

Accepted by:

Vice Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ March 29, 2023 ♦ 5:00 p.m.

I. Call to Order

The regular March 2023 Board meeting for the Utilities Board of the City of Daphne was held on March 29, 2023 in the Council Chambers at Daphne City Hall and called to order at 5:00 p.m. by Chairwoman Selena Vaughn, followed by the Roll Call:

II. Roll Call

Members Present: Selena Vaughn, Chairwoman
Tim Patton, Vice Chairman
Billy Mayhand, Secretary/Treasurer
Mayor Robin LeJeune, Board Member
Councilwoman Angie Phillips, Board Member

Members Absent:

Others Present: Jerry Speegle – Board Attorney
Scott Polk – General Manager
Bobby Purvis – Operations Manager
Teresa Logiotatos – Finance Manager
Lexus Carlee – Finance Specialist
Drew Klumpp – Administrative Services Manager
Samantha Coppels – Communications Manager
Lori Wilson – Executive Assistant

Others Absent:

III. Pledge of Allegiance

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

IV. Approval of Minutes

Utilities Board Meeting Minutes March 1, 2023

The Chairwoman requested any additions, corrections, or deletions for the submitted minutes of the March 1, 2023, Daphne Utilities Board meeting. With no additions, deletions, or corrections, the Chairwoman declared that the submitted March 1, 2023, minutes would stand approved.

MOTION by Mayor Robin LeJeune to approve the submitted Minutes for the March 1, 2023 Daphne Utilities Board meeting; Motion was Seconded by Tim Patton.

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

MOTION CARRIED

Chairwoman Vaughn opted to re-arrange the order of the agenda and called to hear the Presentation under New Business at this time.

V. NEW BUSINESS

A. Presentation – Understanding local future flood risks and practical approaches for applying information, presented by Ms. Ali Rellinger, Deputy Director PLACE:SLR (Program for local adaptation to climate effects: Sea-level Rise)/Mississippi State University Extension

Water Reclamation Supervisor, Sharon Surra, introduced Ms. Ali Rellinger with PLACE:SLR. Ms. Rellinger explained the organization she represents and spoke about localized changes and data on future flood risks in the Daphne area, as well as what other regional people are undertaking to plan for the future.

Chairwoman Vaughn thanked Ms. Rellinger for the presentation.

VI. Old Business –

A. Previously Submitted Agreement for Sewer Tap Fees related to Tonsmeire Summer Oaks development ([Board Action – MOTION](#))

Chairwoman Vaughn then announced returning to the agenda's Old Business but noted that it was her understanding that it was possible some of the board members would like to have an Executive Session and called for a motion to that effect. Mr. Patton requested to proceed with the remainder of the meeting and have the executive session at the end.

MOTION by Mr. Tim Patton to go into Executive Session on the sewer tap fees agenda item; Motion was Seconded by Mr. Billy Mayhand.

AYE: LeJeune, Mayhand Patton, Phillips

NAY:

ABSENT:

ABSTAIN: Vaughn

MOTION CARRIED

Board attorney, Mr. Jerry Speegle, certified the request for executive session qualifies under Alabama code relating to legal ramifications or legal opinions for pending litigation, which there is not, or controversy that is not yet litigated but imminently likely to be litigated or imminently likely to be litigated if the governing body pursues a proposed course of action.

VII. BOARD ATTORNEY'S REPORT

Mr. Jerry Speegle had nothing to add to the submitted report.

Chairwoman Vaughn then called to discuss the financial report.

VIII. FINANCIAL REPORT

Finance Specialist Lexus Carlee reviewed the financials for the Board for February 2023 highlighting: the total assets & cash position improvement due to capital improvement projects, net income versus budgeted net income, and a brief examination of the check history report.

