term (March 2020 – 2023).

**MOTION** to appoint Carolyn Courson to the Board of Zoning Adjustments as a regular member for a 3 year term (March 2020 – 2023).

**B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway**

**C. INDUSTRIAL DEVELOPMENT BOARD - Rudicell**

**D. LIBRARY BOARD –Phillips**

## City Council Agenda – February 3, 2020

E. **PLANNING COMMISSION** – Scott  
Review Planning Commission minutes from the December 19, 2019 special called meeting and regular meeting

F. **RECREATION BOARD** – Coleman

G. **UTILITY BOARD** – LeJeune

6. **MAYOR’S REPORT**

7. **CITY ATTORNEY REPORT**

8. **DEPARTMENT HEAD REPORTS**

9. **CITY CLERK’S REPORT**

**MOTION** to approve the Daphne Witches’ Ride on October 25, 2020 from 4:00pm – 5:00pm.

**MOTION** to approve the Rockin’ for Recovery 5k and 1 mile fun run on April 18, 2020 from 7:45am – 1:00pm hosted by The Shoulder Women’s Facility.

**MOTION** to approve the Mancini’s Antique Club St. Pat’s Block Party on March 14, 2020 from 5:00pm – 11:00pm located at 1715 Main Street, Daphne, AL.

**MOTION** to approve the 140 – Special Events Retail License to OMancini’s St. Patrick’s Block Party located at 1715 Main Street, Vacant Lot, Daphne, Alabama.

**MOTION** to approve the publication and set a public hearing on March 16, 2020 for the Revision of the Official City of Daphne Zoning Map.

10. **PUBLIC PARTICIPATION**

11. **RESOLUTIONS & ORDINANCES**

A. **RESOLUTIONS:**

**2020-08** – Declare Certain Property Surplus and Authorize the Mayor to Dispose of Such Property – 2007 Ford Expedition

**2020-09** – Resolution Authorizing the Creation of a Trust of the City of Daphne for Certain Post-Employment Benefits

**2020-10** – Supporting the Eastern Shore MPO Resolution 2020-06 in Support of a Proposed Scope Across Mobile River and Mobile Bay

B. **2<sup>ND</sup> READ ORDINANCES:**

C. **1<sup>ST</sup> READ ORDINANCES:**

**2020-08** – Establishing Polling Places

**2020-09** – Appropriation: \$500,000 from Other Post-Employment Benefits (OPEB) Fund

12. **COUNCIL COMMENTS**

13. **ADJOURN**

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**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:** Tommie Conaway, Joel Coleman, Doug Goodlin, Robin LeJeune, Ron Scott, Angie Phillips and Pat Rudicell

**Also Present:** Candace Antinarella, City Clerk; Jay Ross, City Attorney; Mayor Haygood; Ange Baggett, Marketing Director; Kelli Reid, Finance Director; Conrad Bates, IT Director; Betsy Schneider, Operations Director; Jeremy Sasser, Public Works Director; BJ Eringman, Deputy Public Works Director; Adrienne Jones, Planning Director; Chief Carpenter, Police Department; Kenny Hanak, Fire Department; and Jessica Linne, Assistant City Clerk.

**INVOCATION/PLEDGE OF ALLEGIANCE:**

Invocation was given by Tony Dickey, Daphne Search and Rescue.

**PRESENTATION:** Captain Vincent Harris from Daphne Search and Rescue (DSR) shared a brief video and summary of the involvement of volunteers with DSR. Captain Harris recognized Ronnie Champion for his years of service. Mayor Haygood presented Ronnie with a proclamation for his years of service.

**PROCLAMATION:** Mayor Haygood presented a proclamation to Aimee Risser with Big Brothers Big Sisters for their service to the community.

**PUBLIC HEARING:** Public Works Director, Jeremy Sasser, presented to the Council about the recycling national crisis and multiple strategic solutions for them to consider. Council had discussion concerning proposed solutions.

Public hearing opened at 7:08pm.

Caroline Walthall, Maxwell Avenue, said she is proud that her City is discussing recycling. She said she's willing to pay more for recycling.

John Lake, 110 Paige Circle, discouraged the Council from considering a bi-weekly pickup for recycling. He suggested a Board be set up to police the recycling efforts.

Curt Fonger, 1443 Randall Avenue, suggested putting recycling on hold as they consider all suggestions. He recommended rebuilding the building destroyed in the fire, then rebooting the recycling program.

Councilman Rudicell explained that all recycling has been being taken to the dump since the fire a few months back.

Freddie Johnson, 3996 Stanton Rd, says it's best to educate citizens on recycling.

Shawn Mitchell, shared that she lived in Mobile County for a time and explained how they deal with recycling and citations.

Richard Jaaney, Bellaton, asked how they propose to provide recycling in a cost efficient way.

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Malcom Zelner, 2725 Main Street, said his household has more recycling than regular garbage on a weekly basis.

Amy Myers, 253 Rolling Hills, said she has developed a plan to help with the recycling program. She provided the Council with her ideas.

Stephanie Middleton 1109 Captain O'Neal Drive, said people need to stop filling up the landfill and thanked the Council for what they are doing.

Johanna Lazzire, County Road 64, said she doesn't get recycling where they live and relied on the recycling facility before it burned. She said people do not know how to sort their recycling.

Patsy Alsip, 1320 County Road , asked if the monthly fee suggested would help the City to "break even". Mr. Sasser clarified that it would not.

Malcom Zelner asked how long the recycling will keep going to the dump. No one had an answer.

Public hearing closed at 7:44pm.

Johanna Lazzire made recycling suggestions.

**3. APPROVE MINUTES:**

The minutes of the January 6, 2020 regular meeting were approved.

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE**

Councilwoman Conaway said the Committee met earlier that afternoon. The report will be given at the next Council meeting.

**B. BUILDINGS & PROPERTY COMMITTEE**

Councilman Goodlin said the next meeting is February 10<sup>th</sup> at 5:15pm. He said the December 2019 Building Report is in the packet.

**C. PUBLIC SAFETY COMMITTEE**

Councilman Scott said the next meeting is February 10<sup>th</sup> at 4:30pm. He said the minutes from the December 9, 2019 meeting are in the packet.

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE**

Councilwoman Phillips said the next meeting is February 3<sup>rd</sup> at 4:30pm.

**E. PUBLIC WORKS COMMITTEE**

Councilman Coleman said the next meeting is February 3<sup>rd</sup> at 5:30pm. He said the minutes from the recent Public Works committee on December 2<sup>nd</sup>, the minutes from the November 6<sup>th</sup> Beautification meeting and the minutes from the November 18<sup>th</sup> Environmental Advisory meeting are in the packet.

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

**A. Board of Zoning Adjustments**

Mrs. Jones said there is no meeting in February. She said there are two upcoming BZA members who need to be considered for reappointment.

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**B. Downtown Redevelopment Authority**

Councilwoman Conaway said the next meeting will be February 20<sup>th</sup>.

**C. Industrial Development Board**

Councilman Rudicell said there is no report.

**D. Library Board**

Councilwoman Phillips said the next meeting is February 13<sup>th</sup> at 4:30. She noted this was a new time from the previous meeting time of 4:00pm.

**E. Planning Commission**

Councilman Scott said the next meeting is January 23, 2020 at 5:00pm.

**F. Recreation Board**

Councilman Coleman said the next meeting is February 12<sup>th</sup> at 6:30pm.

**G. Utility Board**

Councilman LeJeune said the next meeting is January 29, 2020 at 5:00pm.

**6. MAYOR'S REPORT:**

Mayor Haygood said the Planning Commission has a void from Chief White's position since his retirement. He said that BJ Eringman, Deputy Director for Public Works, has agreed to fill that position. He mentioned that Chief White has asked to stay on the Planning Commission Board and serve as a citizen.

Mayor Haygood shared that retired US Navy Captain Hal Pierce passed away recently .

**7. CITY ATTORNEY REPORT:**

City Attorney had no report.

**8. DEPARTMENT HEAD COMMENTS:**

Fire Department had no report.

Chief Carpenter had no report.

Jeremy Sasser, Public Works, shared that crews will be working on Highway 98 doing work on the medians.

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

**MOTION by Councilman Coleman to approve the Prodissee Pantry's Turkey Trot 5k and fun run/walk on October 24, 2020 from 6:00am – 11:00am. Seconded by Councilwoman Conaway.  
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Coleman to approve the Mystic Order of Gators' Balcony Parade Fundraiser for USA Children's and Women's Hospital on February 22, 2020 from 12:30 – 4:30pm. Seconded by Councilman Scott.  
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Phillips to approve a band permit for a private Mardi Gras party on February 14, 2020 to be held at 6475 War Eagle Drive, Daphne, AL from 7:00pm – 11:00pm. Seconded by Councilwoman Conaway.  
MOTION CARRIED UNANIMOUSLY.**

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**MOTION by Councilwoman Conaway to approve the Daphmont Community Mardi Gras Parade on February 22, 2020 from 2:00 – 3:30pm. Seconded by Councilman Scott.**

**MOTION CARRIED UNANIMOUSLY.**

**10. PUBLIC PARTICIPATION:**

Public Participation opened at 7:55pm.

Rebecca Gardner, 2533 Main Street, thanked Council and Public Works for the great job they did with the new dog park. She asked if they could also work on the Animal Shelter.

Russ Johnson said the advertisement circular received weekly on Belrose Avenue is not solicited and can be a safety problem for residents who aren't home.

Public Participation closed at 7:59pm.

**11. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

**2020-03 – Declare Certain Personal Property Surplus and Authorizing the Mayor to Dispose of Such Property – Banquet Chairs**

**2020-04 - Declare Certain Personal Property Surplus and Authorizing the Mayor to Dispose of Such Property – Bobcat Skid Steer Loader**

**2020-05 - Declare Certain Personal Property Surplus and Authorizing the Mayor to Dispose of Such Property – Mosquito Sprayer, Deep Fryer and Round Tables**

**2020-06 - Renaissance Approving Debt Service Assessments within Renaissance Improvement District**

**2020-07 – Declare Certain Personal Property Surplus and Authorizing the Mayor to Dispose of Such Property – Trash loader, Knuckleboom and Garbage Truck**

**MOTION by Councilman Scott to waive the reading of Resolutions 2020-03, 2020-04, 2020-05, 2020-06, 2020-07. Seconded by Councilman Coleman.**

**MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Resolutions 2020-03, 2020-04, 2020-05 and 2020-07. Seconded by Councilman Goodlin.**

**MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Resolution 2020-06. Seconded by Councilwoman Phillips.**

**Mayor Haygood shared that he does have property that**

**MOTION CARRIED UNANIMOUSLY.**

**ORDINANCES:**

**2nd READ:**

**2020-05 – Additional Appropriation for Joe Louis Patrick Park – Fencing and Gutters - \$6,000**

**2020-06 – Additional Appropriation – Legal Fees – WPNVA, LLC - \$25,000**

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**2020-07 – Additional Appropriation - Olde Towne Daphne Street Lighting Improvements - \$8,620**

**MOTION by Councilwoman Conaway to waive the reading of Ordinances 2020-05, 2020-06 and 2020-07. Seconded by Councilwoman Phillips.  
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Ordinance 2020-05. Seconded by Councilwoman Phillips.  
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Ordinance 2020-06. Seconded by Councilwoman Phillips. City Attorney said there should not be any additional appropriation after this ordinance.  
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Ordinance 2020-07.  
Seconded by Councilwoman Phillips.  
MOTION CARRIED UNANIMOUSLY.**

**1st READ:**

**12. COUNCIL COMMENTS:**

Councilman LeJeune recognized the boy scouts that were in attendance. Andy Bobe introduced Boy Scout Troop #177. He thanked the Council for letting the young men sit in on the meeting that evening.

Councilwoman Phillips thanked the Boy Scouts for coming.

Councilman Scott recognized the Boy Scouts for coming.

Councilman Goodlin invited the Boy Scouts to join JROTC.

Councilman Coleman thanked everyone for coming out that evening and was glad to hear their ideas on recycling.

Councilman Rudicell spoke about Jim Oates who had recently passed in December. He said Mr. Oates had served on many Boards in Daphne.

Councilwoman Conaway thanked the citizens and Boy Scouts for coming out. She also shared that the Education Advisory Committee would be meeting on Monday, January 27<sup>th</sup> at 11:00am.

Mayor Haygood thanked the Boy Scouts for coming out. He encouraged Mr. John to let the City know who is distributing the circulars to citizens though they may not be home.

Councilman LeJeune thanked the Boy Scouts and citizens for coming. He shared that the Haven Animal Shelter will be coming to share with the Council on February 10<sup>th</sup>.

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**13.    ADJOURN:**

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 8:17PM.

Respectfully submitted by,

Certification of Presiding Officer,

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Candace G. Antinarella, City Clerk

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Robin LeJeune, Council President

**CITY OF DAPHNE**  
**FINANCE COMMITTEE MINUTES**  
**JANUARY 21, 2020**  
**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  
Councilwoman Mrs. Angie Phillips  
Councilman Mr. Doug Goodlin

Councilman Mr. Ron Scott - arrived at 4:50p.m.  
Councilman Mr. Robin LeJeune – arrived at 4:53p.m.  
Councilman Mr. Joel Coleman – arrived at 4:58p.m.

**Also Present:** Mayor Dane Haygood, Finance Director Mrs. Kelli Reid, Senior Accountant Mrs. Suzanne Henson, Human Resource Director Vickie Hinman, Human Resources Specialist Hannah Noonan, Benefits Coordinator Sherree Hilburn, 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, City Attorney Mr. Jay Ross and Patrick Dungan.

**II. PUBLIC PARTICIPATION**

**A. Annual Insurance Renewal Proposal-Mr. Robbie Robertson, Robertson Insurance Agency/AMIC**

Mr. Robbie Robertson reviewed the overview of the proposal and the new policy additions. He noted the limits are the same as last year – excess liability of \$4 million which gives the City \$5 million coverage per occurrence and an aggregate of \$10 million/year. Mr. Robertson noted that the property coverage is up approximately \$2.8 million from last year, Inland marine is up approximately \$300,000 and vehicles are up \$800,000 which includes the two new knuckleboom trucks. Mrs. Henson noted most of the property increase was due to the new parks and buildings added and that coverage for buildings is increased 3% annually to allow for increases in values. Mr. Robertson stated that the City will be in the third year of the three year policy with AMIC and noted that AMIC has again approved a 5 % dividend check in the range of \$26,000-28,000. Mr. Robertson noted the dividend is larger than previous years since the City now uses AMIC for all policies. Mr. Goodlin noted that the City has more vehicles covered but the policy has decreased this year. Mr. Robertson noted that a big part of the decrease is the decrease in market cost and the City's current accident/claim experience record. Mr. Robertson stated he did approach other insurance companies to make sure he brought a competitive proposal for the City but the other agencies could not compete with AMIC. Mrs. Henson stated that she was expecting a proposal from Mr. Sloan Sanderson with Willis Towers and had provided all the necessary information for him to go to market. Mrs. Henson noted that she had communicated with him on January 10, 2020, which was the deadline to submit the proposals, but had not received his proposal or as of that date.

***MOTION BY Mr. Goodlin to renew the City's annual insurance policy with John A. Robertson Insurance Agency, Inc. in the amount of \$576,725. Seconded by Mrs. Phillips.***

***MOTION CARRIED UNANIMOUSLY***

**III. APPROVE MINUTES FOR THE PREVIOUS MEETING**

The previous minutes were approved.

**IV. HUMAN RESOURCES BUSINESS**

**A. Update on Human Resources Department Activity**

Mrs. Vickie Hinman reviewed the Human Resource Report:

- Posted positions – 5
- Reviewing/Testing/Interviewing/Background check - 10
- Promotion/Internal Transfer - 3
- New Hires – 5
- Open positions - 2

Mrs. Hinman noted that the Marketing/Event position was just being discussed at this time and is not being posted yet. Mrs. Hinman reviewed the monthly Safety Committee meeting topics discussed and other Human Resource projects and events.

**Other HR projects/meetings/events:**

- New Employee Orientation: February 7, 2020
- Performance Evaluation Training for Supervisors & Directors: February & March 2020
- Leadership Training for Supervisors and Directors: In development

Mrs. Reid noted that one of the promotions was a current Revenue Technician which was promoted to the Facilities Administrative Assistant and recommended that the vacant position in Revenue be changed to two part time positions with one working in Revenue and one in Building Inspection. Mrs. Reid added that this current employee had been assisting in Building Inspection when the admin employee was out for vacation/sick time. Mrs. Strunk stated that two part time positions would better allocate time needed for each of these departments.

***MOTION BY Mrs. Phillips to amend the budget to remove one full time Revenue Technician position and add one part-time administrative position for the Revenue Department and one part time administrative position for the Building Inspection Department. Seconded by Mr. Goodlin.***  
**MOTION CARRIED UNANIMOUSLY**

**B. Overtime Report**

The Overtime report was included in the packet.

**V. BUSINESS LICENSE REPORT****A. Report: New Business Licenses – December, 2019**

Mrs. Coleman reviewed the following reports and information:

- Code enforcement issued 5 warnings resulting in businesses becoming compliant and \$565.25 in revenue.
- New Businesses with a physical location in Daphne - 4
- Simplified Sellers Use Tax collections - \$55,979.71 and YTD collections - \$161,896.23.

| <b>BUSINESS LICENSE COUNT through 12/31/2019</b>   |                     |
|----------------------------------------------------|---------------------|
| NEW Licenses                                       | <b>38</b>           |
| RENEWAL Licenses (2020)                            | <b>358</b>          |
| <b>Total Issued THIS MONTH</b>                     | <b>396</b>          |
| Total Issued THIS MONTH - PREVIOUS YEAR            | 36                  |
| <b>Net Gain/-Loss Current VS Previous Yr MONTH</b> | <b>+</b> <b>360</b> |
| <b>Total Issued YTD 2019</b>                       | <b>5,047</b>        |
| <b>Total Issued YTD - PREVIOUS YEAR</b>            | <b>4,527</b>        |
| <b>Net Gain/-Loss Current VS Previous Yr YTD</b>   | <b>+</b> <b>520</b> |

| <b>Business License Fee Historical Comparison 2019 / 2020</b> |              |              |                              |                                      |
|---------------------------------------------------------------|--------------|--------------|------------------------------|--------------------------------------|
|                                                               | <b>FY 19</b> | <b>FY 20</b> | <b>+/-<br/>Previous Year</b> | <b>Budget 2020 *<br/>\$2,335,000</b> |
| <b>October</b>                                                | \$7,486.91   | \$15,924.77  | \$8,437.86                   | <b>(\$2,199,075.23)</b>              |
| <b>November</b>                                               | \$3,983.03   | \$3,754.50   | <b>(\$228.53)</b>            | <b>(\$2,195,320.73)</b>              |
| <b>December</b>                                               | \$2,614.81   | \$80,771.34  | \$78,156.53                  | <b>(\$2,114,549.39)</b>              |
| <b>Year to Date</b>                                           | \$14,084.75  | \$100,450.61 | <b>\$86,365.86</b>           | <b>(\$2,049,549.39)</b>              |
| <b>* Amounts include penalty and interest.</b>                |              |              |                              |                                      |

## **VI. SALES & LODGING TAX REPORT**

### **A. Sales and Use Taxes: November, 2019**

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,484,866.84 was collected for November, 2019 which was up \$90,937.19 from November 2018's collections: :

- YTD Variance over Budget - \$59,954.66

### **B. Lodging Tax Collections, November, 2019**

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for November, 2019 were \$80,976.48 which is up \$2,571.91 from November 2018's collections .

- YTD Variance over Budget: (\$8,616.01)

### **C. Lodging Tax Fund : Statement of Rev over Exp, December, 2019**

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

- Unreserved balance for Bayfront related purchases - 1,611,907
- Recreation for related purchases - \$724,159

## **VII. FINANCIAL SCHEDULES & REPORTS**

### **A. Financial Reports**

#### **1. Treasurer's Report: December, 2019**

Mrs. Reid reviewed the Treasurer's Report:

| <b>TREASURER'S REPORT</b>                  |                                |                      |                                                    |                      |                                                   |
|--------------------------------------------|--------------------------------|----------------------|----------------------------------------------------|----------------------|---------------------------------------------------|
| <b>As of December 31, 2019</b>             |                                |                      |                                                    |                      |                                                   |
| <b>Account Type/Title</b>                  | <b>12/31/2019</b>              | <b>11/30/2019</b>    | <b>Increase<br/>(Decrease)<br/>from last Month</b> | <b>12/31/2018</b>    | <b>Increase<br/>(Decrease) from<br/>Last Year</b> |
| <b>GENERAL FUND &amp; ENTERPRISE FUNDS</b> | \$ 10,944,668                  | \$ 8,543,961         | \$ 2,400,706                                       | \$ 6,621,245         | \$ 4,323,423                                      |
| CERTIFICATE OF DEPOSIT                     | 505,908                        | 505,908              | -                                                  | 506,407              | \$ (499)                                          |
| INVESTMENT FUND                            | 5,672,109                      | 5,668,775            | 3,334                                              | 5,347,490            | \$ 324,619                                        |
| CREDIT CARD ACCOUNT                        | 8,894                          | 14,668               | (5,774)                                            | 9,566                | \$ (672)                                          |
| <b>Total Unrestricted Cash Balance</b>     | <b>17,131,579</b>              | <b>14,733,313</b>    | <b>2,398,267</b>                                   | <b>12,484,708</b>    | <b>4,646,871</b>                                  |
| <b>SPECIAL REVENUE FUNDS</b>               |                                |                      |                                                    |                      |                                                   |
| <b>AGENCY FUNDS</b>                        |                                |                      |                                                    |                      |                                                   |
|                                            | 3,530,761                      | 3,470,760            | 60,001                                             | 3,734,106            | (203,345)                                         |
| <b>CAPITAL PROJECT FUNDS</b>               |                                |                      |                                                    |                      |                                                   |
| CAPITAL RESERVE                            | 2,400,973                      | 2,403,671            | (2,698)                                            | 4,760,402            | (2,359,429)                                       |
| 2016 CAPITAL IMPROVEMENTS                  | -                              | -                    | -                                                  | 767,898              | (767,898)                                         |
| 2017 CONSTRUCTION                          | -                              | -                    | -                                                  | 3,499,186            | (3,499,186)                                       |
| 2019 CAPITAL IMPROVEMENTS                  | 920,032                        | 919,936              | 95                                                 | -                    | 920,032                                           |
|                                            | 3,321,004                      | 3,323,607            | (2,603)                                            | 9,027,486            | (5,706,482)                                       |
| <b>DEBT SERVICE FUNDS</b>                  |                                |                      |                                                    |                      |                                                   |
| DEBT SERVICE                               | 2,202,171                      | 1,810,299            | 391,872                                            | 2,864,363            | (662,192)                                         |
| <b>Total Restricted Cash Balance</b>       | <b>9,053,936</b>               | <b>8,604,666</b>     | <b>449,270</b>                                     | <b>15,625,955</b>    | <b>(6,572,018)</b>                                |
| <b>Total City Cash Balance</b>             | <b>\$ 26,185,516</b>           | <b>\$ 23,337,979</b> | <b>\$ 2,847,537</b>                                | <b>\$ 28,110,663</b> | <b>\$ (1,925,147)</b>                             |
|                                            | <b>Encumbrance Total as of</b> |                      | <b>12/31/2019</b>                                  | <b>\$ 711,605.88</b> |                                                   |

*The Treasurer's Report as of DECEMBER, 2019 Total Unrestricted Cash Balance – \$17,131,579 and Total City Cash Balance - \$26,185,516 was presented to be filed for audit.*

#### **2. Encumbrance Report**

- Encumbrance balance is - \$711,605.88 as of **December, 2019**.

Mrs. Reid reviewed the Encumbrance Report and discussion was made on the Animal Shelter operation funds that were encumbered. Discussion continued on what direction the City was planning on going with Animal Shelter procedures and the possibility of partnering with The Haven for handling adoption of animals for the City. The animal shelter project was forwarded to the Public Safety Committee for discussion with a recommendation that a request be made for a representative from The Haven to come speak at the meeting.

### 3. Outstanding Appropriations

The outstanding appropriation report was included in the packet. Mr. Sasser noted that discussion is still ongoing on the Pollard Road Sidewalk project.

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

Mrs. Reid reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), **December, 2019**

#### Monthly Financial Statements – November 2019 Financial Highlights

##### General Fund:

|                                                                                                                                      | <u>FY 2020</u> | <u>FY 2019</u> | <u>Change</u> |
|--------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|---------------|
| • YTD Budgetary Net Income:                                                                                                          | \$104,227      | \$<2,038,564>  | \$<2,142,791> |
| • Total sales tax collected year to date is approximately \$60,000 over budgeted income and \$129,000 over prior year to date income |                |                |               |
| • Transfers were made to the Capital Reserve Fund in the amount of \$2,135,404 for Lott Park and Corte Road in FY 2019               |                |                |               |
| • The IDB paid \$325,000 in November towards their outstanding loan                                                                  |                |                |               |
| • Unassigned Fund Balance: \$14,894,118                                                                                              |                |                |               |
| • Outstanding Encumbrances: \$766,940                                                                                                |                |                |               |

##### Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of November 30, 2019: \$35,723,783
- Outstanding Note Payable Balance as of November 30, 2019: \$595,495
- Outstanding Capital Lease Balance as of November 30, 2019:
  - o General Fund: \$1,346,335
  - o Enterprise Fund: \$283,176

##### Capital Project Funds (Capital Reserve, 2019 Construction:

- No significant activity

##### Special Revenue Funds (11 separate funds):

- Lodging Tax Fund –
  - o Bayfront Unreserved Fund Balance: \$1,611,907
  - o Recreation Unreserved Fund Balance: \$724,159
  - o Total lodging tax collected was \$8,600 under budgeted income and prior year to date income.

##### Enterprise Funds (Solid Waste, Civic Center, and Bayfront):

- Year to date transfers for each of the enterprise funds were as follows:

|                             | <u>FY 2020</u> | <u>FY 2019</u> | <u>Change</u> |
|-----------------------------|----------------|----------------|---------------|
| Solid Waste Fund \$ -0-     | \$ -0-         | \$ -0-         |               |
| Civic Center Fund \$ 48,209 | \$ 5,518       | \$ 42,691      |               |
| Bayfront Park Fund          | \$ 6,347       | \$ 14,966      | \$ <8,619>    |

The Solid Waste fund did not require a transfer to cover net operating losses in the month of October or November

#### **5. Unfunded Future Projects Expenditure Summary**

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

- Total Project Estimated Cost: \$7,900,000 - Total City Cost needing to be appropriated - \$6,100,000.
- Annual Yearly Expenditures: \$1,900,000 - Total City Cost needing to be appropriated - \$1,900,000

Discussion was made on the projects listed and future sidewalk construction. It was recommended that Sidewalk projects be discussed at the next Public Works Committee meeting and for Mr. Sasser to include the proposed sidewalk report he had previously presented. Mrs. Reid asked if the Central Park project, Main Street drainage since a project is being done in that area, and Civic Center signage still be listed on the report. Discussion continued on Civic Center signage project and that Central Park area is heavily used and a restroom will be needed in the future.

***MOTION BY Mr. Rudicell to remove the Main Street Drainage project from the Unfunded Future Projects Expenditure Summary. Seconded by Mr. Goodlin.***

***MOTION CARRIED UNANIMOUSLY***

#### **6. Summary of Budgetary Amendments**

Mrs. Reid reviewed the General Fund budgetary amendments made to the FY2019 Budget.

- Total Appropriations Year to Date – (\$978,012)
- Adjusted Expenses over Revenue – (\$925,049 )

#### **B. Bills Paid Reports – December, 2019**

The Bills Paid Report were previously presented electronically.

### **VIII. BIDS (Resolution)**

#### **A. 2020-G-Decorative Street Signs & Posts**

Mrs. Reid reviewed that this was the bid for decorative street signs for Main Street since the purchase of these signs will cost over the \$15,000 bid threshold. Mrs. Reid stated that \$50,000 was included in the budget for the purchase of these signs. Discussion continued on the Downtown Redevelopment Association (DRA) involvement in the project and their offer to contribute to the purchase of these signs. Mr. Strunk discussed the sign selection for the bid. Discussion continued on the cost for the full project proposed by DRA. Mr. Sasser stated that the full project proposed would cost approximately \$90,000 (Village Point to Judges Square with City contributing all the labor) but that the first phase (Santa Rosa Ave to Johnson Road ) cost should be less than the \$50,000 budgeted. Mrs. Reid noted she and Mr. Strunk had an informal meeting with some DRA representatives and discussed the street lights and the decorative street sign bid. Discussion continued on further communication being made with DRA since they had initially asked for this project to be done. Mr. LeJeune stated that if signage is not done this fiscal year could the \$50,000 be used for sidewalks on Main Street and the sign project visited again next year. Mr. Coleman noted that since the DRA brought this project to the City so they should have some input. Mrs. Phillips recommended getting with the DRA to see if they are in support of moving forward with these signs. Discussion continued on the signage project and putting the project on the next Public Works Committee agenda.

### **IX. NEW BUSINESS**

#### **A. RSA Implementation of Act 2019-132: Tier II Benefits**

Mrs. Reid reviewed the handout included in the packet for explaining the cost to offer Tier 2 employees the same retirement benefits to its current and future employees as Tier 1 employees. The state estimated it would cost the City \$75,848 but Mrs. Reid noted the City already has budgeted all employees as Tier 1. Tier 1 employees are currently contributing at 5% for regular employees and 6% for FLC employees and Tier 2 employees are currently contributing at 6% for regular employees and 7% for FLC employees. Discussion continued that for the City to offer Tier 1 benefits to Tier 2 employees that Tier 2 employee contributions would have to increase 1.5%. The State requires that a plan for Tier 1 contributions would also be required to be submitted.. The City would need to decide if they wanted to change Tier 1

employees contributions. Discussion continued that a plan for Tier 1 is required to be submitted but the plan could say that the contribution rate is not being increased.

**B. Surplus 2007 Ford Expedition**

Mrs. Henson stated that this Surplus item was discussed at the Buildings and Property but was pending further evaluation for city use. It was determined this vehicle needed repairs and needed to be sold.

***MOTION BY Mrs. Phillips to recommend to Council to adopt an resolution authorizing the 2007 Ford Expedition to be sold as surplus online through Govdeals. Seconded by M. Goodlin.***

***MOTION CARRIED UNANIMOUSLY***

**C. Renaissance District Bond refinance**

Mr. Jay Ross discussed that when the Renaissance District refinanced their bond last year, the District decided to change the assessment method for landowners. Because the City created the district, Council is required to make a motion to approve the change. Mr. Pfil Hunt phoned in and provided further explanation of the change in methodology and the reason for the need to obtain Council approval. Discussion continued and it was noted that the Resolution was on tonight's City Council agenda.

**XI. OLD BUSINESS**

**A. Update on OPEB (Other Post-Employment Benefits) Trust Fund**

Mrs. Reid discussed that the need to fund the OPEB Trust Fund, funding needed for the initial setup of the fund and the annual contribution needed had been discussed at a previous Finance meeting. Mrs. Reid stated a motion is needed to place the Resolution to approve the creation of an OPEB Trust Fund and approve the Trust agreement.

***MOTION BY Mr. Rudicell to adopt a Resolution to create an OPEB Trust Fund and approve the Trust agreement. Seconded by Mr. Goodlin.***

***MOTION CARRIED UNANIMOUSLY***

**XII. ADJOURN**

The meeting adjourned at 6:18p.m.

Wednesday, January 8, 2020, 10 AM

RECORD OF COMMITTEE DISCUSSION

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

Emma Harris moderator: Called meeting to order 10am then called roll then asked for reports:

**Mimi Boxx – Wetlands** Reported a lot of work completed last month such as dirt filled in behind Pavilion and there is an Observation point attracting visitors as well as a couple of resident hawks. Ann Hostrander commented how marvelous the Wetlands are looking. Dorothy suggested DBC April meeting be held there.

**Emma Harris, Troy Strunk – Daphne Improvements** Reported Grass around new sidewalk(s) in Lake Forest coming along, Dog Park at Trione Park has water fountains are installed and lights are on order and will be installed when received and soft opening planned this week; benches are in Beautification room ready for placement, shade structures are being discussed and planned as well as picnic tables; metal edging along gravel path will be placed to preserve gravel path; Question: Shades for dog fountains? Under discussion, best location; Question: Flea prevention? Taken under advisement look into along with ant prevention. Troy complimented Emma Harris for her diligence and support in the culmination of the progress of the Dog Park.

**Ann Hostrander, Kara Wilbourn – Media Liaison** Report Brought up she and Emma Harris have been cleaning up at DES, a Blue Ribbon School, getting ready for visit from representatives of 2 Florida schools on January 14th; coordination of media between DRA (Dorothy Morrison) and **Jubilee Breeze** (Angie Baggett) was discussed.

**Mahail, Angie, Betsy – Volunteers/Operations/Events** – Report student volunteers inquiring for student hour projects, Troy and Emma responded any park, Emma will check with Kelli Kichler Reed re a couple of blowers previously discussed, other properties for student volunteers Museum and Civic Center/Senior Rec Center/Library. Dorothy mentioned some tree cutting going on hwy 98, Troy identified as Riviera Utilities every 2 year cutting back from utility lines.

**Dorothy – Beautification Award** Tractor Supply nominated, second and unanimously agreed and voted as this quarters recipient of Daphne Beautification Award. After discussion of past presentations, Dorothy to coordinate presentation in February, Mahail to notify DBC members.

**Miscellaneous:** Ann asked if it was too soon to advertise Arbor Day event, discussion ensued event is advertised in THE LAKE FOREST and scheduled for Saturday March 7, 2020; this would be an excellent event for student and DBC volunteers to bag trees, 3500 trees this year; arrange Hot Dog Wagon, Coffee/Hot Chocolate Supplies – Angie to check.

Mimi Boxx to moderate next meeting February 5, 2020, City Hall, Mayor's Conf. Room.



## MEMORANDUM

**To:** Council President, LeJeune and the Daphne City Council  
**From:** Adrienne Jones, Community Development Director *AJ*  
**Date:** 01/27/20  
**Subject:** Board of Zoning Adjustment Appointment/Re-appointment

As you know, the Board of Zoning Adjustment is composed of five regular members and two supernumerary members. The terms of two of the regular board members is coming to an end: Billy Mayhand and Herb Cole.

Mr. Mayhand has expressed interest in being reappointed; however, Mr. Cole's work schedule would be an impediment to serving another term. The following table provides the existing members, terms and my recommendations to Council with regard to appointments.

| <i>Regular Members</i>       | <i>Term Ends</i> | <i>Community Development Recommendations</i> |
|------------------------------|------------------|----------------------------------------------|
| <b>Billy Mayhand</b>         | March 2020       | Reappoint (term ends 2023)                   |
| <b>Herb Cole</b>             | March 2020       | Appoint Carolyn Courson (term ends 2023)     |
| <b>Derek Wolstenholme</b>    | July 2021        |                                              |
| <b>Willie Robinson</b>       | November 2022    |                                              |
| <b>Thomas Warner</b>         | May 2022         |                                              |
| <b>Supernumerary Members</b> |                  |                                              |
| <b>Carolyn Courson</b>       | May 2022         | Appoint new Supernumerary member             |
| <b>Clay Covert</b>           | May 2022         |                                              |

If Council accepts these recommendations, one supernumerary position would be vacant and would need to be filled.

I appreciate your attention to this matter and will be glad to answer any questions you may have.

**The City of Daphne  
Planning Commission Minutes  
Special Called Meeting of December 19, 2019  
Council Chamber, City Hall - 5:30 P.M.**

---

**Call to Order:**

Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:30 p.m. The number of members present constitutes a quorum.

**Call of Roll:**

**Members Present:**

Ed Kirby  
Marybeth Bergin, Chairman  
Ron Scott  
Phillip Hodgson, Secretary  
Hudson Sandefur

**Staff Present:**

Adrienne Jones, Director of Community Development  
Jan Vallecillo, Planning Coordinator  
Patrick Dungan, Attorney  
Troy Strunk, Executive Director, City Development  
Ashley Campbell, Environmental Programs Manager  
Jeremy Sasser, Public Works Director

Chairman stated the purpose of this is to discuss the construction of the north bound turn lane at Rand Avenue and phasing of the development of Belforest Apartments.

An introductory presentation was given by Doug Bailey, representative of Goodwyn, Mills & Cawood, requesting consideration of the issuance of a certificate of occupancy of three apartment buildings, club house, associated parking, and access for Belforest Apartments located southeast of Rand Avenue and County Road 13 prior to the construction of the left turn lane. He stated there are also concerns about life safety issues. A temporary chain link fence prohibits pedestrian access to the construction area and detention pond and a gate provides access for emergency vehicles.

Chairman asked for Commission questions or comments.

Mr. Kirby asked for clarification of the buildings and about construction traffic. Mr. Bailey identified the location of the buildings on the site plan displayed on power point and stated the construction traffic access is at the west entrance.

Mr. Scott asked with approximately one hundred and seventy-two units, what is the significance of a request for a certificate of occupancy for ninety units. Ms. Jones stated there are one hundred and sixty-eight units. Mr. Bailey responded that the developer would like to begin leasing the units during the construction of the turn lane.

Mr. Scott stated that he has no issue with granting approval, but noted that the construction of the turn lane is critical.

The City of Daphne  
Planning Commission Minutes  
Special Called Meeting of December 19, 2019  
Council Chamber, City Hall - 5:30 P.M.

---

Mr. Sasser stated the initial traffic impact study provided utilized information from 2016. He received an updated report states a turn lane is warranted; additional traffic may create other issues for the city.

Mr. Scott asked about the construction time for a turn lane. Mr. Sasser stated forty-five days.

Mr. Scott asked about the length of time to lease the units. Mr. Taylor, representative of Belforest Apartments, stated fifty-two units in two months.

Chairman advised the impact of the number of round trips at peak times would be minimal.

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

**A Motion** was made by Mr. Scott and **Seconded** by Mr. Kirby to **grant approval to Belforest Apartments to allow the certificate of occupancy for buildings #1, #2, #3 and the clubhouse to be issued prior to completion of the turn lane; no additional certificates of occupancy shall be issued until the turn lane has been completed and accepted by the city. There was no discussion on the motion. The Motion carried unanimously.**

**There being no further business, the meeting was adjourned at 5:45 p.m.**

**Respectfully submitted by:**

  
Jan Vallecillo, Planning Coordinator

**Approved:** January 23, 2020

  
Marybeth Bergin, Chairman

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of December 19, 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 5:03 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Ed Kirby  
Marybeth Bergin, Chairman  
Ron Scott  
Phillip Hodgson, Secretary  
Hudson Sandefur  
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 November 21, 2019. There being none, minutes are approved as submitted.*

Chairman explained that the agenda will be rearranged to allow the following items: Jubilee Farms Subdivision, Phase Ten and zoning map update to be heard first so that a member of the Commission may be excused early.

The next order of business is preliminary plat review for Jubilee Farms Subdivision, Phases Ten.

An introductory presentation was given by Casey Hill, representative of Dewberry, requesting preliminary plat review of a fifty-seven lot subdivision consisting of approximately fifty-seven acres located southeast of southeast of Alabama Highway 181 and Austin Road. She stated that Jubilee Farms Subdivision, Phases One through Five have been constructed; Phases Six through Eight have been approved for construction.

Chairman opened the floor to public participation. No one came forth. She closed public participation.

Chairman asked about landscaping. Ms. Jones responded that the landscape plan design is in accordance with the ordinance.

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

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of December 19, 2019  
Council Chamber, City Hall - 5:00 P.M.

---

A Motion was made by Mr. Kirby and **Seconded** by Mr. Sandefur *to approve Jubilee Farms Subdivision, Phase Ten preliminary plat. There was no discussion on the motion. The Motion carried unanimously.*

The next order of business is an update to the Official Zoning Map.

Ms. Jones stated there were no amendments to the street map; the amendments to the official zoning map include: rezoning of Belrose North and Belrose South for Fortuna Investments, L.L.C., Belrose Avenue; pre-zoning for Down by the Bay, L.L.C., County Road 13; and an annexation by legislative act near Fish River.

Mr. Scott commented a zoning map update is presented twice a year; he also commented on the annexation of five hundred acres east of Fish River.

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Kirby *to set forth a favorable recommendation to City Council to amend the Official Zoning Map. There was no discussion on the motion. The Motion carried unanimously.*

The next order of business is site plan review for United Bank.

An introductory presentation was given by Larry Smith, representative of S.E. Civil, requesting site plan review for a bank with associated drainage, landscaping, and irrigation located southeast of Renaissance Boulevard and U.S. Highway 90.

Mr. Scott asked about the location of the site. Mr. Smith responded it is east of the proposed storage facility.

Chairman asked for Commission questions or comments and about staff deficiencies. Ms. Jones responded that Public Works and Environmental Programs issues have been addressed.

Mr. Smith provided an update regarding storm water detention. He advised of correspondence created for the responsible party to request that they address the design and/or maintenance issue of the common detention pond located west of Lowe's on U.S. Highway 90.

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

A Motion was made by Mr. Hodgson and **Seconded** by Mr. Kirby *to approve United Bank site plan. There was no discussion on the motion. The Motion carried unanimously.*

The next order of business is a preliminary plat revision of Jubilee Farms Subdivision, Phase Eight.

An introductory presentation was given by Casey Hill, representative of Dewberry, requesting a preliminary plat revision of Jubilee Subdivision, Phase Eight located southeast of Alabama Highway 181 and Austin Road21

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of December 19, 2019  
Council Chamber, City Hall - 5:00 P.M.

---

Ms. Hill stated the preliminary plat revision consists of the addition of a cul-de-sac; also, the revision was also included in the previous master plan modification.

Ms. Jones stated the modification also includes the addition of one lot.

Chairman asked for Commission questions or comments.

Chairman stated there wasn't a minor change to the number of lots, rather it was a change to the shape of that phase.

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

**A Motion was made by Mr. Kirby and Seconded by Mr. Sandefur to approve Jubilee Farms Subdivision, Phase Eight preliminary plat revision. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is master plan revision of Jubilee Farms Subdivision.

An introductory presentation was given by Casey Hill, representative of Dewberry, to request a master plan revision of Jubilee Farms Subdivision located southeast of Austin Road and Alabama Highway 181. She stated a majority of the revisions stem from the walking trails. She also presented an overview of the modifications to each phase: Phases 9, 10 & 12, revision of the phase lines; Phase 12, implementation of two thousand seventy-seven feet of asphalt walking trails; and Phase 15, removal of the proposed boardwalk and transitioning to a passive, natural walking trail along the pond to avoid an impact to the wetlands.

Chairman asked for Commission questions or comments.

Mr. Scott asked about the speed limit within the subdivision. Mr. Sasser, Public Works Director, responded the default speed limit set by ordinance is twenty-five miles per hour.

Chairman asked for Commission questions or comments and a motion.

**A Motion was made by Mr. Prescott and Seconded by Mr. Kirby to approve the Jubilee Farms Subdivision master plan modification as presented. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

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.

The City of Daphne  
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Council Chamber, City Hall - 5:00 P.M.

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Mr. Scott commented on Chief White's retirement and expressed his appreciation for his service to the City and Planning Commission.

The members and Director thanked Chief White and expressed their appreciation for his service to the Planning Commission.

The next order of business is director's comments.

Ms. Jones presented the upcoming meeting dates. Site Preview is January 15, and the Regular Meeting is January 23, 2020.

*There being no further business, the meeting was adjourned at 5:26 p.m.*

*Respectfully submitted by:*



Jan Vallecillo, Planning Coordinator

Approved: January 23, 2020



Marybeth Bergin, Chairman



# City of Daphne Event Permit Application

Date of Application: 20 Jun 20 Permit Requested: ☒ Event/Fundraiser ☐ Parade/Run ☐ Band

| Contact Information                                                                          |                                 |
|----------------------------------------------------------------------------------------------|---------------------------------|
| Organization Name:                                                                           | <u>Manci's Antique Club</u>     |
| Contact Name:                                                                                | <u>1715 Main Street</u>         |
| Address:                                                                                     | <u>Daphne, AL 36526</u>         |
| Primary Phone Number:                                                                        | <u>251-454-7550</u>             |
| Secondary:                                                                                   | <u>HP 5 PROPR BULLSQUAT</u>     |
| E-mail Address: <u>HP 5 PROPR BULLSQUAT</u>                                                  |                                 |
| Event Information                                                                            |                                 |
| Event Name:                                                                                  | <u>Daphne Witches Ride 2020</u> |
| Event Date:                                                                                  | <u>25 Oct 20</u>                |
| Event Location:                                                                              | <u>City Hall + Route</u>        |
| # Participants/Vehicles:                                                                     | <u>400 + or -</u>               |
| Start Time:                                                                                  | <u>4</u>                        |
| Stop Time:                                                                                   | <u>5</u>                        |
| Assembly Time:                                                                               | <u>2:30</u>                     |
| Special Requests:                                                                            | <u>TBA - Talked out</u>         |
| Road Closures Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |                                 |

## Special Instructions

| Approval: Internal Use Only              |                                                                                                             |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Date Routed:                             | <u>1-22-2020</u>                                                                                            |
| Fire Dept:                               | <u>[Signature]</u>                                                                                          |
| Police Dept:                             | <u>[Signature]</u>                                                                                          |
| Public Works:                            | <u>[Signature]</u>                                                                                          |
| Parks & Recreation:                      | <u>[Signature]</u>                                                                                          |
| For Special Event/Band Permits:          |                                                                                                             |
| Council Member:                          | <u>[Signature]</u>                                                                                          |
| City Council:                            | <u>[Signature]</u>                                                                                          |
| Parade/Run Permits ONLY                  |                                                                                                             |
| <input type="checkbox"/> Fee Paid: \$    | <input type="checkbox"/> N/A <input type="checkbox"/> Waived                                                |
| <input type="checkbox"/> Insurance Filed | <input type="checkbox"/> N/A                                                                                |
| Route Selection:                         | <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 |



# City of Daphne Event Permit Application

Date of Application: January 14, 2020 Permit Requested: ☒ Event/Fundraiser ☐ Parade/Run ☐ Band

## Contact Information

Organization Name: The Shoulder (fundraiser to benefit new women's facility)

Contact Name: Cathryn Rillo E-mail Address: cr\_law@outlook.com

Address: 31214 Coleman Lane Spanish Fort AL 36527

Primary Phone Number: 251-709-8533 Secondary: Raina Macks 251-747-3357

## Event Information

Event Name: Rockin' for Recovery 5K & 1 mile fun run Event Date: April 18, 2020

Event Location: Daphne City Hall # Participants/Vehicles: 100 (approx.)

Start Time: 7:45 am Stop Time: 1:00 pm Assembly Time: 9am

Special Requests: We are wanting this run to be similar to the Run for Shep including a post race party with food, small local band and the possibility of kid's activities.

Road Closures Requested: ☒ Yes ☐ No

## Special Instructions

## Approval: Internal Use Only

Date Routed: 1-16-2020

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: [Signature]

Only required if event interrupts traffic near Daphne parks

### For Special Event/Band Permits:

City Clerk: [Signature]

### For Parade/Run Permits & Use of City Grounds:

City Council: [Signature]

Date of Approval

☐ Use of Alcohol

### Parade/Run Permits ONLY

☐ Fee Paid: \$                      ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



# City of Daphne Event Permit Application

Date of Application: 1/28/20 Permit Requested: ☒ Event/Fundraiser ☐ Parade/Run ☐ Band

## Contact Information

Organization Name: MANCI'S ANTIQUE CLUB  
Contact Name: Garrett Deluca E-mail Address: Garrett.Deluca@gmail.com  
Address: 1715 MAIN STREET DAPHNE, AL, 36526  
Street / P.O. Box City/State/Zip Code  
Primary Phone Number: 251 421 0219 Secondary: \_\_\_\_\_

## Event Information

Event Name: ST PATS BLOCK PARTY Event Date: 3/14/20  
Event Location: Belrose on north side of Manci's # Participants/Vehicles: 200  
Start Time: 5pm Stop Time: 11pm Assembly Time: \_\_\_\_\_  
Parade/Runs Only  
Special Requests: From 5-11 block Belrose from back parking lot to  
Main Street. Police watch. Road Closures Requested: ☒ Yes ☐ No

## Special Instructions

## Approval: Internal Use Only

Date Routed: 1-28-2020  
Fire Dept: [Signature]  
Police Dept: [Signature]  
Public Works: [Signature]  
Parks & Recreation: \_\_\_\_\_

Only required if event interrupts traffic near Daphne parks

### 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: \$ \_\_\_\_\_ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



# STATE OF ALABAMA

## ALCOHOLIC BEVERAGE CONTROL BOARD

### ALCOHOL LICENSE APPLICATION



**Confirmation Number: 20200128103336040**

**Type License:** 140 - SPECIAL EVENTS RETAIL

**State:** \$150.00 **County:** \$233.00

**Type License:**

**State:** **County:**

**Trade Name:** OMANCIS ST PATRICKS BLOCK PARTY

**Filing Fee:** \$50.00

**Applicant:** MANCIS ANTIQUE LLC

**Transfer Fee:**

**Location Address:** 1715 MAIN STREET; VACANT LOT DAPHNE, AL 36526

**Mailing Address:** 1715 MAIN STREET; VACANT LOT DAPHNE, AL 36526

**County:** BALDWIN **Tobacco sales:** NO

**Tobacco Vending Machines:**

**Type Ownership:** LLC

**Book, Page, or Document info:** INST 1498258

**Date Incorporated:** 02/10/2015 **State incorporated:** AL

**County Incorporated:** BALDWIN

**Date of Authority:** 02/10/2015

**Alabama State Sales Tax ID:** R009132071

**Federal Tax ID:** 47-3077005

| <b>Name:</b>                            | <b>Title:</b> | <b>Date and Place of Birth:</b> | <b>Residence Address:</b>             |
|-----------------------------------------|---------------|---------------------------------|---------------------------------------|
| HARRY PARTRIDGE JOHNSON<br>2769374 - AL | MEMBER        | 12/06/1950<br>MOBILE, AL        | 105 BELROSE AVE<br>DAPHNE, AL 36526   |
| JOHN MCDERMOTT THOMPSON<br>4671906 - AL | MEMBER        | 11/06/1962<br>MOBILE, AL        | 261 LEVERT STREET<br>MOBILE, AL 36607 |
| GARRETT PAUL DELUCA<br>7547130 - AL     | MEMBER        | 01/19/1990<br>MOBILE, AL        | 199 RIDGEWOOD DR<br>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:** GARRETT DELUCA

**Business Phone:** 251-375-0543

**Fax:**

**Home Phone:** 251-421-0279

**Cell Phone:** 251-451-0279

**E-mail:** GARRETT.DELUCA@GMAIL.COM

**PREVIOUS LICENSE INFORMATION:**

**Trade Name:**

**Applicant:**

**Previous License Number(s)**

**License 1:**

**License 2:**



**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20200128103336040**

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

Name of Property owner/lessor and phone number: **MANCI ENTERPRISES LLC 251-415-1000**

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

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: **2400** Display Square Footage:

Building seating capacity: **25** Does Licensed premises include a patio area? **NO**

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)?

| <b>Name:</b>               | <b>Violation &amp; Date:</b> | <b>Arresting Agency:</b> | <b>Disposition:</b>                 |
|----------------------------|------------------------------|--------------------------|-------------------------------------|
| JOHN MCDERMOTT<br>THOMPSON | DUI - 1984                   | DAPHNE POLICE            | PLED GUILTY, NOL<br>PROS, PAID FINE |
| HARRY PARTRIDGE<br>JOHNSON | SALE TAX - 1979              | BALDWIN COUNTY           | PAID FINE AND<br>TAXES              |
|                            |                              |                          |                                     |



# STATE OF ALABAMA

## ALCOHOLIC BEVERAGE CONTROL BOARD

### ALCOHOL LICENSE APPLICATION



**Confirmation Number: 20200128103336040**

#### Initial each

#### Signature page

☐ GD

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

☐ GD

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

☐ GD

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.

☐ GD

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.

☐ GD

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.

☐ GD

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.

☐ GD

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): Gannett Deluca

Signature of Applicant:

[Signature]

Notary Name (print): Betty G. Dean

Notary Signature:

[Signature]

Commission expires: 01/14/2023

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20200128103336040**

**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: 03/14/2020 Ending Date: 03/14/2020

Special terms and conditions for special event/special retail:

EVENT WILL BE HELD SATURDAY, MARCH 14, 2020. LICENSED AREA WILL BARRICADED TO CONTROL ENTRANCE/EXIT. ALCOHOLIC BEVERAGES ARE RESTRICTED TO BEER AND LIQUOR IN 16 OUNCE CUPS AND WINE IN 12 OUNCE CUPS. NO ALCOHOLIC BEVERAGES ARE ALLOWED TO LEAVE THE LICENSED AREA. THIS IS A NON-RENEWABLE LICENSE.

**Other Explanations**

License Covers: VACANT LOT - TENT

Receipt Confirmation Page

Receipt Confirmation Number: **20200128103336040**  
Application Payment Confirmation Number: 54631020

| Payment Summary                 |         |
|---------------------------------|---------|
| Payment Item                    | Fee     |
| Application Fee for License 140 | \$50.00 |
| Total Amount to be Charged      | \$50.00 |

License Payment Confirmation Number:

| Payment Summary             |            |           |           |
|-----------------------------|------------|-----------|-----------|
| Payment Item                | County Fee | State Fee | Total Fee |
| 140 - SPECIAL EVENTS RETAIL | \$233.00   | \$150.00  | \$383.00  |
|                             |            |           | \$0.00    |
| Total Amount to be Charged  | \$233.00   | \$150.00  | \$383.00  |

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 140 - SPECIAL EVENTS RETAIL  
License Type 2:  
License County: BALDWIN  
Business Type: LLC  
Trade Name: **OMANCIS ST PATRICKS BLOCK PARTY**  
Applicant Name: **MANCIS ANTIQUE LLC**  
Location Address: 1715 MAIN STREET; VACANT LOT  
DAPHNE, AL 36526  
  
Mailing Address: 1715 MAIN STREET; VACANT LOT  
DAPHNE, AL 36526  
  
Contact Person: GARRETT DELUCA  
Contact Home Phone: 251-421-0279  
Contact Business Phone: 251-375-0543  
Contact Fax:  
Contact Cell Phone: 251-451-0279  
Contact Email Address:  
Contact Web Address:

To: Office of the City Clerk

From: Adrienne D. Jones,   
Community Development Director

## MEMORANDUM

Subject: Revision to the Official City of Daphne  
Zoning Map

Date: December 20, 2019

At the, December 19, 2019, regular meeting of the City of Daphne Planning Commission, six members were present. The motion carried unanimously to set forth a **favorable recommendation** to update the zoning map (changes that were approved between June 1 and November 31, 2019).

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.

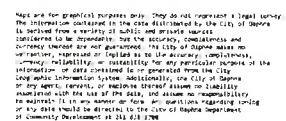
Thank you,  
ADJ/jv

cc: file

attachment(s)

1. Zoning Map Planning Report (Copy Attached)
2. Zoning Map (Display - Posted in Council Chambers)

**FILE**  
32  
12/20/19  
9:00 am



## *Zoning and Street Map Edits: June 1, 2019 through November 31, 2019*

| <b>Legislative Annexation</b>       | <b>Governor Approval Date</b> | <b>Act #</b>                      | <b>Zoning Classification</b>         | <b>Property Size (Acres)</b> |
|-------------------------------------|-------------------------------|-----------------------------------|--------------------------------------|------------------------------|
| East Fish River, LLC                | 06/09/19                      | Act 2019-472                      | R-1                                  | 504.14                       |
| <b>Annexation by Council Action</b> | <b>Council Approval Date</b>  | <b>Council Action Ordinance #</b> |                                      | <b>Property Size (Acres)</b> |
| Down By the Bay LLC                 | 11/04/19                      | 2019-47                           |                                      | 8.74                         |
| <b>Prezoning</b>                    | <b>Council Approval Date</b>  | <b>Ordinance #</b>                | <b>Zoning Classification</b>         | <b>Property Size (Acres)</b> |
| Down by the Bay LLC                 | 11/04/19                      | 2019-46                           | B-2(a)                               | 8.74                         |
| <b>Rezoning Petitions</b>           | <b>Council Approval Date</b>  | <b>Ordinance #</b>                | <b>Old/New Zoning Classification</b> | <b>Property Size (Acres)</b> |
| Fortuna Belrose North               | 08/05/19                      | 2019-35                           | R-2 to B-3                           | 0.39                         |
| Fortuna Belrose South               | 08/05/19                      | 2019-36                           | B-1 to MU                            | 0.40                         |
| <b>Street Acceptances</b>           | <b>Approved</b>               | <b>Resolution #</b>               | <b>Linear Feet</b>                   | <b>Miles</b>                 |
| None                                |                               |                                   |                                      |                              |
|                                     |                               |                                   |                                      |                              |
|                                     |                               |                                   |                                      |                              |

EAST FISH RIVER, LLC LOTS  
Located in East Central Daphne Jurisdiction



Figure 1 Legislative Annexation

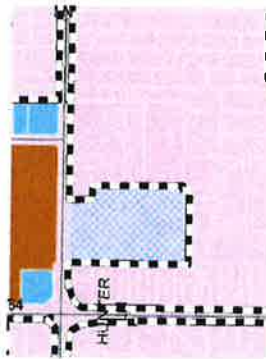


Figure 2 Down By the Bay LLC Annexation and Zoning



Figure 3 Belrose North and South

**CITY OF DAPHNE, ALABAMA  
RESOLUTION 2020 - 08**

**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

**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            |
|------|----------|----------------------|-------------------|
| FD   | 820      | 2007 FORD EXPEDITION | 1FMFU155X7LA62826 |

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 \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Candace G. Antinarella, City Clerk**

**CITY OF DAPHNE, ALABAMA  
RESOLUTION 2020-09**

**RESOLUTION AUTHORIZING THE CREATION OF A TRUST OF  
THE CITY OF DAPHNE FOR  
CERTAIN POST-EMPLOYMENT BENEFITS**

WHEREAS, the City of Daphne, Alabama (the “City”) has established and maintains certain employee benefit plans that provide post-employment benefits other than pensions, including, but not limited to, medical, dental, vision and prescription-drug coverage, to participants and their dependents who are eligible for coverage thereunder; and

WHEREAS, the Governmental Accounting Standards Board (“GASB”) has issued Statement 43 and Statement 45, which establish standards for accounting and financial reporting for state and local governmental employers that offer other post-employment benefits to participants and their eligible dependents; and

WHEREAS, GASB Statement 43 and GASB Statement 45 require that the City account for any other post-employment benefits (“OPEB”) unfunded actuarial accrued liability, i.e., the present value of OPEB earned but not funded and amortized over a period not to exceed thirty (30) years; and

WHEREAS, as authorized by the constitution and laws of the State of Alabama, including without limitation Act. No. 2008-503 adopted at the 2008 Regular Session of the Legislature of Alabama, the City has determined to establish a trust pursuant to Section 115 of the Internal Revenue Code for the purpose of funding and pre-funding OPEB provided under its retirement benefit plans for retirees in accordance with GASB Statement 43 and GASB Statement 45;

THEREFORE, BE IT RESOLVED that a trust shall be created to provide certain welfare benefits to Retirees of the City, as follows:

**I. AUTHORIZATION OF TRUST**

The City of Daphne does hereby authorize and directs Regions Bank as Trustee, to execute and deliver, for and in the name and on behalf of the City, the Trust Agreement (hereinafter “Trust Agreement”) in the form attached hereto as Attachment 1 and incorporated herein, for the creation of the City of Daphne Other Post-Employment Benefits Trust Fund (“OPEB Trust”). The City of Daphne does hereby authorize and direct Regions Bank to execute any documents necessary for the creation of said OPEB Trust.

**II. APPOINTMENT OF TRUSTEE**

The City of Daphne hereby determines that it is necessary, desirable and in the public interest to appoint and obtain the consent of the Trustee, Regions Bank. The Trustee is further authorized to execute, by and on behalf of the City, any and all agreements, certificates,

documents or other instruments that may be necessary or required in connection with service as Regions Bank, Trustee under the Trust Agreement.

### **III. SERVICE PROVIDERS**

Regions Bank is further authorized and directed to identify and retain, by and on behalf of the City of Daphne with the consent of the City, any actuarial, consulting, accounting, legal or other professional services necessary in connection with the implementation and administration of the OPEB Trust and to execute by and on behalf of the City any agreements, certificates, documents or other instruments in connection therewith.

### **IV. INVESTMENT POLICY RESPECTING TRUST**

The City of Daphne hereby directs and establishes that the investment of amounts held within the OPEB Trust (including, without limitation, any investment earnings thereon) shall be conducted in accordance with the standards and objectives set forth in the Investment Policy attached hereto as Attachment 2. The City of Daphne and Regions Bank hereby declare and establish the foregoing as the Investment Policy for the OPEB Trust.

### **V. ADDITIONAL DOCUMENTS AUTHORIZED**

The City of Daphne and Regions Bank are hereby authorized and directed to execute, seal, attest and deliver such other documents and certificates and to take such other actions on behalf of the City as may be necessary to consummate the transactions contemplated by this resolution including, without limiting the generality of the foregoing, all actions necessary to obtain a ruling from the Internal Revenue Service respecting the status of the income derived from investment of amounts on deposit in the Trust Agreement under Section 115 of the Internal Revenue Code.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ day of \_\_\_\_\_, 2020.**

CITY OF DAPHNE

By \_\_\_\_\_  
Dane Haygood, Mayor

Attest:

\_\_\_\_\_  
Candace Antinarella, City Clerk

**CITY OF DAPHNE  
OTHER POST-EMPLOYMENT BENEFITS  
TRUST FUND**

STATE OF ALABAMA  
COUNTY OF BALDWIN

WHEREAS, the City of Daphne, Alabama (the “Employer” or the “City”) is an Alabama municipal corporation of the State of Alabama; and

WHEREAS, the City has established and maintains certain employee benefit plans that provide post-employment benefits other than pensions, including programs or arrangements to provide for medical, dental, vision, prescription-drug coverage, disability, severance and other welfare benefits through insurance and self-funded retirement programs (hereinafter jointly referred to as the “Plan(s)”) to participants and their dependents who are eligible for coverage thereunder; and

WHEREAS, it is an essential function and integral part of the exempt activities of the City to assist Retirees by making contributions to and accumulating assets in this Trust, a segregated fund, for other post-employment benefits (“OPEB”) under such a Plan(s); and

WHEREAS, the authority to provide for the investment and general administration of assets to be used to fund such Plan(s) is vested in the City and is statutorily authorized pursuant to Section 11-104-2 et seq., of the Code of Alabama, 1975 (as amended), as the authority and shall be subject to the duties with respect to the Trust specified in this Declaration of Trust; and

WHEREAS, the Employer, to effect funding for the Plan and to provide for the investment management and distribution of funds held in trust, wishes to establish this Trust, as hereinafter provided; and

WHEREAS, the Employer intends that this Trust and the portion of any Plan to which this Trust relates shall qualify as an exempt governmental entity under § 115 of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the Employer appoints Regions Bank to serve as the Trustee (“Trustee”) under the Trust.

NOW, THEREFORE, the signatory parties hereby DECLARE AND ESTABLISH this Trust, upon the following terms and conditions, to-wit:

## **ARTICLE I CREATION OF TRUST AND PURPOSE**

1. There is hereby created and established the City of Daphne Other Post-Employment Benefits Trust Fund (the “Trust” or “OPEB Trust”), as evidenced by this Trust Agreement.

2. The purpose of the OPEB Trust, and the Plan(s) to which it relates, is to provide medical and other welfare benefits described herein, and, if amended, may further provide for the payment of such other benefits for the Retired Employees of the Employer, and may do so by the payment of specified medical and other welfare benefit expenses and/or the payment of premiums for insurance to cover such expenses, after the retirement of such Employees.

## **ARTICLE II ACCEPTANCE OF TRUST**

Regions Bank hereby accepts the Trust hereby created, and covenants to hold all property that it may receive hereunder, upon the terms of and in accordance with the conditions hereinafter set forth.

## **ARTICLE III DEFINITIONS**

1. The words and phrases defined in the Plan shall have the same meaning whenever used in this Trust Agreement, unless the context clearly indicates otherwise, and except as provided below.

2. The following words and phrases shall have the meaning set forth, to-wit:

(a) **Actuary:** The enrolled actuary engaged by the Trustee to provide actuarial services to the Plan and Trust which shall be Regions Bank.

(b) **Claims Administrator:** The Claims Administrator shall be such person or entity as may be from time to time designated by the Employer in accordance with Article XII, or as designated by Regions Bank with consent of Employer.

(c) **Code:** The Internal Revenue Code of 1986 as amended in effect on the date of this Agreement.

(d) **Covered Employee:** An Employee who works or has worked regularly for at least thirty (30) hours per week for the Employer, who has otherwise satisfied the eligibility requirements of the Plan(s) in order to become a “Participant” as described in the Plan, and who also affirmatively chooses to be a Participant under the Plan. Covered Dependent shall mean a person who is a spouse or dependent of a Covered Employee and for whom coverage has been elected.

(e) **Effective Date:** \_\_\_\_\_, 2020.

(f) **Employee:** An individual who is actively employed by the Employer on the Effective Date of this Agreement or who thereafter becomes employed by the Employer. The term *Employee* shall not include any individual whose relationship to the Employer is that of partner or independent contractor.

(g) **Employer:** The City of Daphne, an Alabama municipal corporation of the State of Alabama.

(h) **Fiduciary:** Regions Bank is designated as the “Named Fiduciary: with respect to this Trust and the Plan to which it relates, and the fiduciary duties are set forth and limited to the responsibilities set forth herein and in said Plan(s):

(1) Regions Bank;

(2) The Employer, City of Daphne;

(3) The Trustee, Regions Bank designated by the Governing Body of the Employer;

(4) The Plan Administrator shall be the Finance Director of the City of Daphne whose delegated responsibility is limited to the determination and payment of benefits, and review denied claims pursuant to said Plan.

(i) **Excess Insurer:** The insurance company, if any, with which the Employer contracts to insure a portion of the benefits provided by said Plan.

(j) **Governing Body:** The Governing Body of the Employer shall mean the Mayor and City Council of the City of Daphne, an Alabama municipal corporation of the State of Alabama.

(k) **Insurer:** An insurance company licensed to do business in Alabama and in at least one other state, which is selected by the Trustee to insure the payment of Benefits on behalf of a Covered Employee.

(l) **Medical Plan Benefits:** The coverage listed in the “Schedule of Benefits” set forth in the Plan.

(m) **Participant or Member:** A Retired Employee who is, or may become, eligible to retire under the Retirement System and who is, or may become, employed by the Employer

for a period equal to the length of time necessary to qualify for retirement under the Retirement System.

(n) **Payment Account:** The separate account from which the payment of benefits or premiums is made.

(o) **Plan or Plans:** The Post-Employment Benefits Plan or Plans for the Retired Employees of the City of Daphne, which Plan shall provide health, and other welfare benefits for its Participants. At the date of the commencement of this Trust, the Plan(s) shall be evidenced by one of more Plan Documents, and shall mean the health benefit and other welfare arrangement(s) offered by the Employer.

(p) **Plan Administrator:** The City shall designate the Finance Director as the Plan Administrator to perform the daily administrative functions of the Trust and the Plan(s). The Finance Director may be changed from time to time, by resolution of the City of Daphne City Council.

(q) **Certification to Trustee:** The governing body of the Employer, or other duly authorized official, shall certify in writing to the Trustee the names of the Plan Administrator and Employer's Agent, if any, and all others authorized to act on behalf of the Employer whose names shall be kept accurate by the Employer acting through a duly authorized official or governing body of the Employer. The Trustee shall have no liability if it reasonably believes it is acting upon the direction of a Plan Administrator or Employer's Agent that has been duly authorized hereunder even if that Plan Administrator or Employer's Agent is no longer authorized to act, unless the Employer has informed the Trustee of such change in writing.

(r) **Retired Employee:** Shall mean an Employee who was a covered employee under the Plan, who has worked for the Employer if they are less than 65 years of age with a minimum of 25 yrs of creditable service with the City. Dependents of the retiree are eligible for coverage under the health care plan, provided they are covered under the City health care plan at least six (6) months prior to the effective date of retirement.

(s) **Retirement System:** City of Daphne Employees within the Retirement Systems of Alabama.

(t) **OPEB Trust:** The sum of contributions held by Regions Bank hereunder, increased by earnings and profits thereon and reduced by losses on investments, reasonable expenses incurred and by benefits paid from the Plan.

(u) **Year of Service.** A 12 month period during which the Employee was continuously employed by the Employer at the rate of at least 30 hours per week.

## **ARTICLE IV CONTRIBUTIONS AND FUNDING**

1. **Contributions:** This Trust may be funded by any of the following (a) contributions by the Employer on behalf of Covered Employees, (b) contributions by employees and Retired Employees, (c) appropriations by the Employer or state agency, (d) proceeds of any gifts, grants or contributions, (e) transfers from another trust or fund by a governmental entity, (f) investment income, (g) bonds, notes or other evidence of indebtedness or (h) all other sources permitted by law. All such contributions shall be irrevocable. The following amounts shall be contributed to the Trust at its inception: (a) all Employer Contributions establishes as the required contribution levels under the Plan(s) for the initial period, as determined from reasonable estimation of plan liabilities and accrued benefits; and (b) an initial reserve from the Employer's reserve account for the Plan(s).

2. **Funding Policy:** The Employer shall from time to time, with the advice of the Actuary and such professional consultants as the Trustee may elect to provide such services to the Plan(s) and Trust, adopt a funding policy to the end that the Plan(s) and Trust shall be funded in a manner consistent with the Code and any other applicable laws and regulations on a lawful and sound actuarial basis. Such funding policy shall be provided to the Trustee to assist it in coordinating investment policy with Plan financial needs.

3. **No reversion or Prohibited Inurement:** No part of the Trust shall revert to or inure to the benefit of any organization or individual other than through the payment of the medical or other welfare benefits or premiums for coverage of medical or other welfare benefits provided under the Plan for the benefit of Covered Employees or for the payment of reasonable administrative expenses. If the Employer shall cease to exist or shall cease to have Employees that will be covered by the Plan, and if all benefits due and benefits expected to be due to Retired Employees under the Plan shall have been paid, then any remaining assets of the Trust shall be paid to the Successor Employer to the Employer.

## **ARTICLE V TRUSTEE**

1. **General Duties of Administrator:** Trustee shall provide the Trustee with a certified copy of the Plan and shall furnish the Trustee with certified copies of any amendments to the Plan promptly upon their adoption, and shall from time to time certify to the Trustee the names and specimen signatures of the authorized agents of the Third-Party Trustee and the

Claims Administrator, who shall have authority to control and manage the operation and administration of the Plan. The Third-Party Trustee shall keep or cause to be kept accurate books and records with respect to the Covered Employees under the Plan, and the benefits provided to them and to their spouses and dependents.

2. General Duties of Trustee:

(a) The Trustee shall hold, manage, invest and reinvest the Trust, collect the income thereof, and make payments therefrom, all as herein provided. It shall be responsible only for funds actually received by it and shall have not duty or authority to compute or to bring any action or proceedings to enforce the collection of any contribution to the Trust.

(b) Regions Bank shall discharge its duties solely in the interest of the Plan Participants and their spouses and dependents, and:

- (1) For the exclusive purpose of providing benefits to Covered Employees and their Covered Dependents and defraying reasonable expenses of administering the Plan(s).
- (2) With the care, skill, prudence and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;
- (3) By diversifying the investments of the Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and
- (4) In accordance with the documents and instrument governing the Trust insofar as such documents and instruments are consistent with the provisions of Alabama law.

3. Investment Powers of the Trustee: With respect to the Trust, Regions Bank is authorized and empowered, in its sound judgment to do the following:

(a) To hold un-invested from time to time, without liability for interest thereon, such sums of money as are necessary for the cash requirements of the Plan(s) under a funding policy adopted by the Trustee, and to keep such portion of the Trust in cash or cash balances as the Board of Trustees may from time to time deem to be in the best interests of the Trust.

(b) To invest the corpus of the Trust in accordance with the Investment Policy adopted by the Governing Body, as it may be amended from time to time. Such Investment Policy shall incorporate an asset allocation strategy that emphasizes the long-term funding of the Trust while investing the assets for the highest investment rate of return consistent with acceptable levels of risk and the actuarially assumed rate of return established by the actuary.

(c) To purchase or subscribe for any securities or property, including life insurance, endowment, retirement income, or annuity contracts of an insurance company, or other securities of said insurance company or of a related or affiliated Company, and retain the same in trust.

(d) To sell, exchange, convey, transfer or otherwise dispose of any securities or property held by it, by private contract or at public auction, without advertisement and without order of court, and no person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity, expenditures or propriety of any such sale or other disposition.

(e) To vote upon any stocks, bonds, or other securities, to give general or special proxies or powers of attorney with or without power of substitution to exercise any conversion privileges, subscription rights or other options, and to make any payments incidental thereto, to oppose or to consent to or otherwise participate in corporate reorganizations or other changes affecting corporate stocks, and to pay any assessments, or charges in connection therewith, and generally to exercise any of the powers of an owner with respect to stocks, bonds, securities or other property held as a part of the fund.

(f) To register any investment held as part of the Trust in its own name or in the name of a nominee, and to hold any investment in bearer form, but the books and records of the Trustee shall at all times show that all such investments are part of the Trust; provided that such securities are held on behalf of the Plan by (i) a bank or trust company subject to state or Federal supervision, or a nominee thereof, (ii) a broker or dealer registered under the 1934 Act or a nominee thereof, or (iii) a clearing agency as defined in Section 3(a)(2) of the 1934 Act, or its nominee.

(g) To employ suitable agents and counsel, and to pay their reasonable expenses and compensation which will be charged against the Trust or the assets held in the Plan & Trust only to the extent hereinafter provided.

(h) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted.

(i) To settle, compromise, or submit to arbitration any claim, debts or damages due or owing to or from the Trust, to commence or defend suits or legal or administrative proceedings, and to represent the Trust in all suits and legal and administrative proceedings.

(j) The Trustee is authorized to exercise and has all powers granted to it under Alabama state law in existence at the time of adoption of this Trust and as it may be amended from time to time.

(k) Notwithstanding the above, the Trustee shall not be authorized to engage in any transaction with a party in interest or fiduciary that would constitute a prohibited transaction.

4. Administrative Powers of Trustee: Trustee shall be authorized and empowered, in its discretion, to exercise any and all of the following rights, powers and privileges with respect to the Trust:

(a) To exercise or refrain from exercising voting rights pertaining to any securities, including exercise by general or specific proxies or powers of attorney with or without power of substitution.

(b) To exercise any subscription rights or conversion privileges with respect to any securities held in the Trust.

(c) To collect and receive any and all money and other property of whatsoever kind or nature due or owing or belonging to the Trust and to give full discharge and acquittance therefore, and to extend the time of payment of any obligation at any time owing to the Trust, as long as such extension is for a reasonable period and continues at reasonable interest.

(d) To cause any securities or other property to be registered in, or transferred to, the individual name of Trustee or in the name of one or more of its nominees, or one or more nominees of any system for the centralized handling of securities, or to retain them in unregistered form, but the books and records of the Trust shall at all times show that all such investments are a part of the Trust.

(e) To settle, compromise or submit to arbitration any claims, debts or damages due or owing to or from the Trust; to commence or defend suits or legal proceedings whenever, in its judgment, any interest of the Trust requires it; and to represent the Trust in all suits or legal proceedings in any court of law or equity or before any other body or tribunal, insofar as such suits or proceedings relate to any property forming part of the Trust or to the administration of the Trust.

(f) Generally, to do all acts, whether or not expressly authorized, which the Board of Trustees deems necessary or desirable, but acting at all times according to the principles of prudence expressed in Section 2(b) hereof and the limitations on investments in Section 3(b) and (c) thereof.

5. Authority of Trustee: Regions Bank shall be under no obligation to see the proper application of any money paid or property delivered to the Trustee or to inquire into authority of Trustee as to any transaction.

6. Limitations on Fiduciary Responsibility: To the extent allowed by the state law applicable to this Trust Agreement:

(a) No fiduciary shall be liable with respect to a breach of fiduciary duty by any other fiduciary if such breach was committed before such party became a fiduciary or after such party ceased to be a fiduciary.

(b) No fiduciary shall be liable for a breach by another fiduciary except as provided by law.

(c) No fiduciary shall be liable for carrying out a proper direction from another fiduciary which direction the fiduciary in good faith believes to be authorized and appropriate. No fiduciary shall be liable for refraining from taking an action in the absence of a proper direction from another fiduciary possessing the authority and responsibility to make such a direction.

7. Indemnification of Trustee by Employer

The Trustee shall be fully protected and indemnified by Employer and the Plan Administrator, in reliance upon information, direction or instructions received from an authorized party as provided in this Trust, which instructions or directions the Trustee reasonably believes to be authentic and issued by an authorized party. Should it become necessary to perform some act hereunder and there is neither direction in this Trust Agreement nor information nor instructions from Employer or Plan Administrator on file with the Trustee relating thereto, and if no such information or instructions can be obtained after reasonable inquiry, the Trustee shall have full power and authority to act in the Trustee's discretion, consistent with the purposes of this Trust. In so acting or in following any instructions from an authorized party, the Trustee shall not be liable except to the extent that the actions of the Trustee constitute fraud, bad faith, willful misconduct or gross negligence.

For avoidance of any doubt, the Trustee confirms and the Employer acknowledges and confirms that the Trustee has not sought a private letter ruling or other ruling

from the Internal Revenue Service or any state department of revenue regarding the tax-exempt status of the Trust or any income earned by said Trust. The Trustee is not responsible for the payment, withholding or reporting of federal or state income tax or withholding on the corpus of the Trust or any contributions or income added to the Trust Fund at any time. Further, the Employer represents and warrants that it has obtained or will obtain, to its full satisfaction, either (1) IRS approval or (2) an opinion from an attorney licensed in the state listed in the trust agreement that the Trust qualifies as tax-exempt under the Code and applicable state law. Further, the Trustee shall not be liable for the Trust's failure to qualify for (or loss of) (1) tax-exempt status as governmental trust under Section 115 of the Code, including any regulations promulgated thereunder, or (2) tax-exempt trust status under the provisions of applicable state law. Specifically, the Employer shall indemnify, defend and hold the Trustee (including its officers, agents, employees and attorneys) harmless from and against any and all claims, demands, losses, costs, expenses or liability imposed on the Trustee, including reasonable attorneys' fees and costs, arising as a result of or in connection with the Trust's failure to qualify for (or loss of) (1) tax-exempt status as governmental trust under Section 115 of the Code, including any regulations promulgated thereunder, and/or (2) tax exempt trust status under the provisions of applicable state law.

## **ARTICLE VI**

### **POWERS AND DUTIES OF TRUSTEE IN THE DISBURSEMENT OF THE TRUST**

1. Regions Bank shall, upon receipt of instructions from the Claims Administrator, or his authorized delegate, distribute from the Trust to the Payment Account such sums, in such amounts and at such times, as the Claims Administrator shall direct. The Trustee shall transfer such sums to the banking or financial institution in which the Claims Administrator maintains the Payment Account. The transfer of such funds shall be by wire transfer or check, at the election of the Claims Administrator. Provided, further, if the Trust and the Payment Account are maintained by the same financial institution, Regions Bank is authorized to effect such transfer of funds in the manner regularly and customarily used for such intra-bank or intra-institutional transfers.

2. Unless paid directly by the Employer, Regions Bank is authorized to pay the fees of the Claims Administrator.

## **ARTICLE VII**

### **ACCOUNTS OF REGIONS BANK**

Regions Bank shall keep accurate and detailed accounts with respect to the assets constituting the Trust, including but not limited to, records with respect to contributions to or

disbursements from the Trust, the purchase or sale of assets, the cost and fair market value of assets retained, and the income, gain or loss derived periodically from the investments held in the Trust. Regions Bank shall file with the Trustee within three (3) months following the close of each Plan Year, and at such other intervals as are reasonably requested by the Trustee, a written report containing such information as is requested by the Trustee with respect to the transactions effected by Regions Bank during such Plan Year or other period.

## **ARTICLE VIII RESIGNATION, REMOVAL OR SUBSTITUTION OF A TRUSTEE; ACTION OF REGIONS BANK**

1. Removal or Resignation: The Trustee may be removed by action of the Governing Body of the Employer, at any time, without cause, upon delivery of thirty (30) days' prior written notice of such action to such Trustee. The Trustee may resign at any time upon sixty (60) days' notice. After such removal or resignation, it shall file with the Trustee a written account, to the date of such removal or resignation, in form similar to, and containing information similar to that required to be set forth in, the annual report provided for heretofore in Article VII.

2. Designation of Successor Trustee: Upon removal or resignation of a Trustee, the Governing Body or the Employer shall designate by resolution a successor Trustee to act hereunder, and such successor Trustee shall have the same powers and duties as those conferred upon the Trustee first named herein. Any successor Trustee shall be either (a) an independent institutional trustee authorized to act as a trustee under the laws of Alabama.

3. Documents Evidencing Change in Trusteeship: In the event a Trustee is removed or resigns, the Trustee shall execute immediately upon the appointment of a successor Trustee all documents necessary to evidence and reflect the change in trusteeship and the ownership of Trust assets, subject to the approval of Employer.

4. Acceptance by Successor Trustee: The Acceptance of any successor Trustee of its appointment shall be in writing transmitted to the Employer. The Employer shall notify the Trustee and the Claims Administrator of the change in Trustee.

## **ARTICLE X RIGHT OF EMPLOYER TO AMEND OR TERMINATE**

1. Termination: This Trust shall continue for such time as may be necessary to accomplish the purpose for which it was created. The Trust may be terminated any time if the

Employer's plans or programs providing post-employment benefits on which the Trust was established are repealed or terminated and there is no future obligations to provide such benefits, by the Employer by appropriate action of its Governing Body and by giving five (5) days' prior written notice of such action to Regions Bank. The Employer may assign the responsibilities to a Successor Employer if the Employer is no longer able to act. The Employer's action to terminate the Trust shall be made in accordance with the requirements for Employer action by its Governing Body.

2. Liquidation: Upon termination of the Trust, provided that Regions Bank has not received instructions to the contrary from the Trustee, Regions Bank shall hold the Trust until it is completely exhausted by paying benefits provided under the Plan and paying the reasonable expenses of the Trust, including expenses involved in the termination.

3. Right to Amend: The Employer, Regions Bank may, at any time and from time to time, alter, modify or amend, in whole or in part, any or all of the provisions of this Trust Agreement and a Plan to which this Trust relates (including changing the terms of the Plan to incorporate or not incorporate the terms of any other plan or arrangement), provided that no such alteration, modification or amendment may affect the rights, duties or responsibilities of the Trustee without its consent; provided further, that no such alteration modification or amendment may permit any part of the Trust to be used for or diverted to purposes other than those specified herein. The Employer may assign these responsibilities to a Successor Employer.

The Employer shall have the right to change any Trustee and the responsibilities of Regions Bank, provided however, that if the person proposed to be named as a Trustee is an individual who is not independent of the Employer and the other fiduciaries of the Plan and Trust, then such person may only be appointed in accordance with Article VIII.

## **ARTICLE XI BENEFITS**

That Regions Bank shall make such payments from the Trust to the Payment Account for the benefit of Covered Employees and their Covered Dependents as directed by the Claims Administrator. Such payments shall be made in order that benefit payments may be made to Covered Employees, former Covered Employees eligible for benefits, or their respective beneficiaries, as the case may be, in accordance with those described in the Plan. All benefits paid by the Claims Administrator shall be paid in strict accordance with the Benefits enumerated and described in the Plan.

## **ARTICLE XII**

### **CLAIMS ADMINISTRATOR**

1. The City of Daphne, by resolution of its City Council, may appoint an initial Claims Administrator. The Claims Administrator shall be responsible for the determination and payment from the Payment Account of benefits to Covered Persons under the Plan.

The specific responsibilities delegated to the Claims Administrator, and the terms and conditions upon which the Claims Administrator accepts and agrees to perform such responsibilities, are set forth in a written agreement between the Employer and the Claims Administrator.

The compensation of the Claims Administrator shall be as set forth in said Agreement.

2. The Employer may, upon thirty (30) days' prior written notice, terminate the services of the Claims Administrator. The Claims Administrator may, upon thirty (30) days' prior written notice to the Employer, resign and terminate its duties and responsibilities hereunder and under said Agreement.

3. Upon the termination or resignation of the initial Claims Administrator, the Employer shall, by resolution of its Governing Body, appoint a successor Claims Administrator which may, but need not be, the Trustee, an employee of the Employer, or any third party outside Administrator.

4. The Trustee is the named fiduciary with respect to control and management of the operation and administration of the Plan and has all powers and authority necessary or appropriate to carry out its provisions. It may interpret and apply all terms of the Plan and may correct any defect, supply any omission or reconcile any inconsistency or ambiguity in such manner as it deems advisable. It shall make all final determinations concerning eligibility and status of Employees and, with the advice of the Claims Administrator, the right to benefits and all other rights hereunder, and all other matters concerning Plan administration and interpretation. All determinations and actions of the Trustee are conclusive and binding upon the Employer, Covered Employees, former Covered Employees, and their respective beneficiaries, and all other persons, except as otherwise provided herein by law. Any powers to be exercised either by the Claims Administrator or by the Trustee shall be exercised in a nondiscriminatory manner, and it shall apply uniform administrative rules of general application in order to assure similar treatment to persons in similar circumstances. Any request for a benefit (a claim) by a Covered Employee or his beneficiary (the claimant) will be filed in writing with the Claims Administrator. Within a reasonable period after receipt of a claim, the Claims Administrator will provide written notice to any claimant whose claim has been wholly or partly denied, including:

(a) the reasons for the denial, (b) the Plan provisions on which the denial is based, (c) any additional material or information necessary to perfect the claim and the reasons it is necessary, and (d) the claim review procedure of the Plan. A claimant will be given a full and fair review by the Administrative Authority of the denial. The claimant may review pertinent documents and may submit issues and comments in writing. The Claims Administrator will render its decision on review, promptly and in writing, and will include specific reasons for the decision and referenced to the Plan provisions on which the decision is based. If the Participant disagrees with the finding of the Claims Administrator, the matter will be referred to the Trustee, who, based upon all the facts, will make a final determination as to the claim. Provided nevertheless, in the event any claim for benefits under the Plan are payable by an Insurer, rather than from the Payment Account, such Insurer shall have the right to make such final determination.

### **ARTICLE XIII TRUSTEE**

1. The Employer, by resolution of its Governing Body, will appoint a Trustee who may, but need not be, the Employer, a Covered Employee or officer of the Employer. The Employer may remove the Trustee at any time, with or without cause, by filing prior written notice of his removal with the Board of Trustees and the Claims Administrator. The Trustee may resign at any time by filing his written resignation with the Employer. A vacancy, however arising, will be filled by the Employer.

2. The Employer will notify Regions Bank and the Claims Administrator in writing of the appointment of the Trustee, and the Board of Trustees and the Claims Administrator may assume its authority to act continues until written notice to the contrary is given by the Employer.

3. The Trustee is a named fiduciary with respect to control and management of the operation and administration of the Plan and has all powers and authority necessary or appropriate to carry out its provisions. The Trustee will exercise all powers and authority given to it in a non-discriminatory manner, and will apply uniform administrative rules of general application in order to assure similar treatment to persons in similar circumstances.

4. The Trustee will prepare, file, submit, distribute or make available any Plan descriptions, reports, statements, forms or other information to any government agency, employee, former employee or beneficiary as may be required by law of by the Plan.

5. The Trustee will record its acts and decisions, and will keep all data, records, books of account and instruments pertaining to Plan Administration, which will be subject to inspection or audit by the Employer at any time. The Employer will supply all information required by the Trustee to administer the Plan, and the Trustee may rely upon the accuracy of such information.

6. The Trustee will serve without compensation unless otherwise determined by the Employer. All reasonable expenses incident to the operation and administration of the Plan will be paid out of the fund unless paid by the Employer, at its option.

7. The Trustee may adopt and amend such rules for the conduct of his business and administration of the Plan as he deems advisable.

8. The Trustee may employ or retain such attorneys, accountants, actuaries, consultants, specialties, and other persons or firms as it deems necessary or desirable to advise or assist it in the performance of its duties.

9. The Employer and Regions Bank hereby agree that the Trustee shall have the authority to sign all documents on behalf of the voluntary employees' beneficiary association and this Trust, including, without limitation, Internal Revenue Service Forms 1024 and 2848, and all other forms, applications, powers of attorney and related documents that may be required to obtain approval of this Trust as a qualified trust under Section 501 of the Code.

#### **ARTICLE XIV MISCELLANEOUS**

1. Allocation of Responsibility Among Fiduciaries: The Employer, Regions Bank, the Trustee and the Claims Administrator will each have only those powers, duties, responsibilities and obligations as are specifically allocated to each of them under the Plan and the Trust Agreement. There will be no joint fiduciary responsibility among or between fiduciaries, unless specifically stated otherwise. Any person or group of persons may serve in more than one fiduciary capacity with respect to the Plan and Trust, including service both as Trustee and as Trustee.

2. Benefits Not Guaranteed: The Employer, Regions Bank, the Claims Administrator and the Trustee do not guarantee the payment of benefits under the Plans or this Trust. Each participant, beneficiary or other person will look solely to the Trust for any benefits due under the Plan, and such benefits will be paid only to the extent that the assets of the Trust are sufficient therefor.

3. Rights Are Not Created Other Than Plan Specifies: Nothing appearing in or done pursuant to the Plan or Trust Agreement will be held or construed: (a) to give any person any legal or equitable right or interest in the Trust or any part thereof or distribution therefrom nor against the Employer, Regions Bank, the Claims Administrator or the Trustee, except as expressly provided herein; (b) to create a contract of employment with any Employee, or to give any Employee the right to continue as an Employee, nor to affect or modify his terms of employment in any way; (c) to interfere with the right of the Employer to terminate the service of any Employee without regard to the effect of such termination upon his rights or benefits under the Plan.

4. Payments to Minors and Incompetents: If the Claims Administrator or the Trustee deems any person incapable of receiving benefit payments by reason of minority, illness, infirmity or other incapacity, it may direct payment directly for the benefit of such person, or to any person selected by the Trustee to disburse it. Such payment, to the extent thereof, will discharge all liability for such payment under the Plan.

5. Non-alienation of Benefits: No benefit, right or interest of any person hereunder will be subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance or charge; nor to seizure, attachment or other legal, equitable or other process; nor will it be liable for, or subject to, the debts, liabilities or other obligations of such person. In the event of an attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber or charge such benefit, right or interest, or to subject it to seizure, attachment or other legal, equitable or other process, such benefit, right or interest will immediately cease and terminate; but the Trustee, in its uncontrolled discretion, may direct the Trustee to pay to or apply for the benefit of such person or his family so much of such benefit, right or interest as it may deem advisable.

6. Return of Contribution Made in Error or Not Deductible: If any contribution is made in error, the then value of such contribution will be returned to the Employer if within the time allowed by law.

7. Trust Agreement Part of Plan: The Trust Agreement will be a part of the Plan, and any right or benefit of any person hereunder will be subject to all terms and conditions of the Trust Agreement.

8. Text Controls: Headings and titles are for convenience only, and the text will control in all matters.

9. Applicable State Law: To the extent that state law applies, the provisions of the Plans will be construed, enforced and administered according to the laws of the State of Alabama.

IN WITNESS WHEREOF, the Employer and the Board of Trustees have caused this Trust Agreement to be signed by their respective duly authorized persons, before the undersigned competent witnesses on the date indicated above at Daphne, Alabama.

CITY OF DAPHNE

By: \_\_\_\_\_  
DANE HAYGOOD, Mayor

Dated this the \_\_\_\_ day of \_\_\_\_\_,  
2020.

ATTEST:

\_\_\_\_\_  
CANDACE ANTINARELLA, City Clerk

REGIONS BANK  
As Trustee

By \_\_\_\_\_  
As Its: \_\_\_\_\_

Dated this the \_\_\_\_ day of \_\_\_\_\_,  
2020.

**CITY OF DAPHNE, ALABAMA**  
**Resolution 2020-10**

**Resolution Supporting the Eastern Shore Metropolitan Planning  
Organization Resolution 2020-06 in Support of a Proposed Scope Across  
Mobile River and Mobile Bay**

**WHEREAS**, the City of Daphne is an incorporated municipality in Baldwin County and has experienced significant growth in the area that is currently served by I-10 and the Causeway; and

**WHEREAS**, the City of Daphne recognizes that the Coastal Alabama Region is in need of an alternative plan for the capacity needs to the transportation network across the Mobile River and Mobile Bay; and

**WHEREAS**, the Eastern Shore Metropolitan Planning Organization (MPO) has taken action by adopting a resolution supporting a proposed scope across Mobile River and Mobile Bay; and

**WHEREAS**, it is the intent of the City of Daphne to support an alternate concept of constructing the new Mobile River Bridge together with new capacity across Mobile Bay to benefit the citizens of Daphne as well as those along the Eastern Shore;

**NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** that the City of Daphne hereby endorses and supports the MPO's action of adopting Resolution 2020-06 and the associated project scope as a solution to the Mobile River Bridge and Bayway Project.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
Dane Haygood, Mayor

ATTEST:

\_\_\_\_\_  
Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA**  
**ORDINANCE 2020 -08**

**Ordinance to Establishing Voting Poll Places for the City of Daphne**

**AN ORDINANCE** establishing Voting Poll Places for the City of Daphne, Alabama.

**WHEREAS**, the City Council of the city of Daphne believes it to be in the be interest of its citizens to have two voting polls for the purpose of holding a Municipal Election to be held August 25, 2020 and October 7, 2020 for a Runoff Election, if necessary; and

**WHEREAS**, after due notice by publication as required by law, the voting poll places shall remain for holding the Municipal Election of August 25, 2020 and October 7, 2020 a Runoff Election, if necessary, pursuant to Act #95-327; and

**WHEREAS**, the City Council of the City of Daphne, after due consideration deemed, that the request is proper and believe it to be in the best interest of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that the below described voting poll places be established as the voting poll locations for the City of Daphne Seven Districts is hereby accepted as stated:

|                         |                                  |                         |
|-------------------------|----------------------------------|-------------------------|
| Districts 1, 2, 3, 4, 5 | - Daphne Civic Center            | - 2603 U.S. Hwy 98      |
| Districts 6, 7          | - Daphne High School Trojan Hall | - 9078 Lawson Road / or |

Ordinance Nos. 2016-18, 2008-27, 2004-17, 1996-16 and 1992-14 are hereby repealed in their entirety. All Ordinances repealed by those Ordinances shall remain repealed and are not revived. All other city Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_\_ DAY OF FEBRUARY, 2020.**

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Candace G. Antinarella, City Clerk**

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2020- 09**

**APPROPRIATION: INITIAL FUNDING OF THE OTHER-POST EMPLOYMENT BENEFITS  
(OPEB) TRUST AND AUTHORIZATION TO SETUP THE OPEB TRUST AGENCY FUND**

**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 has established and maintains certain employee benefit plans that provide post-employment benefits other than pensions, including, but not limited to, medical, dental, vision and prescription drug coverage, to participants and their dependents who are eligible for coverage thereunder.

**WHEREAS**, as authorized by the constitution and laws of the State of Alabama, including without limitation Act No. 2008-503 adopted at the 2008 Regular Session of the Legislature of Alabama, the City has determined to establish a trust pursuant to Section 115 of the Internal Revenue Code for the purpose of funding and pre-funding OPEB provided under its retirement benefits plans for retirees in accordance with Governmental Accounting Standards Board (GASB) Statement 43 and 45.

**WHEREAS**, Resolution 2020 – 09 created an OPEB Trust to provide certain welfare benefits to Retirees of the City; and

**WHEREAS**, the City has agreed to provide initial funding in the amount of \$500,000 to be deposited into said OPEB trust and a separate fund is required to be maintained for the accounting of the OPEB trust.

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

1. An additional appropriation in the amount of \$500,000 from the Capital Reserve Fund is appropriated and made a part of the Fiscal Year 2020 Budget to be transferred to the OPEB Trust at Regions Bank for initial funding.
2. The Mayor and Finance Director are hereby authorized to take all the steps necessary to complete the setup of the new OPEB Trust agency fund.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Candace G. Antinarella, City Clerk**