IX. GENERAL MANAGER'S REPORT

A. GM Report

General Manager Scott Polk reported on: capacity determination at the Diamante water well; Well #15(#2) development to increase capacity; new businesses/customers for sewer from the 4th Street sewer expansion; North Main Street sewer line upgrade additional funding received; finalizing Admin office remodel punch list; announcement of Daphne Utilities nomination to receive the Baldwin County Environmental Stewardship Award for its natural gas fleet; notification for discussion of State Bill #112 introduced by Senator Albritton which provides for additional funding for ADEM at the expense of 85¢ per month to be paid by the water customers of a community water system, 3¢ of which Daphne Utilities would keep for processing purposes.

Samantha Coppels had nothing additional to include in her report but did advise and demonstrate recent radio ads she had developed for Daphne Utilities.

B. Operations Report

Mr. Bobby Purvis reported on: water main breaks on Village Drive and advised of pipe delays affecting the strategy to address it; the progress of the grit system at the WRF; and a minimal sso in Lake Forest caused by large debris. Mr. Polk announced that he had in the past alerted the Board of sso's, however if it does not affect a receiving body of water or is a threat to public health, he stated that he refrained from filling up in-boxes with this information but offered to forward on those notifications to the board members.

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

X. PUBLIC PARTICIPATION –

Chairwoman Vaughn opened Public Participation at 5:38pm; with no participations, she closed Public Participation at 5:38pm.

XI. BOARD ACTION – previously addressed

Chairwoman Vaughn then stated that the Board would move to Executive Session. Mr. Speegle reminded the Board that he is required to give the certification for Executive Session before voting.

MOTION by Mr. Tim Patton to go into Executive Session for approximately 15 minutes on the sewer tap fees agenda item; Motion was Seconded by Mr. Billy Mayhand.

Mr. Jerry Speegle gave the certification for the discussion in receipt of legal options for controversies not yet litigated but imminently likely litigated or imminently likely to be litigated if the governmental body (you) pursue a proposed course of action.

AYE: LeJeune, Mayhand Patton, Phillips

NAY:

ABSENT:

ABSTAIN: Vaughn

MOTION CARRIED

At 5:40 pm, Chairwoman Vaughn stated they will adjourn for Executive Session for approximately 15 minutes and reconvene afterward.

The Board reconvened from Executive Session at 6:34 pm.

Chairwoman Vaughn requested any motions before adjournment. Mr. Speegle noted that there was one agenda item remaining and that Councilwoman Phillips had moved to put on the agenda and questions to whether that agenda item if anyone was going to make a motion related to that. Mayor LeJeune questioned if that agenda item can only be brought up for a vote by a motion by a board member who had approved the previous? Mr. Speegle confirmed that was on the prevailing side of the last vote.

Councilwoman Phillips stated that based on the ability to read the full email string and review the evidence, per se, and have legal counsel for the Board, it was her understanding that [Mr. Speegle] listened to an hour of that November meeting and understood that Mr. Patton's intent of the agreement was to come back to the Board to be voted upon and that is what happened.

Mr. Speegle confirmed that when he listened to the audio of the meeting, his interpretation was that Mr. Patton's vote, and he stated, that counsel prepare the agreement along certain lines and bring it back to present to the Board for a subsequent vote.

Councilwoman Phillips stated that one of the questions that arose after that meeting and vote was that her predecessor thought that perhaps the agreement and the compromise had been agreed upon by the Board and Mayor LeJeune questioned that as well; she continued that it was her understanding that both Mayor LeJeune and Mr. Patton are in agreement and understand that the agreement that came back is what was truly intended and that that be voted upon by the Board which was done in January, which she was a part of that vote, and she would like for that vote to stand and there is no reason to bring it back for revoting.

XII. BOARD COMMENTS – none

XIII. ADJOURNMENT

Chairwoman Vaughn thanked her for the clarification and asked if there was a motion to adjourn.

MOTION by Mr. Billy Mayhand to adjourn.

AYE: LeJeune, Mayhand, Patton, Phillips, Vaughn

NAY:

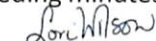
ABSENT:

ABSTAIN:

MOTION CARRIED

The meeting adjourned at 6:39pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities