

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, ALABAMA
FEBRUARY 3, 2014
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL / INVOCATION / Pastor Michael Huntley, Holy Trinity Lutheran Church

3. APPROVE MINUTES: Council meeting minutes / January 21, 2014
Amendments to the December 16, 2013 minutes / **NO ACTION REQUIRED**

PRESENTATION: First Quarter Beautification Awards: Popeye Louisiana Kitchen and Daphne Utilities

PRESENTATION: Mr. Derek Reeves, the GFOA State of AL representative, will present the Certificate of Achievement for Excellence in Financial Reporting to Kimberly M. Briley

PROCLAMATION: Arbor Day

PUBLIC HEARING: Imposing Lodging Taxes

4. REPORT STANDING COMMITTEES:

- A. **FINANCE COMMITTEE** - Conaway
- B. **BUILDINGS & PROPERTY COMMITTEE** - Davis
- C. **PUBLIC SAFETY** - Rudicell
- D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** - Scott
- E. **PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY** – LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. **Board of Zoning Adjustments** – Adrienne Jones
- B. **Downtown Redevelopment Authority** – Conaway
- C. **Industrial Development Board** – Davis
Review minutes / January 27th
- D. **Library Board** - Lake
- E. **Planning Commission** – Scott
 - 1. Review minutes/ December 19, 2013 / January 7, 2014
 - 2. Report on January 23, 2014 meeting
 - 3. Set Public Hearing date for March 3, 2014 to consider amendments to the Land Use and Development Ordinance / Revisions to the Zoning Map and Amendments to the Sign Provisions and approve advertising notice of Public Hearings
- F. **Recreation Board** - LeJeune
- G. **Utility Board** - Fry

6. REPORTS OF OFFICERS:

- A. **Mayors Report**
- B. **City Attorney's Report**
- C. **Department Head Comments**
- D. **City Clerk Report**

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Revisions to City of Daphne Street Map. /Resolution 2014-08

ORDINANCES:

2ND READ

- a.) Park Drive & Pollard Road Paving & Intersection Improvements. /Ordinance 2014-02
- b.) Appropriation of Funds: City Hall Maintenance / Finance
Director’s Office Door Window Installation & HVAC/Chiller
Maintenance Agreements. /Ordinance 2014-03
- c.) Appropriation of Funds: Police & Public Works Radio Equipment /
Nexedge Radio System. /Ordinance 2014-04
- d.) Amend Employee Handbook / Chapters 1 & 10. /Ordinance 2014-05

1ST READ

- a.) An Ordinance to Impose Lodging Taxes. /Ordinance 2014-06

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

COUNCILWOMAN CONAWAY	PRESENT___	ABSENT___
COUNCILMAN RUDICELL	PRESENT___	ABSENT___
COUNCILMAN LAKE	PRESENT___	ABSENT___
COUNCILMAN SCOTT	PRESENT___	ABSENT___
COUNCILMAN LEJEUNE	PRESENT___	ABSENT___
COUNCILMAN DAVIS	PRESENT___	ABSENT___
COUNCIL PRESIDENT FRY	PRESENT___	ABSENT___

MAYOR:

MAYOR HAYGOOD	PRESENT___	ABSENT___
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CITY CLERK:

REBECCA HAYES	PRESENT___	ABSENT___
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CITY ATTORNEY:

JAY ROSS	PRESENT___	ABSENT___
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**JANUARY 21, 2014
CITY COUNCIL MEETING
BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

Council President Fry called the meeting to order at 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE:

Councilman Lake gave the invocation

COUNCIL MEMBERS PRESENT:

Tommie Conaway; Pat Rudicell John Lake; Randy Fry; Ron Scott; Robin LeJeune; Joe Davis.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Sarah Toulson, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; Richard Johnson, Public Works Director; Adrienne Jones, Community Development Director; Mike Hinson, Finance Director; Tonja Young, Library Director; David Carpenter, Police Department; Vickie Hinman, HR Director; Richard Merchant, Building Official; Jane Ellis, Mayors Assistant; Lt. Ric Yelding, Police Department; Officer Jason Day, Police Department; Angie Phillips, Revenue Officer; Kevin Boucher, Attorney, Adams and Reese; Al Guarisco, Village Point Foundation; Larry Cooke, BZA; Andy Rutens, Galloway Wettermark.

Absent: Michael Hoyt, Municipal Judge; David McKelroy, Recreation Director.

3. APPROVE MINUTES:

January 6, 2014 Council meeting minutes

There were no corrections to the January 6, 2014 council meeting minutes and stand approved as written.

January 13, 2014 Council Work Session minutes

There were no corrections to the January 13, 2014 council work session minutes and stand approved as written.

PRESENTATION: 1st Quarter Beautification Awards:

The awards will be presented at the February 3, 2014 meeting.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Conaway

MOTION BY Councilman Scott to continue the City's insurance coverage with Robertson Insurance Agency, Inc. for a total annual cost of \$487,956. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

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B. BUILDINGS & PROPERTY COMMITTEE - Davis

The January 6th minutes were handed out to council as an addendum to the packet. The next meeting will be the first Monday in February.

C. PUBLIC SAFETY COMMITTEE – Rudicell

The January 8th minutes are in the packet. The next meeting will be February 12th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

The January 8th minutes are in the packet, and the next meeting will be February 12th after the Public Safety meeting. The ordinance amending the Employee Handbook is on the agenda for a first read.

E. PUBLIC WORKS COMMITTEE – LeJeune

The committee met before the council meeting, and the minutes will be in the next packet.

5. REPORTS OF SPECIAL BOARDS & COMMITTEES:

A. Board of Zoning Adjustments – Adrienne Jones

No report

B. Downtown Redevelopment Authority – Conaway

The DRA will meet tomorrow at 5:30 p.m.

C. Industrial Development Board – Davis

There was not a meeting in December. The next meeting will be Monday at 6:00 p.m.

MOTION BY Councilman Davis to appoint Jeffrey Ramsland to the Industrial Development Board. Term begins January 2014 and ends December 2020. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

D. Library Board – Lake

The October minutes are in the packet.

E. Planning Commission – Scott

The commission will meet Thursday, and there should be a recommendation on the sign provisions coming from the meeting.

F. Recreation Board – LeJeune

Girls softball registration has begun along with spring sports registration.

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G. Utility Board – Fry

There was not a meeting in December. The next meeting will be January 29 at 5:00 p.m.

6. REPORTS OF OFFICERS:

A. Mayor's Report

- a. Parade Permit: Shadow Barons / Mardi Gras / March 1, 2014 / Rain Date
March 2, 2014**

**MOTION BY Councilman Scott to approve the Parade Permit for the Shadow Barons
Mardi Gras Parade / March 1, 2014 / Rain Date March 2, 2014. *Seconded by Councilman
LeJeune.***

MOTION CARRIED UNANIMOUSLY

- b.) Parade Permit / Loyal Order of the Fire Truck / March 2, 2014**

**MOTION BY Councilman Lake to approve the Parade Permit for the Loyal Order of the
Fire Truck / March 2, 2014. *Seconded by Councilman Scott.***

MOTION CARRIED UNANIMOUSLY

- c.) Parade Permit / S.E.E.D.S. / 10th Annual Classic Rock 5 K & 1 Mile Fun Run /
March 1, 2014**

**MOTION BY Councilman Lake to approve the Parade Permit for S.E.E.D.S. / 10th Annual
Classic Rock 5 K & 1 Mile Fun Run / March 1, 2014. *Seconded by Councilman Scott.***

MOTION CARRIED UNANIMOUSLY

PRESENTATION: To Yelding Family / Naming Street for Bailey Yelding, Jr.

Mayor Haygood read Resolution 2014-05 to Cedric Yelding, Alaric Yelding, Erika Yelding Ford,
Derrick Yelding, Mayor Yelding's children.

**MOTION BY Councilman Scott to adopt Resolution 2014-05. *Seconded by Councilwoman
Conaway.***

MOTION CARRIED UNANIMOUSLY

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Councilwoman Conaway, Councilman Lake, Councilman Scott and Council President Fry presented Bailey Yelding, Jr. Drive street signs to the family.

Mayor Haygood stated that the installation of the sign will be Wednesday at 11:00 a.m.

B. City Attorney's Report

Mr. Ross reported that they are close to a resolution on the Lamar settlement with the Mayors help. Mr. Lake brought some issues to his and Andy Rutens attention today before the council meeting, and they will address those in conjunction with their effort to resolve it. Court has given them until January 27th at 5:00 p.m. to file the written agreement with Lamar. He thinks they are pretty close to being there. Local counsel for Lamar has sent the draft agreement with all the changes that were made as they try to accurately, specifically, to reflect the agreement that was reached to their corporate office, and their local counsel has not heard back. He will keep council informed.

Councilman Scott said that it is his understanding that council has authorized the Mayor to settle.

Mr. Ross said that was his understanding.

Councilman Scott said so council does not have to meet again.

Mr. Ross said that is his understanding and interpretation. He knows that Mr. Lake will disagree with that, and this is the last meeting before it must be filed with the court. The court did grant an extension and he will try to accommodate the issues Mr. Lake raised with them today before the council meeting, and he will share those with council.

Councilman Scott said that Mr. Lake did not vote in favor of the settlement.

Mr. Ross said that he did not, and Mr. Lake can speak better for himself, but he had some valid points, and he thinks they can address those without changing the terms of the agreement.

Councilman Davis hopes that any discussion that the attorney has with any councilman individually does not in any way delay or foster delays with abiding by what they have agreed on, and to make sure that the court gets it in a timely fashion.

Mr. Ross said it won't, and for everybody's benefit the agreement was required to be submitted Friday for a variety of reasons, most notably, Lamar had not been able to respond to the latest version that most of council had read on Thursday and was the ultimate reason of why it got pushed back until Monday the 27th.

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C. Department Head Comments

Vickie Hinman – Human Resource Director – reported that the political activity clause in the Revisions Employee Handbook Chapters One and Ten has been removed.

Richard Johnson – Public Works Director – Reminded everyone that makeup day is tomorrow for the MLK holiday.

City Clerk Report – Rebecca A. Hayes

MOTION: Set a Public Hearing Date for February 3, 2014 6:30 p.m. to consider a proposed ordinance Establishing Lodging Taxes and approve advertisement of hearing

MOTION BY Councilman Davis to set a Public Hearing date for February 3, 2014 6:30 p.m. to consider a proposed ordinance Establishing Lodging Taxes and approve advertisement of hearing. *Seconded by Councilman Rudicell.*

MOTION CARRIED UNANIMOUSLY

7. PUBLIC PARTICIPATION

Mr. Thomas Warren – 1315 Warren Drive - reminded everyone of the 3rd Annual Lupus Walk coming up, and he introduced Princess Winston who was a recipient of funds from the walk. Ms. Winston gave details on what Lupus is, and about the walk on March 15 starting at 8:00 a.m..

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Declaring Certain Property Surplus / 2001 Crown Vic/Resolution 2014-02**
- b.) **Declaring Certain Property Surplus / Bleachers...../Resolution 2014-03**
- c.) **Declaring Certain Property Surplus / GMC Sierra PU / Caterpillar Trackhoe/Excavator...../Resolution 2014-04**
- d.) **Naming Right-of-Way Located North of Johnson Road and South of Profit Drive “Bailey Yelding, Jr. Drive”...../Resolution 2014-05**
- e.) **Bid Award: FD/Extrication Equipment / NAFECO, Inc. /Resolution 2014-06**

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**f.) Prepaid Travel / LeAndra Burks, Court Magistrate / Municipal
Magistrate Certification Program / Montgomery, AL. /Resolution 2014-07**

Resolution 2014-05 was considered earlier in the meeting

MOTION BY Councilman Lake to waive the reading of Resolutions 2014-02, 2014-03, 2014-04, 2014-06 and 2014-07. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Lake to adopt Resolutions 2014-02, 2014-03, 2014-04, 2014-06 and 2014-07. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

9. COUNCIL COMMENTS:

Mayor Haygood thanked Public Works for obtaining the street signs to make the presentation this evening a success, and he thanked the vendor the John Warren Company. Colonel Calendar passed away over the weekend, and his funeral will be tomorrow in Mobile.

Councilwoman Conaway – thanked the young lady for sharing the information on Lupus with the Council. She participated in the last Lupus walk, and she also plans to participate this year. She thanked Mr. Johnson for the signs.

Councilman Lake said the Bailey will be missed very much. He spoke to a lot of folks at the Martin Luther King ceremony and heard comments on how much he is missed. Bailey was born in Daphne – He is Daphne. He is still missed and loved by a lot of people. When he was talking about the billboard signs some people got defensive about it. He looks at it as a deed past. He

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wants to see that Daphne gets the best and protect it. That is what he was looking at to see what could be done to at least protect the community from the worst. That is why he was talking with

the attorneys, and he thinks Jay can agree with him on that point. He knows that some people are defensive about their vote. He hope that he is wrong. He is hoping that it is a vote that everybody does not have to be defensive with, but he wished they had not voted on it, but it is done with, and the only thing he can do is make sure whatever comes out of this is at least not as bad as it could be.

Councilman Scott thanked the Yelding family for coming tonight. He remembers when Mayor Yelding called him into his office, and he showed him five things he wanted to get done, and one of which was to extend Profit Drive over to Johnson Road. This is an important road from the standpoint it connects the Fire Station, and that was a dream of Bailey's he wanted a Fire Station, better fire coverage for the Daphmont area. He also wanted better fire coverage for Olde Daphne, and the road allows for both of those. It is appropriate to be named after Mayor Yelding.

Councilman Davis said that Ed Nelson introduced him to Coach Yelding, and in that short period of time they got to know one another, and he got involved with the IDB. Although he only knew him for a short period of time he is a better person for having known him.

Council President Fry agrees with everybody's comments on Mayor Yelding. He is glad that everyone came out tonight, and they were able to pass the resolution. He was a great man in the community, and he will not be forgotten, and he is always glad to see the family at council meetings.

10. ADJOURN:

MOTION BY Councilman Scott to adjourn. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:11 P.M.

Respectfully submitted by,

Certification of Presiding Officer,

Rebecca A. Hayes,
City Clerk

Randy Fry,
Council President

BEAUTIFICATION AWARDS

Popeye's Louisiana Kitchen

1511 U. S. Highway 98

General Manager: Mr. Billy Flannigan

Daphne Utilities / Central Service Building

8301 Well Road

General Manager: Mr. Rob McKelroy



The Government Finance Officers Association
of the United States and Canada

presents this

AWARD OF FINANCIAL REPORTING ACHIEVEMENT

to

Kimberly M. Briley

Finance Director

City of Daphne, Alabama



The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual(s) designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.

Executive Director

Date October 30, 2013



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**City of Daphne
Alabama**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

September 30, 2012

Executive Director/CEO



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

October 30, 2013

Kimberly M. Briley
Finance Director
City of Daphne
PO Box 400
Daphne AL 36526-0400

Dear Ms. Briley:

We are pleased to notify you that your comprehensive annual financial report (CAFR) for the fiscal year ended September 30, 2012, qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Each entity submitting a report to the Certificate of Achievement review process is provided with a "Summary of Grading" form and a confidential list of comments and suggestions for possible improvements in its financial reporting techniques. Your list has been enclosed. You are strongly encouraged to implement the recommended improvements into the next report and submit it to the program. If it is unclear what must be done to implement a comment or if there appears to be a discrepancy between the comment and the information in the CAFR, please contact the Technical Services Center (312) 977-9700 and ask to speak with a Certificate of Achievement Program in-house reviewer.

Certificate of Achievement program policy requires that written responses to the comments and suggestions for improvement accompany the next fiscal year's submission. Your written responses should provide detail about how you choose to address each item that is contained within this report. These responses will be provided to those Special Review Committee members participating in the review.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. As the designated individual we have enclosed your AFRA.

Your Certificate of Achievement plaque will be shipped to you under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release has been enclosed. We suggest that you provide copies of it to local newspapers, radio stations and television stations. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org.

A current holder of a Certificate of Achievement may include a reproduction of the award in its immediately subsequent CAFR. A camera ready copy of your Certificate is enclosed for that purpose. If you reproduce your Certificate in your next report, please refer to the enclosed instructions. A Certificate of Achievement is valid for a period of one year. To continue to participate in the Certificate of Achievement Program it will be necessary for you to submit your next CAFR to our review process.

In order to expedite your submission we have enclosed a Certificate of Achievement Program application form to facilitate a timely submission of your next report. This form should be completed and sent (postmarked) with three copies of your report, three copies of your application, three copies of your written responses to the program's comments and suggestions for improvement from the prior year, and any other pertinent material with the appropriate fee by March 31, 2014.

Your continued interest in and support of the Certificate of Achievement Program is most appreciated. If we may be of any further assistance, please contact Delores Smith (dsmith@gfoa.org or (312) 578-5454).

Sincerely,
Government Finance Officers Association

A handwritten signature in cursive script that reads "Stephen J. Gauthier". The signature is written in black ink and is positioned above the typed name of the signatory.

Stephen J. Gauthier, Director
Technical Services Center

SJG/ds



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

10/30/2013

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **City of Daphne** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Kimberly M. Briley, Finance Director

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.

PRESENTATION OF THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

The Certificate of Achievement for Excellence in Financial Reporting is the highest form of recognition in governmental accounting and financial reporting. The Certificate program thereby advocates that recipients be formally recognized for their outstanding accomplishments. If you would like a formal presentation of the Certificate of Achievement plaque, you should contact your GFOA State Representative. The contact information follows:

Mr. Derek Reeves
Associate Finance Director
City of Tuscaloosa
2201 University Blvd.
Tuscaloosa, AL 35403
UNITED STATES

Phone:
(205)248-5170

Fax:
205-349-0197

Email:
dreeves@tuscaloosa.com

Office of the Mayor
City of Daphne

PROCLAMATION

ARBOR DAY

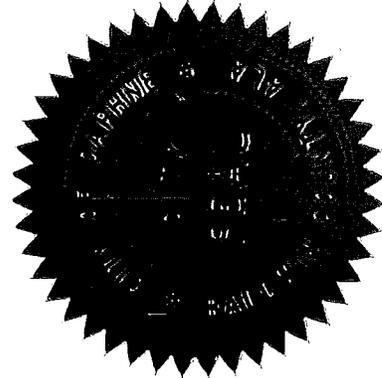
FEBRUARY 15, 2014

WHEREAS, the City of Daphne has been recognized
by *The National Arbor Day Foundation* as a *Tree City USA*, and

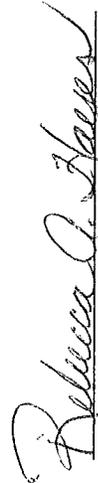
WHEREAS, trees reduce erosion, cut heating and cooling costs, clean the air,
produce oxygen and provide habitat for wildlife, and

WHEREAS, trees in our City increase property values and beautify our community.

NOW THEREFORE, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE do hereby proclaim
February 15, 2014 as ARBOR DAY in the City of Daphne, and urge all citizens to plant trees, and to support efforts to
protect our trees and woodlands for this and future generations.




Dane Haygood, Mayor


Rebecca A. Hayes, City Clerk

ATTEST:

PUBLIC HEARING

FEBRUARY 3

TO CONSIDER:

1. IMPOSING LODGING TAX

CITY OF DAPHNE

ORDINANCE NO. 2014-_____

AN ORDINANCE TO IMPOSE LODGING TAXES

WHEREAS, the City Council of the City of Daphne has determined that consolidating the existing lodging tax ordinances, which are currently in effect, is necessary to effectuate and implement more efficient means within the City of Daphne;

WHEREAS, the City Council deems that a lodging tax and the following allocations for the purpose of bay front property debt service, future acquisition, development and maintenance of bay front property, industrial development, downtown redevelopment, and ground related capital for recreation, are in the best interest of the citizens of the City of Daphne.

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

SECTION 1. DEFINITIONS

Unless the context clearly indicates a different meaning, the words, terms and phrases used in this Ordinance shall have the following respective meanings:

"City" shall mean the City of Daphne in the State of Alabama.

"Finance Director" shall mean the finance director duly hired by the Mayor.

"Revenue Officer" shall mean the revenue officer of the City.

"Person" shall mean any person, firm, corporation, partnership, association, administrator, trustee, or other fiduciary.

"Transient" shall mean a person to whom rooms or lodging are rented for a period of less than 180 continuous days.

"Fiscal year" shall mean the period commencing on October 1 of any calendar year and ending on September 30 of the then next succeeding calendar year.

SECTION 2. LEVY OF LODGING TAX

There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person engaging within the City in:

- (a) The business of renting or furnishing any rooms, lodgings, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms or lodgings are regularly furnished to transients for a consideration, said tax to be in an amount equal to six percent (6%) of the charge for such rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such rooms; provided, however, that charges for property sold or services furnished which are required to be included in the computation of the tax levied by Alabama Sales Tax Statutes, shall not be included in computing the tax herein levied; or
- (b) The business of renting or furnishing space for accommodation of trailers for a consideration, said tax to be in an amount equal to six percent (6%) of the charge for such trailer space; provided, however, that charges made by persons in the business of renting trailer space for use of washing machines, electric power, garbage collection, water supply, and other such charges shall not be included in the measure of said tax, but only the charge for trailer space proper shall be so included.

The tax herein levied shall not apply to rooms, lodgings, or accommodations supplied for a period of 180 continuous days or more in any place; nor to any additional exemptions stated in ALA CODE § 40-26-1.

SECTION 3. DUE DATE OF TAXES AND MONTHLY REPORTS

The taxes levied under the provisions of this Ordinance, except as otherwise provided, shall be due and payable in monthly installments on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month every person on whom the taxes herein levied are imposed, shall render to the Revenue Officer on a form prescribed by the Revenue Officer, a true and correct statement showing the gross proceeds of the business subject to said tax for the then next preceding month, together with such other information as the Revenue Officer may demand and require, and at the time of making such monthly report the taxpayer shall compute the taxes due and shall pay to the Revenue Officer the amount of taxes shown to be due.

SECTION 4. CREDIT COLLECTIONS

Any person subject to the taxes herein levied who conducts business on a credit basis may defer reporting credit rental and charges until after their collection, and in the event so defers reporting them, they shall thereafter include in each monthly report all credit collections made during the then proceeding month and shall pay the amount of taxes measured thereby at the time of filing such report.

SECTION 5. MAINTENANCE OF RECORDS

It shall be the duty of every person engaging or continuing in any business subject to the taxes herein levied to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he/she is liable under the provisions of this Ordinance. Such records shall be kept and preserved for a period of two (2) years and shall be open for examination at any time by the Revenue Officer or other duly authorized representative of the City.

SECTION 6. OATHS

The monthly reports herein required to be made are not required to be made on oath; but the annual returns provided for in Section 5 hereof shall be sworn to by the taxpayer or his agent before some officer authorized to administer oaths; and any false statement of a material fact made with intent to defraud shall constitute perjury, and upon conviction thereof the person so convicted shall be punishable as provided by law.

SECTION 7. VIOLATION OF THIS ORDINANCE

Any person subject to the provisions of this Ordinance who fails for any reason to make the reports as herein required, or who fails to keep the records as herein required, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$100.00 for each offense. Each month of such failure shall constitute a separate offense.

Any person subject to the provision of this Ordinance who willfully refuses to make the reports herein required or who refuses to permit the examination of his or its records by the Revenue Officer, or other duly authorized agent of the City, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$50.00 nor more than \$100.00 for each offense, and in addition may be imprisoned in the municipal jail for a period not to exceed six (6) months. Each month of failure to make such report shall constitute a separate offense, and each refusal of a written demand of the Revenue Officer to examine, inspect or audit such records shall constitute a separate offense.

SECTION 8. PENALTY AND INTEREST

Any person who fails to properly and timely file any return required hereunder on or before the date prescribed shall be assessed a penalty pursuant to ALA CODE § 40-2A-11a, (as amended), which at the time of the adoption of this Ordinance, is equal to the greater of ten percent (10%) of the tax due or \$50.00. Such penalty shall be assessed and collected as part of the tax.

Any person who fails to fully and timely pay any tax required hereunder on or before the date prescribed shall be assessed a penalty pursuant to ALA CODE § 40-2A-11b, (as amended), which at the time of the adoption of this ordinance, is equal to ten percent (10%) of the unpaid tax amount. Such penalty shall be assessed and collected as part of the tax.

Any person who fails to fully and timely pay any tax required hereunder on or before the date prescribed shall be assessed interest equal to one percent (1%) per month or any part thereof.

The lodging taxes which are collected are hereby divided as follows:

- (a) Thirteen percent (13%) shall be paid at least quarterly and used for the purpose of providing funding to the Industrial Development Board for the action items, implementation of strategies, and tactics included in the then current Strategic Economic Development Plan as approved and adopted by the City Council.
- (b) Five percent (5%) shall be paid at least quarterly and used for the action items, implementation of strategies and purpose of providing funding for the Downtown Redevelopment Authority as approved by the City Council.
- (c) Thirty-two percent (32%) shall be used for the purpose of continued bay front uses such as acquisitions, development, and maintenance along with the service of debt incurred through the acquisition of bay front property.
- (d) The remainder of the lodging tax proceeds shall be used for the purpose of ground related capital for recreation, which does not include such items as trucks or the maintenance of fields.

SECTION 10. SEVERABILITY

If any section, subsection, clause, provision or part of this Ordinance shall be held to be invalid or unconstitutional in a court of competent jurisdiction, such holding or holding shall not affect any other section, subsection, clause, provision or part of this Ordinance which is in itself and of itself valid and constitutional.

SECTION 11. EFFECTIVE DATE

This Ordinance shall take effect and be in force effective April 1, 2014 subject to publication as required by law.

SECTION 12. INFORMATION MAY NOT BE DIVULGED

It shall be unlawful for any person connected with the administration of this Ordinance to divulge any information obtained by him/her in the course of inspection and examination of the books of account, invoices, bank statements, sales tax records, state and federal income tax records, or other reports and memoranda or the taxpayer made pursuant to the provisions hereof, except to the Mayor, the City Council, the Finance Director, the Revenue Officer, the City Attorney, and those representatives connected with the administration of this Code, or pursuant to court order or judicial process.

SECTION 13.

REPEALER

Ordinance Nos. 1995-15, 1997-28, 2000-25, 2000-34, 2009-28, 2009-55, 2010-09 2012-48 are hereby repealed in their entirety. 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 MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2014.

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

**REPORT
OF
STANDING COMMITTEES**

**REPORT
OF
SPECIAL BOARDS**

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
6:00 P.M.
JANUARY 27, 2014**

1. CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:05 p.m.

MEMBERS PRESENT – Toni Fassbender; Dennis Kearney, III; Dan Romanchuk; John Cox; Pokey Miller; Jeffrey Ramsland.

Absent Excused: Doug Bailey.

Also present – Rebecca Hayes, Recording Secretary; Lee Johnson, BCEDA; Councilman Joe Davis, Council liaison; Councilman Pat Rudicell; Herb Cole.

2. APPROVE MINUTES / NOVEMBER 25, 2013

MOTION BY Denis Kearney to approve the November 25, 2013 meeting minutes. Seconded by Dan Romanchuk.

MOTION CARRIED UNANIMOUSLY

3. NEW BUSINESS

1. New Member:

Toni introduced and welcomed the new member appointed by council Jeffrey Ramsland.

2. Election of Officers:

Toni asked the members to think about appointing a new chairman, someone with a little more time than to look at sites.

3. Update on Lodging Tax Percentage

Toni reported that in the proposed lodging tax ordinance council will up the percentage IDB receives from 5% to 13%. This will put them in a range to buy or pay a note on land and a spec building. They can start looking for sites at this point.

Lee Johnson stated that office space is a problem in Baldwin County. Daphne is set up for office space clients, but they do not have a product to offer clients, and this is impacting corporate decisions. The Alliance is doing research on what size buildings are needed and will report at the next meeting.

The members discussed letting banks know the board is looking for property.

Councilman Rudicell introduced Mr. Herb Cole. Mr. Cole said he is looking to serve the city on a committee.

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
6:00 P.M.
JANUARY 27, 2014**

4. Re-appoint Pokey Miller

MOTION BY John Cox recommend re-appointment of Pokey Miller to Council. Seconded by Denis Kearney.

MOTION CARRIED UNANIMOUSLY

5. TREASURERS REPORT

Dan Romanchuk gave the report totaling \$287,266.22.

MOTION BY Denis Kearny to accept the Treasurers Report in the amount of \$287,266.22. Seconded by John Cox.

MOTION CARRIED UNANIMOUSLY

6. OLD BUSINESS

1. Algae Systems

Lee Johnson stated that the tax incentives the IDB granted Algae Systems has expired. They have ordered the machinery needed, but delivery has been delayed. They should be in operation next month.

Toni suggested inviting Algae Systems to a meeting when they are operational for a report on their progress.

2. By-Laws

Councilman Davis had a letter from the City Attorney regarding the requirements to be a member of a city committee or board. The letter stated that members no longer have to live inside the city limits, they can be in a radius of 25 miles.

MOTION BY Dan Romanchuk to amend the By-Laws to include the language from the City attorney on the new qualifications of directors. Seconded by John Cox.

MOTION CARRIED UNANIMOUSLY

3. Strategic Plan

The Strategic Plan has been postponed until council hires a consultant to guide them in drafting a plan. The board will be supportive of research as they were with the prior plan.

Toni said that the IDB will move forward and be progressive. She thanked Councilman Davis and Rudicell for their support.

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
6:00 P.M.
JANUARY 27, 2014**

7. OTHER BUSINESS

No other business to discuss.

6. ADJOURN

MOTION BY Jeffrey Ramsland to adjourn. Seconded by Denis Kearney.

MOTION CARRIED UNANIMOUSLY

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOUNED AT
7:05 P.M.**

Submitted by:

Certification of Presiding Officer:

Rebecca Hayes, Secretary

Toni Fassbender, Chairman

**DAPHNE
INDUSTRIAL DEVELOPMENT BOARD
January 28, 2014**

Account Balance – 12/31/13

\$ 93,571.32
\$189,080.15

Cash Total		\$282,651.47
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Receivables - October, November		<u>\$ 4,614.75</u>
---------------------------------	--	--------------------

TOTAL		\$287,266.22
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The City of Daphne
Planning Commission Minutes
Regular Meeting of December 19, 2013
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

The regular meeting of the City of Daphne Planning Commission was called to order at 5:00 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Ed Kirby, Vice Chairman
Larry Chason, Chairman
Ron Scott, Councilman
Hudson Sandefur
Charles Smith

Members Absent:

Don Terry, Secretary
Monty Montgomery
Chief James "Bo" White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Misty Gray, Attorney
Ashley Campbell, Environmental Programs Manager

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

Chairman asked for Commission questions or comments and a motion for approval of the minutes.

A Motion was made by Mr. Kirby and *Seconded* by Mr. Sandefur *for approval of the November 21, 2013 regular meeting minutes. There was no discussion on the motion. The Motion carried unanimously.*

Chairman stated the application for Trott Subdivision is continued until the regular meeting of January 23, 2014, due to the lack of a quorum. Action on a subdivision requires six affirmative votes.

The next order of business is site plan review for Marino Place.

An introductory presentation was given by Mr. David Shumer, a representative of Barton & Shumer Engineering, of a retail strip center east of U.S. Highway 98, south of Good Year Tire & Service Center, and north of Daphne 98 Office Park. The ALDOT has granted authorization for a shared use access with the property owner to the north and landscaping of the right-of-way.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of December 19, 2013
Council Chamber, City Hall - 5:00 P.M.**

Mr. Shumer stated a draft copy of a memorandum of understanding for maintenance has been presented to the City of Daphne.

Chairman asked for Commission questions or comments.

Chairman questioned the proposed location of the fire hydrant and asked if the Fire Marshal recommended acceptance. Mr. Shumer stated we have not received notification to revise the location. Ms. Jones stated the Fire Marshal recommended acceptance as presented. He outlined the remaining items for consideration by the Commission: a waiver of the placement of a sidewalk along U.S. Highway 98 and acceptance of the landscaping of the right-of-way. Mr. Kirby reiterated that the intent of the requirement of a landscape buffer is for it to be a portion of the front setback of the property of which is being developed and not on the state right-of-way. Mr. Shumer stated achieving the square footage of the building is prohibitive because of the width of the right-of-way, the setback from the centerline, and this site is narrow. Mr. Marino, the owner, noted it is an unusual setback and other sites along 98 have landscaped the state right-of-way. He also discussed his willingness to provide a lawful, binding document for maintenance. Chairman noted that the minimum standards outlined in the Ordinance require the landscape buffer to be on your property. If that cannot be achieved, it may require a variance or a rezoning of the property to a B-2 zoning designation. Mr. Scott stated with the unusually large setback from the right-of-way, the location of the drainage facility to the south, and the site is narrow, a variance may be warranted due to the hardship placed on developing the property. He questioned if the Director would recommend the variance if presented. Ms. Jones responded a favorable recommendation could be presented for a variance due to the irregular shape of the lot. Mr. Shumer stated an application for a variance is the plan, and then proceed with site plan review.

Chairman asked for Commission questions or comments and for a motion for a continuance until review by the Board of Zoning Adjustment.

A Motion was made by Mr. Kirby and Seconded by Mr. Scott to table site plan review for Marino Place until the regular meeting of February 27, 2014. No discussion on the motion. The Motion carried unanimously.

The next order of business is site plan review for Sunrise Marine of Alabama.

An introductory presentation was given by Mr. Doug Bailey, a representative of Hutchinson, Moore & Rauch, of a boat sales facility west of U.S. Highway 98, north of Pizza Hut, south of Subway. As requested, presentation of a letter of concurrence from ALDOT, the addition of a ten by twenty wash down area/dumpster pad, shared drain, an oil/grease separator connected to sanitary sewer, and a revised landscape plan. The plan illustrates the necessary removal of a twenty-inch diameter Heritage Live Oak tree in the center of the proposed driveway and the four replacement trees.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of December 19, 2013
Council Chamber, City Hall - 5:00 P.M.**

Chairman asked for Commission questions or comments.

Mr. Scott requested documentation of the removal of the Live Oak tree to distribute to the City Council and asked if the development of this site would hinder the proposed expansion of the service road in the future. Mr. Bailey stated the driveway will fall within the footprint of the service road. Mr. Sandefur asked if the placement of the pork chop would prohibit a left turn and the location of a stop sign. Mr. Bailey stated yes, and the stop sign will be placed on this site.

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

A Motion was made by Mr. Kirby and **Seconded** by Mr. Sandefur **to approve the site plan review for Sunrise Marine. In the discussion, the members agreed to waive the sidewalk requirement along U.S. Highway 98. The Motion carried unanimously.**

The next order of business is an administrative presentation for street acceptance of Profit Drive Extension.

Ms. Jones presented a request for the acceptance of one thousand three hundred and fifty linear feet of right-of-way of Profit Road Extension located north of Johnson Road, south of Profit Drive.

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Kirby **for the favorable recommendation by the Planning Commission to the City Council of Daphne of the acceptance of the right-of-way and maintenance of the Profit Drive Extension. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation for a mobile food catering establishment at Fast Time Convenience Store.

An introductory presentation was given by Mr. Fred Small, Fast Time Convenience Store, of a forty-six foot mobile food concession and catering establishment, southwest of U.S. Highway 98 and Santa Rosa Avenue and provided for distribution a copy of correspondence regarding the lease of this property from Sunbelt Petroleum.

Chairman asked for Commission questions or comments.

The Commissioners and the representative discussed the matter of mobility and/or placement of a nonpermanent structure for business purposes permitted on a temporary basis on this site.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of December 19, 2013
Council Chamber, City Hall - 5:00 P.M.**

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

A Motion was made by Mr. Kirby and **Seconded** by Mr. Scott **to approve the mobile food catering establishment for Fast Time Convenience Store for a maximum period of one year in accordance with Section 13-7 (f), Daphne Land Use and Development Ordinance. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation for the City of Daphne Zoning and Street Map updates.

Chairman stated the zoning and street map updates are continued until the regular meeting of January 23, 2014, due to the lack of a quorum.

The next order of business is public participation.

Chairman asked for public participation.

Ms. Karen Barge addressed the Commission to ask permission to present a request to place a mobile food catering establishment on Stanton Road.

Chairman asked Ms. Barge to coordinate with Ms. Jones to present her request at the regular meeting of January 23, 2014. He closed public participation and asked for Commission questions or comments.

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

Ms. Gray had no report.

The next order of business is commissioner's comments.

Chairman stated we have not discussed the proposed sign provisions and asked for questions or comments from the commissioners. Ms. Jones stated this item was removed from the agenda at the Site Preview meeting. Mr. Scott announced that the projected date for review and adoption of the sign provisions by the City Council is March.

The Commissioners would need to provide written comments by email no later than January 10, 2014, in preparation for the January 23, 2014 meeting.

Mr. Scott commended Ms. Ashley Campbell, the Environmental Programs Manager, for being instrumental in attaining a seven million dollar grant on behalf of the City of Daphne for the D'Olive Watershed.

The next order of business is director's comments.

None were presented.

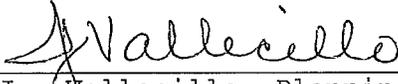
The City of Daphne
Planning Commission Minutes
Regular Meeting of December 19, 2013
Council Chamber, City Hall - 5:00 P.M.

Chairman commented on the consideration of an attachment of a particular zoning designation to applicants requesting an electronic and/or digital sign.

The Commissioner's discussed the desire to hold a work session to discuss the proposed and additional sign provisions. Ms. Jones stated upon verification of available meeting dates with the City Clerk's office, an email will be sent of the selected dates.

There being no further business, the meeting was adjourned at 5:56 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: January 23, 2014



Larry Chason, Chairman

THE CITY OF DAPHNE
PLANNING COMMISSION SIGN ORDINANCE WORK SESSION
JANUARY 7, 2014
EXECUTIVE CHAMBERS, CITY HALL - 5:00 P.M.

CALL TO ORDER:

The Chairman called to order the Sign Ordinance Work Session at 5:00 p.m.

CALL OF ROLL:

Members Present:

Larry Chason, Chairman
Ed Kirby, Vice Chairman
Councilman Ron Scott
Chief Bo White
Hudson Sandefur
Don Terry
Monty Montgomery

Members Absent:

Charles Smith

Staff Present:

Adrienne Jones, Director of Community Development
Pat Johnson, Recording Secretary
Jay Ross, City Attorney *Arrived at 5:17 p.m.
Kevin Boucher, Attorney

Also Present:

Mayor Dane Haygood
Councilman John Lake
Councilman Randy Frye
Councilman Joe Davis
Councilwoman Tommie Conway
Councilman Pat Rudicell

The Chairman asked Ms. Jones to outline the top topics of discussion to other than electronic signs. Ms. Jones stated the entire sign revision document is open for discussion hence the purpose of this meeting.

Mr. Kirby stated he felt that the Planning Commission is being rushed to approve this proposal based on his previous involvement with the Sign Committee several years ago.

Mr. Scott stated that the Council has been working a number of years updating the sign ordinance and he does not feel that it is being rushed through due to those numbers of years they have been working on it.

Mr. Ross explained the Judges' ruling and the City's position concerning Lamar signs:

**THE CITY OF DAPHNE
PLANNING COMMISSION SIGN ORDINANCE WORK SESSION
JANUARY 7, 2014
EXECUTIVE CHAMBERS, CITY HALL - 5:00 P.M.**

- five billboards around the City will all come down within a certain timeframe
- and, a two-sided monument style electronic sign with landscaping will replace them
- and, the placement will be along Highway 98 in a mutually agreed upon location between Pizza Hut and Interstate 10
- and, a moratorium has been introduced to place language within the Ordinance to make it content neutral.

The Planning Commission consensus was that:

- for promotional tents on page 22 item 7 it was suggested that the amount of time be limited to ninety days per year because if not what would be the incentive to remove tents or inflatables
- and some amenities needed to be added to ensure that a tent is up for a valid promotion
- and remove both tents and inflatables from the weekend advertisement section
- and define which sizes are exempt from a required permit with specified days of use on the permit.

Also see definitions on page 9 for sign walker, of which Santa would not be prohibited:

- and city sponsored street banners are not addressed within the proposed changes
- and for electronic signs on page 34 pylons should be deleted
- and landscaping requirements added
- and on page 35 it should be 6,000 nits in lieu of 5,000 nits for day time, and 300 nits in lieu of 1,000 nits at night
- and the consensus of the Commission was that the fee for an electronic sign should be two dollars per linear foot.

Mr. Ross stated he and Andy Ruten will review the draft and present suggested changes at the January 15th, 2014 meeting.

ADJOURNMENT:

A Motion was made and Seconded to adjourn. The Motion carried unanimously.

THE CITY OF DAPHNE
PLANNING COMMISSION SIGN ORDINANCE WORK SESSION
JANUARY 7, 2014
EXECUTIVE CHAMBERS, CITY HALL - 5:00 P.M.

There being no further business, the meeting adjourned at 6:32 p.m.

Respectfully submitted by:



Pat Johnson, Administrative Secretary

APPROVED: January 23, 2014



Larry Chason, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JANUARY 23, 2014 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

1. **CALL TO ORDER** DATE OF REPORT: JANUARY 24, 2014
2. **CALL OF ROLL** ED KIRBY, LARRY CHASON, DON TERRY, RON SCOTT,
HUDSON SANDEFUR, CHIEF WHITE, MONTY MONTGOMERY,
CHARLES SMITH
3. **APPROVAL OF MINUTES:** *Review of minutes for the regular meeting of December 19, 2013 and work session of January 7, 2014. (APPROVED AS SUBMITTED)*
4. **OLD BUSINESS:**

A. **PRELIMINARY/FINAL PLAT REVIEW:**

1. **File SDPF13-15: (APPROVED)**

Subdivision: Trott

Zoning(s): *RSF-2, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

Location: Intersection of County Road 54 East and Trott Lane

Area: 9.7 Acres ±, (4) lots

Owner: David Trott

Surveyor: Geo-Surveying - Matt or Jima Kountz

B. **ADMINISTRATIVE PRESENTATION:**

1. **ZONING AND STREET MAP:**

File AP13-08:

Presentation to be given by Adrienne Jones, Director of Community Development, City of Daphne Zoning and Street Map updates. (UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

5. **NEW BUSINESS:**

A. **SITE PLAN REVIEW:**

1. **File SP14-01: (PLANNING COMMISSION APPROVAL OF A WATER STORAGE TANK IN A R-3 ZONED DISTRICT; AND APPROVAL SITE PLAN APPROVAL, CONTINGENT UPON PAVEMENT OF A TWELVE-FOOT ACCESS)**

Site: Douglas Road Water Storage Facility

Zoning(s): *R-3, High Density Single Family Residential*

Location: North of U.S. Highway 90, three hundred fifty feet west on Douglas Road

Area: 3.0 Acres ±

Owner: Utilities Board of the City of Daphne - Rob McElroy, General Manager/Utilities Board of the City of Daphne

Engineer: Hutchinson, Moore & Rauch - Ray Moore or Robbie Strom

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JANUARY 23, 2014 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

B. PRELIMINARY/FINAL PLAT REVIEW:

1. File SDPF14-01: (TABLED UNTIL MARCH 27, 2014 MEETING)

Subdivision: Malbis Plantation, Inc.

Zoning(s): *RSF-1, Single Family District and B-2, Neighborhood Business District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

Location: Southwest of the intersection of U.S. Highway 90 and Alabama Highway 181

Area: 36.33 Acres \pm , (2) lots

Owner: Malbis Plantation, Inc. - John M. Sirmon

Engineer: Foresite Group - Shane Yarbrough

C. ADMINISTRATIVE PRESENTATION:

1. File AP14-01: (TABLED UNTIL FEBRUARY 27, 2014 MEETING)

Presentation to be given by Karen Barge of a mobile food catering establishment located southeast of U.S. Highway 98 and Stanton Road

D. PLANNING COMMISSION DISCUSSION:

Regarding Proposed Amendments to Ordinance 2011-54, Land Use and Development Ordinance, Various Sign Provisions. (FAVORABLE RECOMMENDATION TO CITY COUNCIL)

6. PUBLIC PARTICIPATION

7. ATTORNEY'S REPORT

8. COMMISSIONER'S COMMENTS

9. DIRECTOR'S COMMENTS

10. ADJOURNMENT

SET DATE FOR PUBLIC HEARING

MARCH 3, 2014

TO CONSIDER:

- 1. AMENDING THE LAND USE AND DEVELOPMENT ORDINANCE:**
 - a.) Revisions to Zoning Map**
 - b.) Amending the Sign Provisions**

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Revised City of Daphne Zoning Map
Date: January 27, 2014

MEMORANDUM

At the January 23, 2014, regular meeting of the City of Daphne Planning Commission, eight members were present. The motion to set forth a **favorable recommendation** carried unanimously of the above-mentioned revision to the zoning map.

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 of Monday, February 3, 2014 to set the public hearing for Monday, March 3, 2014.

Thank you,
ADJ/jv

cc: file

attachment(s)

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

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2014-**

**Zoning District Map
Revision to the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 23, 2014 favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinances No. 2011-73, 2012-19, 2012-54 and 2013-11 and 2013-55; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinances 2011-73 and 2012-19 and 2012-54 and 2013-11 and 2013-55; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 3, 2014; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit "A" of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H Exhibit "A", Ordinances No. 2011-73 and 2012-19, 2012-54, 2013-11 and 2013-55 is hereby repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City of Daphne City Council and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE _____ DAY OF _____, 2014.

ZONING & STREET MAP UPDATES

Every six months the Department of Community Development creates new official city zoning and street maps for the Council's adoption. All modifications shown on these two maps have been approved by the Planning Commission (recorded preliminary/final and/or final subdivision plat) and/or the City Council (annexation, zoning and/or street acceptance resolution).

- During this period the City limits remain 16.62 sq. miles.
- The city has not accepted additional roads or rights of way for maintenance.
- Twenty one new lots have been created in the City.
- Ninety seven (97) acres have been zoned for future residential development.
- Over 17 acres (17.9) have been zoned for future non-residential development.

Instrument	Approval	Action	Size
Rezoning---			
Ordinance 2013-40 <i>TC sub</i>	08/05/13	Rezone B-2 to R-6 (G)	97.49 acres
Ordinance 2013-62 <i>Christ the King</i>	11/18/13	Rezone R-2, B-2 to B-1	11.78 acres
Ordinance 2013-63 <i>Martin Pierce</i>	11/18/13	Rezone R-3 to B-2	5.2 acres
Street Acceptances---	none		

Subdivisions--- Probate Slide Number	Date of PC Approval Recorded after last map revision	New lots created (from original lot)	Corporate Limits?
2483-A <i>TC Com. P2, NW Quad, ResL4, ResP4A</i>	03/28/13	1	Yes
2491-B <i>Summer Oaks Townhomes</i>	04/25/13	12	Yes
2484-A <i>Resub L2 Webb FLP Sub</i>	05/02/13	1	Yes
2491-C <i>The Courtyards Sub</i>	06/27/13	3	Yes
2488-E <i>Nero Subdivision</i>	07/25/13	1	ETJ
2489-D <i>Wilson Acres Sub</i>	07/25/13	1	Yes
2490-F <i>Replat L11 pt and 12 Whispering Pines</i>	08/29/13	0 replat	Yes
2493-B <i>Resub L2A of L2, Wilson Ave BP</i>	09/26/13	3	Yes
2483-D <i>Ervin Subdivision</i>	05/02/13	1 additional lot	
Approved but not recorded	as of 12/02/13	--	--
*Honda Division	11/21/13	1	
*Gipson	10/25/13	1	ETJ
*Lazzari	10/25/13	1	ETJ
Tasheko	10/25/13	3	ETJ
• Not shown on maps			

PLEASE Publish in the Bulletin Legal Section on Friday
February 7, 2014

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on March 3, 2014 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use Ordinance and Development Ordinance / Revision to Zoning Map. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2014-**

**Zoning District Map
Revision to the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 23, 2014 favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinances No. 2011-73, 2012-19, 2012-54 and 2013-11 and 2013-55; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinances 2011-73 and 2012-19 and 2012-54 and 2013-11 and 2013-55; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 3, 2014; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

PLEASE Publish in the Bulletin Legal Section on Friday, February 14, 2014

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on February 7, 2014, that the City Council of the City of Daphne will hold a Public Hearing on March 3, 2014 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance amending the Land Use Ordinance and Development Ordinance / Revision to Zoning Map as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2014-**

**Zoning District Map
Revision to the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 23, 2014 favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinances No. 2011-73, 2012-19, 2012-54 and 2013-11 and 2013-55; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinances 2011-73 and 2012-19 and 2012-54 and 2013-11 and 2013-55; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 3, 2014; and

/END SYNOPSIS

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones, 
Community Development Director

Subject: Proposed Amendments to Ordinance 2011-54,
Land Use and Development Ordinance,
Various Articles related to the **Sign
Provisions**

Date: January 27, 2014

At the January 23, 2014, regular meeting of the City of Daphne Planning Commission, eight members were present. The motion to set forth a **favorable recommendation** carried of the above-mentioned revision to the Land Use and Development Ordinance.

You will receive an Ordinance form the City Attorney's office. Upon receipt of said documentation, place on the City Council agenda of Monday, February 3, 2014 to set the public hearing for Monday, March 3, 2014, and secondarily for March 17, 2014, if Council deems appropriate.

Thank you,
ADJ/jv

cc: file

CITY OF DAPHNE

ORDINANCE NO. 2014-_____

AN ORDINANCE TO AMEND THE CITY OF DAPHNE'S LAND USE AND DEVELOPMENT ORDINANCE

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, the City Council of the City of Daphne in a joint meeting with the Planning Commission held a public hearing on signage on the 7th day of February, 2013; and,

WHEREAS, the Mayor identified sixteen specific items for signage consideration including: a-frame sign, roadside promotional signage, banners, building wall signs, inflatables, tents, political signs, commercial real estate signs, digital signage, new store/grand opening signs, monument/pylon signage, street banner lamp post, coming soon/under construction, real estate builder or subdivision signage, 3-d objects, on premise signage (informational/directional); and,

WHEREAS on the 18th day of June, 2013, the City Council appointed a seven member sign committee that met weekly between July 2nd and September 24th to discuss and vet each of the sixteen signage considerations; and,

WHEREAS, the Sign Committee voted and made its final report of recommendations to the City Council on the 24th of September regarding proposed amendments to and related to various provisions regarding signage of the City of Daphne; and,

WHEREAS, the City of Daphne Planning Commission held a public hearing during its regularly scheduled Commission meeting on the 19th day of December, 2013 to gather input from the public regarding the Sign Committee's recommendations, and,

WHEREAS, the City of Daphne Planning Commission held a special work session on the 7th day of January, 2014, for further discussion of pending changes regarding the sign ordinance; and,

WHEREAS, the City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 23rd day of January, 2014, and has made a favorable recommendation for adoption to the City Council; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on _____ 2014.

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

SECTION 1.0--AMEND ORDINANCE 2011-54, THE LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 8, DEFINITION OF TERMS TO ADD TERMS AND DEFINITIONS AS FOLLOWS:

A-frame sandwich sign. A movable on-premise sign not secured or attached to the ground and has two faces connected at the top by a hinge mechanism that allows the base to be expanded outward to form an "A" shape, used to display products, services, menu items, daily specials, upcoming events or to advertise sales or bargains.

Advertising statuary sign. Any sign which is modeled or a sculptured likeness of an animate or inanimate object intended to be used as an advertising device. This would include an imitation, representation, or similitude of a person or thing which is sculptured, molded, modeled or cast in any solid or plastic substance, material, or fabric which for advertising or identifying purposes is erected on or attached to the ground. See also Three-Dimensional (3-D) sign or emblem.

Ambient light. Light existing on all sides: encompassing.

Banner, Event. A banner containing a sign or message regarding a public event or a season of celebration.

Banner, Neighborhood. A banner containing a sign or message identifying the neighborhood association or *non-profit* educational institution within a neighborhood where they are located.

"Coming Soon" sign. An advertising sign calls attention to an establishment, merchandise, product, or service which is sold, provided, manufactured, or furnished on the premise as "coming soon."

Decorative street banner. A banner which is mounted on street light poles or utility poles on privately owned property. The purpose of which is to (1) advertise on-premise or (2) promote projects of community or civic or regional fairs or celebrations or special events, seasonal or holiday decorations, or projects of community organizations or other public events, that may be of interest to the entire City.

Digital sign. An electronic sign used to advertise products or information. Digital signage includes LCD, LED, plasma and front-projection displays to target audiences. A network of digital displays that are centrally managed and addressable for advertising. Also referred to as (synonyms): Dynamic Signage, Digital Signs, Electronic Signage, Digital Media Advertising, Digital Signage Network. See also Electronic sign.

Electronic sign. An electronic sign used to advertise products or information. Digital signage includes LCD, LED, plasma and front-projection displays to target audiences. A network of digital displays that are centrally managed and addressable for advertising. Also referred to as (synonyms): Dynamic Signage, Digital Signs, Electronic Signage, Digital Media Advertising, Digital Signage Network. See also Digital sign.

Foot candle. A unit for measuring illumination that equals one lumen per square foot.

Luminosity. The quality or state of being luminous: brightness.

New construction sign. A sign for new construction, renovation or expansion of an existing building as specified herein.

Nit. A nit is a measurement of light emissions and surface area.

Promotional tent. Any tent that is sited within a development which is customized to contain characteristics of an advertising sign or identifies or draws attention to a business, profession, or industry, to the type of products sold, manufactured, or assembled, or to the type of services or entertainment offered or available on the premises.

Sign walker(s). A person who wears, holds, or balances a portable sign, or who wears a commercial logo or other identification on shirts, hats and other apparel that conveys a commercial advertisement message to vehicular traffic.

Three dimensional (3-D) logo sign or emblem. Any 3-dimensional form shaped into a work of art, fountain, sculpture, or similar object that is sited within a development which does either of the following: contains characteristics of an advertising sign or identifies or draws attention to a business, profession, or industry, to the type of products sold, manufactured or assembled, or to the type of services or entertainment offered or available on the premises. See also advertising statuary sign.

**SECTION 2.0---AMEND LAND USE & DEVELOPMENT ORDINANCE,
ARTICLE 33, SECTION 5, SIGN FOR WHICH NO PERMIT IS NEEDED, AS
FOLLOWS:**

2.01---ADD WORDS SHOWN AS UNDERLINED:

The following signs may be erected or constructed without a sign permit from the Code Enforcement Officer but shall comply with the structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

2.02---DELETE SUBSECTION (E) TEMPORARY PROMOTIONAL SIGN ALLOWANCE FOR COMMERCIAL AND RETAIL ESTABLISHMENTS:

~~(e)---Temporary Promotional Sign Allowance for Commercial and Retail Establishments:~~

~~The following signage shall be permitted. That which is not specifically provided herein is expressly prohibited: (1)---Council Authorization Required: Temporary signs and banners not exceeding fifty (50) square feet in area, temporary decorative flags, tethered inflatable items, bunting, pennants and streamers for recognizing holidays and other occasions authorized by the City Council. (2) Promotional Weekend and Nationally Recognized Holidays: On the last Friday of each month, commencing no earlier than six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday (Labor Day, Memorial Day, or the Fourth of July) and/or any other State recognized holiday, retail and commercial establishments duly licensed to do business within the corporate limits shall be permitted to display a reasonable number of three (3) of the following items provided; however, all such items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply. Temporary decorative signs, pennants, banners (not to exceed two (2), twenty (20) square feet each), streamers, bunting, balloons, and flags. (Reference: Section 33-5, Subsection (g), for provisions governing use of flags). Each commercial or retail establishment shall be permitted to choose any three (3) types of signage from the foregoing list on each weekend specified and shall be limited to the use of only those three (3) types of items chosen during any given promotional weekend.~~

2.03---DELETE SUBSECTION (F) POLITICAL SIGNS AS FOLLOWS:

~~(f) Political Signs: Political signs shall be displayed for the duration of a campaign and shall be removed within five (5) days following the election. A candidate shall not place signs prior to qualifying to run for office with the qualifying entity administering the election. Such signage shall be subject to the requirements of Ordinance 1989-04, Establishing Sign Control during Political Campaigns. Signs located within residential districts shall not exceed four (4) square feet in area.~~

2.04---RECLASSIFY RESIDENTIAL REAL ESTATE SIGNS AS SUBSECTION (e) AS FOLLOWS:

~~(d)---(e) Residential real estate signs~~

(1) General provisions: Real estate signs, temporary in nature, non-illuminated, not exceeding six-and-one-half (6½) square feet in area, advertising real estate for sale or lease or rent, or announcing contemplated improvements of real estate; one (1) sign for each

street frontage will be allowed on the site and shall be removed within ten (10) days, upon closing.

2.05---INSERT *COMMERCIAL REAL ESTATE SIGNS UNDER SUBSECTION (d)* AS FOLLOWS:

(d) Commercial real estate signs

(1) On Undeveloped Property

- a. A commercial real estate sign advertising undeveloped or vacant real property for sale, lease, or rent will be permitted provided the area of each sign shall not exceed thirty-two square feet (32 sq. ft.), sixteen (16 sq. ft.) square feet, ten feet (10 ft.) in height, is non-illuminated, and is within the confines of the development. An additional commercial real estate advertising sign may be permitted at each street frontage, but shall be no closer than 500 (five hundred) feet along the same street with no more than four such signs per premise.
- b. In the event that such premises is five (5) acres or greater or abuts Interstate 10 right-of-way said commercial real estate advertising sign shall be allowed up to sixty-four square feet (64 sq. ft.), ten feet (10 ft.) in height, is non-illuminated, and is within the confines of the development.

(2) On Developed Property

A commercial real estate sign advertising developed real property for sale, lease, or rent will be permitted for each individual business premises, shopping center premises, commercial/industrial business, subdivision, planned unit development, mobile home park and mobile home subdivision, provided the area of each sign shall not exceed the following:

- a. Ground sign: a commercial/industrial (C/I) and all business zones, (B-1, B-2 and B-3), provided the area of each sign shall not exceed thirty-two (32) square feet, ten (10) feet in height, is non-illuminated, and is within the confines of the development.
- b. Window sign: Indoor signage or window signs which advertise commercial real estate may cover no more than twenty (20) percent of the window glass surface area of the front of the building or portion of the building wherein the window sign is proposed and not to exceed an aggregate area of one hundred (100 sq. ft.) square feet.
- c. Wall sign: A commercial real estate wall sign advertising developed real property for sale, lease, or rent will be permitted not to exceed three hundred and

fifty square feet (350 sq. ft.) or thirty percent (30%) of the frontal area of the building or portion of the building.

2.06---DELETE 33-5(f) POLITICAL SIGNS:

~~Political signs shall be displayed for the duration of a campaign and shall be removed within five (5) days following the election. A candidate shall not place signs prior to qualifying to run for office with the qualifying entity administering the election. Such signage shall be subject to the requirements of Ordinance 1989-04, Establishing Sign Control during Political Campaigns. Signs located within residential districts shall not exceed four (4) square feet in area.~~

2.07---AMENDED 33-5 TO ADD AS SUBSECTION (f) NEW CONSTRUCTION SIGNS [MOVED FROM 33-10 (g) PERMITTED SIGNS AND AMENDED] AS FOLLOWS:

(f) New construction signs

- (1) General provision. Upon securing a building permit from Building Inspections for new construction, renovation or expansion of an existing building, and securing a City business license from the Revenue Department, a non-illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress. One (1) such sign, which shall not exceed ten (10) feet in height, either single or double faced, is allowed for each street frontage.

In the event that such premises abuts Interstate 10 right-of-way, said sign shall be allowed up to sixty-four (64) square feet, ten feet (10) feet in height, is non-illuminated, and is within the confines of the development.

- (2) Construction site identification sign. A sign located on the site of a construction project which identifies the owners, architects, engineers, contractors, mechanics, artisans, craftsmen, financial institutions, and other individuals or firms involved with the construction, but does not include any advertisement of any product, service, or activity, except that such sign may include information regarding sale or leasing, and words announcing the name or character of the building enterprise or the purpose for which the building is intended shall be permitted and where in accordance with General Provisions noted above.
- (3) “Coming Soon” sign. An advertising sign calls attention to an establishment, merchandise, product, or service which is sold, provided, manufactured, or furnished on the premise as “coming soon.” One such sign shall be permitted to the owner for the development for each individual business premises, shopping center

premises, commercial/industrial business, subdivision, planned unit development, mobile home park and mobile home subdivision, where in accordance with General Provisions noted above.

(4) Additional Provisions for Advertising Signs. A temporary advertising sign will be permitted to the owner for the development for each individual business premises, shopping center premises, commercial/industrial business, subdivision, planned unit development, mobile home park and mobile home subdivision, provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, and is within the confines of the development.

(5) A name identification sign will be permitted on each premise for a new business or a business starting in a new location where the premises is without a permitted permanent sign for a period of not more than sixty (60) days or until mounting of a permanently permitted sign. An under construction, "coming soon" or name identification sign may be placed on premise after receiving a permit from the Code Enforcement Officer and approval of a building permit from the Building Official or a new or amended business license from the Revenue Officer, as applicable and shall be removed upon issuance of a certificate of occupancy or upon final inspection of the Building Official, as applicable, but no later than the first day of the grand opening of the facility.

2.08---REPEAL *ORDINANCE 1989-04* (AN EXISTING CITY ORDINANCE AND INCORPORATE SAID LANGUAGE INTO SIGN PROVISIONS).

2.09---INSERT POLITICAL SIGNS AS SUBSECTION (g) AND RE-NUMBER EACH SUBSEQUENT SUB HEADERS AS FOLLOWS:

(g) Political Signs

The City, in order to promote the health, safety, convenience, order, prosperity, and general welfare of the residents, to ensure equal opportunity to political candidates during the election process, and to maintain the beauty and natural attraction of the local environment, hereby ordains and enacts into law a sign control ordinance applicable to political campaigns. The requirements of this article shall be supplementary to any other ordinances, rules and regulations of the City and the state currently in force and effect. This article is hereby adopted pursuant to authority granted by Code of Ala. 1975, §§ 11-52-1—11-52-84. The purpose of this article is to establish rules and regulations for sign control during local political campaigns.

- (1) Applicability. Political signs are exempt from the permit requirements of the land use and development ordinance of the City.
- (2) Painting on or attaching to public property, or utility property. Political signs shall not be erected, constructed, posted or painted on any publicly maintained city, county, state or federal right-of-way, utility pole, tree, bench, fence, awning, or stand pipe; nor attached to any city, county, state or federal roadway marker, directional sign or informational sign.
- (3) Attaching to business or commercial establishment signs. Political signs shall not be attached to any existing identification, announcement or pricing sign for any business or commercial establishment.
- (4) Impeding traffic. Political signs shall not be located in such a manner as to materially impede the view of any street or highway intersection or to adversely affect ingress or egress from parking lots or driveways.
- (5) Districts in which authorized, non-illuminated. Two (2) non-illuminated political signs per lot or parcel may be placed on private property in any zoning district in the City.
- (6) Maximum size in residential districts. Political signs in residential districts shall not exceed four (4) square feet in area or four (4) feet in height.
- (7) Maximum size in business, commercial and industrial districts. Political signs in business, commercial and industrial districts shall not exceed sixteen (16) square feet in area or eight (8) feet in height.
- (8) Use of party balloons. Customary size party balloons imprinted with a political ad may be tethered to any political sign, provided such balloons do not rise more than four (4) feet above the sign to which they are attached and that not more than two (2) such balloons are attached to any one (1) sign.
- (9) Period of placement. Political signs may be displayed for the duration of a campaign and shall be removed within five (5) days following the election. A candidate shall not place signs prior to qualifying to run for office with the qualifying entities administering the election.
- (10) Failure to remove—Fining of candidate. If political signs are not removed within five (5) days after the election, candidates whose names appear on such signs shall be subject to a fine of twenty-five dollars (\$25.00) per sign and each day such sign shall continue to be left after the election shall constitute a new offense.

(11) Same—Removal by City. Any sign found not to be in compliance with the requirements of this article may be removed by City personnel and the candidate whose name appears on such sign shall be subject to a fine of twenty-five dollars (\$25.00), for each nonconforming sign.

(g) (h) Flags:

(h) (i) Directional Signs and Symbols:

(i) (j) Memorial Signs and Historical Markers:

(j) (k) Professional, Announcement or Occupational Signs:

2.10--AMEND 33-5 TO DELETE TEMPORARY PROMOTIONAL BANNER AND ADD TEMPORARY PROMOTIONAL SIGNS AS FOLLOWS:

(o) Temporary promotional Banner-signs:

~~One temporary promotional banner in compliance with Section 33-5, Signs Prohibited in All Districts, no greater than twenty (20) square feet may be attached to and parallel to the face of the building wall for a period, not to exceed thirty (30) calendar days. (See Article 8, Definition of Terms, Temporary Use).~~

Any on-premise sign with a commercial message, including but not limited to a banner or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a short period of time only.

This definition does not apply to the following: temporary commercial real estate signs, political signs, coming soon signs, under construction signs, real estate builder signs, or subdivision information signs.

1. Placement

(i) Must be located on premise on private property.

(ii) Shall not obstruct the view of or impede pedestrian or vehicular traffic along any right-of-way or interior driveway.

(iii) Shall not be located on accessory structures or buildings.

2. Prohibitions

(i) Bench signs, ladder-type signs, sign walkers, snipe signs and any portable or moveable sign that is not expressly allowed in the sign provisions.

(ii) Signs in a state of disrepair and poorly maintained.

3. A-frame Sandwich Board Signs

An a-frame sandwich sign is defined as a movable on-premise sign not secured or attached to the ground and has two faces connected at the top by a hinge mechanism that allows the base to be expanded outward to form an "A" shape, used to display products, services, menu items, daily specials, upcoming events or to advertise sales or bargains.

- i. One a-frame sandwich board may be allowed per primary entrance unless in multi-tenant establishment with common entry way. Only one (1) per building per entrance per street frontage.
- ii. Said sign placement should not obstruct view or flow of pedestrian or vehicular traffic.
- iii. One such sign allowed within twenty feet (20-ft) of the front entrance of single tenant establishment.
- iv. For a multi-tenant establishment with one common entry way, A-frame sandwich boards are disallowed.
- v. A multi-tenant establishment with individual exterior entry may be allowed within five feet (5-ft) of that entrance.
- vi. Sign faces added together shall be no greater than twenty-five square feet (25 sq. ft.) in area.
- vii. Each A-frame sign as permitted herein shall be moved and properly stored out of sight during non-business hours and/or inclement weather and shall be used during hours of business only.

4. Advertising Package for Retail and Commercial Establishments

Advertising Package for Retail and Commercial Establishments may only be displayed in accordance with the provisions listed herein.

- i. A weekend advertising package may be displayed as follows:
 - a) No earlier than six (6) a.m. on Friday, the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday and/or any other State recognized holiday.
 - b) All items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply.
 - c) Advertising package may include no more than three (3) of the following items:
 1. Balloons;
 2. Yard signs - 3 yard signs count as 1 item;
 3. Pennants - 3 sets count as 1 item;
 4. Streamers - 3 sets count as 1 item;
 5. Bunting - 3 sets count as 1 item;

6. Flags - (Flags used for this purpose shall be separated by a minimum distance of twenty feet (20-ft)); or
 7. One promotional banner not to exceed sixteen (16) sq. ft. in size may be located at each street frontage.
- ii. A holiday advertising package for retail and commercial establishments may only be displayed as follows:
- a) May commence display no earlier than six (6) a.m. on a National holiday and/or any other State recognized holiday.
 - b) All items shall be removed from the premises at the close of the final business day of said holiday and in compliance with weekend holiday advertising as described above.
 - c) A holiday advertising package may include no more than three (3) of the following items:
 1. Balloons;
 2. Yard signs - 3 yard signs count as 1 item;
 3. Pennants - 3 sets count as 1 item;
 4. Streamers - 3 sets count as 1 item;
 5. Bunting - 3 sets count as 1 item;
 6. Flags (Flags used for this purpose shall be separated by a minimum distance of at least twenty feet (20-ft));
 7. One tethered inflatable three dimensional (3-D) object as prescribed in Section 33-10(g) Promotional Banners, Large Promotional Tents and Tethered 3-Dimensional Inflatables; or,
 8. One promotional banner not to exceed sixteen square feet (16 sq. ft.) in size may be located at each street frontage.

2.11---AMEND 33-5 TO ADD SUBSECTION (p) SMALL PROMOTIONAL TENTS AS FOLLOWS:

p. Small Promotional Tents:

Promotional tents may also be known as either outdoor pop-up tent, tent sign promotion, branded promotional tent, branded outdoor pop-up tent, branded tent sign promotion, logo, promotional, marketing, branding, open air tent or stand. A small promotional tent is equal to or less than one hundred forty-four (144) square feet in area and may be allowed without obtaining a permit from the Code Enforcement Officer. Promotional tents exceeding this size shall not be erected until a permit has been issued by the Code Enforcement Officer in accordance with the provisions in Section 33-10(g) Promotional Banners, Large Promotional Tents and Tethered 3-Dimensional Inflatables.

2.12---AMEND 33-5 TO ADD SUBSECTION (q) DECORATIVE STREET BANNERS AS FOLLOWS:

q. Decorative Street Banners:

- i. One decorative street banner may be placed on each light standard (ex. light pole or street lamp) on any school or religious campus, business park, office park, retail shopping center and/or commercial park, provided that the same are maintained in good condition. Said decorative street banner must be posted on-premise on private property and shall not advertise products, goods or services.**
- ii. Each decorative street banner shall be no more than thirty (30) inches in width or sixty (60) inches in length, must be professionally produced and made of canvas, vinyl, nylon or cloth material, and must maintain a minimum clearance of twenty (20) feet from the land below.**
- iii. Only the City of Daphne shall have the right to post a street banner upon a public right of way.**

SECTION 3.0---SIGNS PROHIBITED IN ALL DISTRICTS.

3.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, *ARTICLE 33, SECTION 6, SIGNS PROHIBITED IN ALL DISTRICTS, SUBSECTION (d) PROHIBITED SIGN TYPES AS FOLLOWS:*

Prohibited sign types: ~~Portable signs, bench signs, snipe signs, sandwich signs, except as allowed in Section 33-5, Subsections (d)(e) or ladder-type signs. Portable signs; bench signs; snipe signs; ladder-type signs; sign walkers; and, sandwich signs, except as allowed in Section 33-5, Subsection (o)(3).~~

SECTION 4.0---PERMITTED SIGNS.

4.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, *ARTICLE 33, SIGN PROVISIONS, SECTION 10 PERMITTED SIGNS .*

4.02---ADD TO INTRODUCTORY PARAGRAPH AS FOLLOWS:

The following signs may be erected or constructed upon the issuance of a sign permit from the Code Enforcement Officer and shall comply with any structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

4.03---AMEND 33-10 (b) FORMATTING TO CREATE SUBSECTION HEADERS TO EXISTING LANGUAGE AS FOLLOWS:

Name indication signs:

- 1.** Signs indicating the name of any fixed dwelling or mobile home subdivision; mobile home park; apartment, townhouse, condominium or planned unit development; office park, shopping center, industrial park or other residential or business complex permitted in any district; and signs for any use permitted by right, with planning approval, or special exception in any residential district, are permitted.
- 2.** Such signs shall not exceed fifty (50) square feet in area per face, two (2) faces, and a maximum of twenty-one (21) feet in height. One (1) such sign may be placed perpendicular to each City street frontage to be served.
- 3.** Premises classified as "General Business (Shopping Center)" in Section 33-11, Schedule of permitted sign requirements, shall be permitted one (1) sign, the area of which shall be determined according to the following formula: one (1) square foot of signage per thousand (1,000) square feet of the building; however, such sign shall not exceed one hundred fifty (150) square feet in area per face, two (2) faces, fifteen (15) feet in width, and a maximum of twenty-one (21) feet in height. Additionally, those so classified shall be permitted one sign not to exceed fifty (50) square feet in area per face, two (2) faces, maximum of twenty-one (21) feet in height. One (1) such sign may be placed perpendicular to each City street frontage to be served, of which is not supporting the larger sign.

4.04---AMEND 33-10 (b) TO ADD SUBSECTION 4 AS FOLLOWS:

- 4.** One three-dimensional logo sign or emblem may be used in lieu of the above mentioned freestanding name identification sign except for establishments with multiple City street frontages. Such sign is prohibited in a multi-tenant arrangement or general business (shopping center). Any off-premise 3-D logo sign(s) and advertising statuary sign(s) shall be prohibited.
 - a.** The maximum height shall not exceed four (4) feet and the maximum area shall not exceed sixteen (16) square feet. The supporting pedestal or base shall not exceed a height of two (2) feet or a width of four (4) feet. Where allowed, one (1) such sign may be placed perpendicular to each City street frontage to be served. In the event that the business has multiple street frontages, one three-dimensional logo sign or emblem may be utilized on one frontage and a freestanding sign may be placed additional road frontages. The minimum setback of which shall be no less than fifteen (15) feet from the nearest property line.

- b. Measuring three-dimensional logo sign or emblem. Three-dimensional or irregularly-shaped signs shall be measured by determining the surface area of the face of a minimum imaginary rectangle parallel to the plane of view that completely encloses all of the extremities of the largest side of the sign, excluding its supports. The rectangle shall enclose the extreme limits of each word and written representation, including any series of letters, emblems or figures of similar character, including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.

4.05---AMEND 33-10 (b) TO ADD SUBHEADING TO EXISTING LANGUAGE AS FOLLOWS:

- 5.** Signs permitted under section 33-10 shall require a permit, except as otherwise provided herein.

Amend 33-10 (c) Wall-mounted signs as follows:

Each establishment in a shopping center or each business premises in B-1, Local Business, B-2, General Business, B-3, Professional, and C/I, Commercial/Industrial, districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of ~~three hundred (300) square feet or twenty (20) percent~~ three hundred fifty (350) square feet or thirty (30) percent of the surface frontal area of its building or portion of building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

4.06---MOVED (g) NEW CONSTRUCTION SIGNS TO 33-5 SIGNS FOR WHICH NO PERMIT IS REQUIRED SUBSECTION (F).

4.07---ADDED (g) PROMOTIONAL BANNERS, LARGE PROMOTIONAL TENTS AND TETHERED 3-DIMENSIONAL INFLATABLES LANGUAGE AS FOLLOWS:

(g) Promotional Banners: a promotional banner is a strip of cloth, paper, canvas, or similar material, on which a professionally printed message, slogan or emblem is painted, drawn or otherwise projected, colored or shaped with only such material for a backing for the purpose of advertising or drawing attention to a product, object, facility, activity or idea. A banner may be used to advertise a unique event or special recurring business marketing promo and to be removed upon completion of that event and/or promotion.

1. The promotional banner is not intended to replace a permanent business identification sign nor to circumvent the sign permit application process.
2. A single tenant building and/or multi-tenant building with individual entrances shall be allowed to utilize a sixteen (16) square foot promotional banner for up to

twenty eight (28) days per calendar year. The business shall acquire a no cost permit from Code Enforcement prior to posting the promotional banner. Said temporary banner use shall not count against any promotional weekend, holiday, or event as allowed by Council.

3. Said banner may be located as follows: attached, connected or tethered to the building façade; or, supported by stakes or other similar devices. No banner may be located in the road right-of-way or alleyway; or located so as to obstruct the view or impede pedestrian or vehicular traffic. A plot plan showing the proposed location of the banner and the distance from the nearest property lines and public right-of-way shall accompany the permit application.
4. One promotional tent greater than one hundred-forty four square feet (144 sq. ft.) in area may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said tent should be located within the minimum setbacks of the property and sufficiently anchored or tethered to ensure safety. A plot plan showing the proposed location of the tent and the distance from the nearest property lines and public right-of-way shall accompany the permit application. Small promotional tents or those equal to or less than one hundred-forty four square feet (144 sq. ft.) in area are exempt from these provisions.
5. One tethered inflatable three dimensional (3-D) object may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said inflatable shall be setback at least one hundred feet (100-ft) from the property line. The maximum height shall not exceed fifty feet (50-ft). A plot plan showing the proposed location of the 3-D tethered inflatable and the distance from the nearest property lines and public right-of-way shall accompany the permit application.
6. Either one promotional tent or one tethered inflatable three dimensional (3-D) object may be allowed at one time. A promotional tent greater than one hundred-forty four square feet (144 sq. ft.) shall not be erected at the same time that a tethered 3-D inflatable object is displayed.

4.08---AMEND 33-10 (h) CONVENTIONS AND GRAND OPENINGS AS FOLLOWS:

~~(h) Conventions and Grand Openings: Temporary signs and banners not exceeding fifty (50) square feet in area and temporary decorative flags, bunting, pennants and streamers for~~

recognizing conventions and grand openings. Said temporary decorations and signs shall be kept in good condition and shall be permitted no more than fourteen (14) days.

Grand Openings, Grand Re-openings, and Conventions Marketing Packages:

1. Upon obtaining a permit from the Code Enforcement Officer, one marketing package as described herein is allowed per street frontage for each lot, business or residential development.
2. In the event of a grand re-opening of an existing business, a marketing package may be allowed for a duration of fourteen (14) days.
3. In the event of a grand opening of a new business, a marketing package may be allowed for a duration of thirty (30) days.
4. Any convention marketing shall be on premise and may be on display for a time commensurate with and remain for the duration of the convention.
5. A grand opening marketing package may include a combination of five (5) of the following marketing signs:
 - i. One promotional not to exceed thirty two (32 sq. ft.) square feet in size may be located at each street frontage;
 - ii. Promotional flags (shall be separated by at least 20-ft);
 - iii. One tethered inflatable three dimensional (3-D) object, the maximum height shall be no more than fifty (50-ft) feet, and shall be setback at least one hundred (100-ft) from the property line; and,
 - iv. Three (3) other items from the following list:
 - a. Balloons; or
 - b. Yard signs - three yard signs count as one item;
 - c. Pennants - three sets count as one item;
 - d. Streamers - three sets count as one item; or,
 - e. Bunting - 3 sets count as 1 item.

SECTION 5.0---ELECTRONIC SIGNAGE.

5.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 33, SIGN PROVISIONS, SECTION 10 ADD SUBSECTION (j)

ELECTRONIC SIGNS FOR BUSINESS OR RELIGIOUS ESTABLISHMENTS AND CREATE SUBSECTIONS 1 AND 2 AS FOLLOWS:

(j) Electronic signs:

General prohibition: Electronic signs are prohibited within the corporate limits with the following exception(s):

(1) Electronic Signs for Business or Religious Establishments

Business or religious establishments shall be allowed to maintain an electronic sign on premise for the purpose of advertisement for that business or establishment provided that such sign complies with the following provisions.

a. Sign Permit and Landscaping Required

- i. **Any electronic and/or digital sign or sign component shall obtain a permit from the Code Enforcement Officer prior to installation. No electronic or digital sign shall be considered properly installed unless associated landscaping has been implemented in accordance with a landscape plan approved by the Director of Community Development.**
- ii. **A landscape plan designed by a qualified professional shall be submitted to the Department of Community Development prior to or at the same time as the sign permit application is submitted to the Code Enforcement Officer. Disapproval of the landscape plan may result in disapproval of the sign permit or a delay in approval thereof. Any disapproval of a landscaping plan expressly associated with the installation of an electronic or digital sign shall be appealed to the Board of Zoning Adjustment.**
- iii. **Any landscaping expressly associated with a permit application for a digital or electronic sign shall include at least the following items:**
 - a. **A minimum of two (2) understory (medium) trees (3) inches in caliper and eight (8) feet in height at planting to be planted on each side of the monument sign post. It is recommended that trees be obtained from a licensed source.**
 - b. **Multi-stemmed understory trees shall be a minimum of ten (10) feet in height and must have at least three (3) stems; each with a minimum caliper of three-fourth (¾) inches. Shrubs pruned into tree form variations shall not be credited toward tree planting requirements. On-site trees of adequate size**

may be credited toward these requirements if said trees provide adequate aesthetic value to the landscaping.

- c. Foundation planting shall be placed at the base of monument sign. Shrubs shall be a minimum of three (3) gallons at planting, but should be of a variety that will not grow to obstruct view of the sign. These include, but are not limited to the following: Ligustrum, Indian Hawthorn, Tree Yaupon and Camellia. Ground cover planting shall be established with pots sized four inches or greater. Grass shall be composed of solid sod. Seed and mulch shall not be accepted.

b. Prohibited Locations

Electronic signs shall be prohibited in Olde Towne Daphne Overlay, in any residential zone district, except a use permitted by special exception of the Board of Zoning Adjustment (for example a church, hospital, school or similar use) may be permitted subject to Planning Commission approval), in a Mixed Use zone district and off premise.

c. Prohibited Effects

- i. Scrolling or traveling of a message on changeable copy is prohibited.
- ii. Image shall be static, shall not be animated, intermittent, and/or full video. Flashing, strobing, and/or racing shall be prohibited. No sign can be designed or displayed to imitate traffic safety lights and/or signs.
- iii. Changeable copy shall not and shall not appear to flash, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise move.
- iv. No animation, no sequential messaging, no streaming video, no sound, no sequencing to appear as motion.

d. On Premise digital and/or electronic sign provisions

The following provisions shall apply:

- i. May be incorporated into the body of a monument sign and shall not be placed at any other location on site; shall not exceed sixty percent (60%) of the monument sign or pylon sign face; shall not exceed thirty square feet (30 sq. ft). per sign face.
- ii. Any monument sign that incorporates digital and/or electronic signage shall not exceed twelve feet (12-ft) in height. No pylon sign shall be permitted to incorporate digital and/or electronic signage as such is prohibited in the City of Daphne.

(e) Mode of Operation

The following describes the means in which an electronic sign may operate:

i. Changeable copy

A digital sign shall only display a static image and, there shall not be a transition between messages. A message change may occur once every thirty (30) seconds.

Images and messages must be complete in themselves without continuation in context to the next image or message or to another sign.

(f) Brightness

- i. All electronic signs shall have functioning ambient light monitors and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. In no event shall an illuminated digital sign emit more than 6,000 (six thousand) nits per foot candle in full daylight and 300 (three hundred) nits/foot candle between dusk and dawn.**
- ii. Settings or interface controlling settings must be made available to Code Enforcement upon request. Settings shall include but are not limited to any settings or schedules related to brightness, luminosity, copy change or other settings which could affect compliance with electronic sign provisions as set forth in this ordinance.**
- iii. Regardless of any other requirement, illuminated signs shall not project light that exceeds one tenth (1/10) of a foot candle above the ambient light at any property line bordering any residential zone district.**
- iv. Sign must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the City that it is not complying with the standards of this ordinance.**

(2) Public entities, limited to the Daphne Civic Center, Recreation, and Library Complex and Schools of the Baldwin County School System shall be allowed to maintain electronic signs on the premises of such entities for the sole purpose of providing (1) information regarding onsite activities or (2) community information of general public interest (i.e.: City Council meetings, public service announcements (P.S.A.s), provided, however that such signs comply with the following requirements:

SECTION 6.0--- REAL ESTATE BUILDER/SUBDIVISION DIRECTIONAL SIGNS.

6.01 AMEND LAND USE & DEVELOPMENT ORDINANCE, *ARTICLE 33, SIGN PROVISIONS, SECTION 10* ADD SUBSECTION (m) REAL ESTATE BUILDER/SUBDIVISION DIRECTIONAL SIGNAGE AS FOLLOWS:

(m) Real Estate Builder/Subdivision Directional Signage: Inasmuch as residential developments continue to arise within the City limits, real estate builder advertising signs shall be allowed to be placed at each entrance to the subdivision with a permit from the Code Enforcement Officer and in accordance with the following conditions:

- 1. Each real estate builder/subdivision directional sign shall be located on private property not in the right of way; and,**
- 2. The permit for such sign is subject to annual renewal when maintained in good repair; however, all signs shall be removed by the permit holder when no additional lots are available for sale; and,**
- 3. Said sign shall not exceed thirty two square feet (32 sq. ft.). No more than one such sign will be permitted per entrance, and the placement of any additional real estate builder/subdivision directional sign shall be separated by a minimum distance of five hundred feet (500-ft).**

SECTION 7.0---EASTERN SHORE PARK AND JUBILEE RETAIL OVERLAY.

7.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, *ARTICLE 37, EASTERN SHORE PARK OVERLAY, SECTION 15, SIGN PROVISIONS SUBSECTION B. PERMITTED SIGNS* AS FOLLOWS:

(f) *Wall-mounted signs:* Each establishment in a shopping center or each business premises in B-1, Local Business, B-2, General Business, B-3, Professional, and C/I, Commercial/Industrial districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of ~~three hundred fifty (350) square feet or thirty (30) percent~~ **four hundred (400) square feet or forty (40) percent** of the surface frontal area of the building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

In the Eastern Shore Park District each establishment which borders Interstate 10 may acquire an additional permit for an interstate-side wall mounted sign not to exceed fifty

(50%) percent of the wall mounted sign on the surface frontal area of the building. 'Interstate-side' shall be deemed the side parallel to or predominately facing Interstate 10.

A business establishment with over forty thousand (40,000) square feet of building area may have on (1) additional wall-mounted sign of a size not to exceed one hundred (100) square feet for the purpose of advertising an accessory use **or name identification.**

A business with over one hundred thousand (100,000) square feet of building area may have two (2) additional wall-mounted signs of a size not to exceed one hundred (100) square feet each for the purpose of advertising accessory uses **or name identification.** No business establishment can have more than three (3) wall-mounted signs.

7.02---AMEND TITLE OF SUBSECTION (j).

(j) New construction signs Temporary Signage

7.03---ADD SUBSECTION (j)(4) AS FOLLOWS:

(4) Large promotional tents and tethered 3-d inflatables:

- i. **One promotional tent greater than one hundred-forty four square feet (144 sq. ft.) in area may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said tent should be located within the minimum setbacks of the property and sufficiently anchored or tethered to ensure safety. A plot plan showing the proposed location of the tent and the distance from the nearest property lines and public right-of-way shall accompany the permit application. Small promotional tents or those equal to or less than 144 square feet in area are exempt from these provisions.**
- ii. **One tethered inflatable three dimensional (3-D) object may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said inflatable shall be setback at least one hundred feet (100-ft) from the property line. The maximum height shall not exceed fifty feet (50-ft). A plot plan showing the proposed location of the 3-D tethered inflatable and the distance from the nearest property lines and public right-of-way shall accompany the permit application.**
- iii. **Either one promotional tent or one tethered inflatable three dimensional (3-D) object may be allowed at one time. A promotional tent greater than one hundred-forty four square feet (144 sq. ft.) shall not be erected at the same time that a tethered 3-D inflatable object is displayed.**

**7.04---LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 39,
JUBILEE RETAIL OVERLAY, SECTION 16, SIGN PROVISIONS AMEND
AS FOLLOWS:**

Subsection (b) Permitted signs

(6) Wall-mounted signs:

Each establishment/business premises under sixty-five thousand (65,000) square feet of building area in B-1, Local Business and B-2, General Business districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of ~~three hundred fifty (350) square feet or thirty (30) percent~~ four hundred (400) square feet or forty (40) percent of the surface frontal of the surface frontal area of the building. Each establishment sixty-five thousand (65,000) square feet of building area or larger may acquire a permit for wall mounted signage of a size not to exceed six and one-half (6.5) percent of the surface frontal area of the building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

**7.05---AMEND SUBSECTION (b) PERMITTED SIGNS AMEND TITLE OF
SUBSECTION (9) AND ADD LANGUAGE AS FOLLOWS:**

(9) ~~New Construction~~ Temporary Signage

(d) Large promotional tents and tethered 3-d inflatables:

- i. One promotional tent greater than one hundred-forty four square feet (144 sq. ft.) in area may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said tent should be located within the minimum setbacks of the property and sufficiently anchored or tethered to ensure safety. A plot plan showing the proposed location of the tent and the distance from the nearest property lines and public right-of-way shall accompany the permit application. Small promotional tents or those equal to or less than one hundred forty-four square feet (144 sq. ft.) in area are exempt from these provisions.
- ii. One tethered inflatable three dimensional (3-D) object may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said inflatable shall be setback at least one hundred feet (100-ft) from the property line. The maximum height shall not exceed fifty feet (50-ft). A plot plan showing the proposed location of the 3-D tethered inflatable and the distance from the nearest property lines and

public right-of-way shall accompany the permit application.

- iii. **Either one promotional tent or one tethered inflatable three dimensional (3-D) object may be allowed at one time. A promotional tent greater than one hundred-forty four square feet (144 sq. ft.) shall not be erected at the same time that a tethered 3-D inflatable object is displayed.**

SECTION 8.0 SEVERABILITY

If any section, subsection, clause, provision or part of this Ordinance shall be held to be invalid or unconstitutional in a court of competent jurisdiction, such holding or holding shall not affect any other section, subsection, clause, provision or part of this Ordinance which is in itself and of itself valid and constitutional.

SECTION 9.0 EFFECTIVE DATE

This Ordinance shall take effect and be in force effective April 1, 2014 subject to publication as required by law.

SECTION 10.0 REPEALER

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 MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2014.

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

Rebecca A. Hayes

From: Rebecca A. Hayes
Sent: Friday, January 31, 2014 2:30 PM
To: legals
Cc: Adrienne Jones (cddirector@daphneal.com); Jan Dickson (cdcoordinator@daphneal.com)
Subject: Publish 1st Notice of Public Hearing - Revision to Sign Ordinance
Attachments: REVISIONS TO THE SIGN ORDINANCE - PH - MARCH 3 2014.docx

April,

PLEASE Publish in the Bulletin Legal Section on Friday February 7, 2014

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on March 3, 2014 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use Ordinance and Development Ordinance / Sign Provisions. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

CITY OF DAPHNE

ORDINANCE NO. 2014-

**AN ORDINANCE TO AMEND THE CITY OF DAPHNE'S LAND USE AND DEVELOPMENT
ORDINANCE**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, the City Council of the City of Daphne in a joint meeting with the Planning Commission held a public hearing on signage on the 7th day of February, 2013; and,

WHEREAS, the Mayor identified sixteen specific items for signage consideration including: a-frame sign, roadside promotional signage, banners, building wall signs; inflatables, tents, political signs, commercial real estate signs, digital signage, new store/grand opening signs, monument/pylon signage, street banner lamp

Rebecca A. Hayes

From: Rebecca A. Hayes
Sent: Friday, January 31, 2014 2:32 PM
To: legals
Cc: Adrienne Jones (cddirector@daphneal.com); Jan Dickson (cdcoordinator@daphneal.com)
Subject: Publish 2nd Notice of Public Hearing - Revisions to Sign Ordinance
Attachments: REVISIONS TO SIGN ORDINANCE - PH - 3-03-14.doc

April,

PLEASE Publish in the Bulletin Legal Section on Friday, February 14, 2014

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on February 7, 2014, that the City Council of the City of Daphne will hold a Public Hearing on March 3, 2014 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance amending the Land Use Ordinance and Development Ordinance / Sign Provisions as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

CITY OF DAPHNE

ORDINANCE NO. 2014-

**AN ORDINANCE TO AMEND THE CITY OF DAPHNE'S LAND USE AND DEVELOPMENT
ORDINANCE**

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WHEREAS, the City Council of the City of Daphne in a joint meeting with the Planning Commission held a public hearing on signage on the 7th day of February, 2013; and,

WHEREAS, the Mayor identified sixteen specific items for signage consideration including: a-frame sign, roadside promotional signage, banners, building wall signs, inflatables, tents, political signs, commercial real estate signs, digital signage, new store/grand opening signs, monument/pylon signage, street banner lamp post, coming soon/under construction, real estate builder or subdivision signage, 3-d objects, on premise signage (informational/directional); and,

**REPORT
OF
OFFICERS**

RESOLUTIONS

&

ORDINANCES

**CITY OF DAPHNE
RESOLUTION NO. 2014 – 08**

REVISIONS TO CITY OF DAPHNE STREET MAP

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 23, 2014 approved a favorable recommendation to the City Council of the City of Daphne, Alabama for a revision to the City of Daphne Street Map and presented at said meeting; and

WHEREAS, said revision to street map is necessary due to additional streets being added to and accepted by the City; and

WHEREAS, due notice of said revisions to the City of Daphne Street Map has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, the City Council of the City of Daphne, Alabama, after due consideration, and upon the recommendation of the Planning Commission of the City of Daphne, believes it is in the best interest of the health, safety and welfare of the citizens of the City to accept the revisions to the City of Daphne Street Map; and

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

SECTION I: ADOPTION OF MAP

THAT the City of Daphne Street Map was considered by the City of Daphne Planning Commission on January 23, 2014, and having made a favorable recommendation to the City Council and said revised map being attached hereto as Exhibit “A” is hereby adopted as the official “City of Daphne Street Map.”

SECTION II: REPEALER

THAT Resolution No. 2006-22, Resolution No. 2006-66, and Resolution No. 2007-05, Resolution 2007-69, Resolution 2008-02, 2008-41, Resolution 2009-06, Resolution 2009-72, Resolution 2010-22, Resolution 2010-76 and Resolution 2011-09, 2011-62, 2012-05, 2012-55, 2013-02 and 2013-41 entitled “Revisions to City of Daphne Street Map” are hereby repealed in their entirety and any Resolution(s) or parts of Resolution(s) conflicting with the provisions of this Resolution are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

THAT This Resolution shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne, Alabama.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2013.

:

**DANE HAYGOOD,
MAYOR**

ATTEST:

**REBECCA A. HAYES,
CITY CLERK**

ZONING & STREET MAP UPDATES

Every six months the Department of Community Development creates new official city zoning and street maps for the Council's adoption. All modifications shown on these two maps have been approved by the Planning Commission (recorded preliminary/final and/or final subdivision plat) and/or the City Council (annexation, zoning and/or street acceptance resolution).

- During this period the City limits remain 16.62 sq. miles.
- The city has not accepted additional roads or rights of way for maintenance.
- Twenty one new lots have been created in the City.
- Ninety seven (97) acres have been zoned for future residential development.
- Over 17 acres (17.9) have been zoned for future non-residential development.

Instrument	Approval	Action	Size
Rezoning---			
Ordinance 2013-40 <i>TC sub</i>	08/05/13	Rezone B-2 to R-6 (G)	97.49 acres
Ordinance 2013-62 <i>Christ the King</i>	11/18/13	Rezone R-2, B-2 to B-1	11.78 acres
Ordinance 2013-63 <i>Martin Pierce</i>	11/18/13	Rezone R-3 to B-2	5.2 acres
Street Acceptances---	none		

Subdivisions--- Probate Slide Number	Date of PC Approval Recorded after last map revision	New lots created (from original lot)	Corporate Limits?
2483-A <i>TC Com. P2, NW Quad, ResL4, ResP4A</i>	03/28/13	1	Yes
2491-B <i>Summer Oaks Townhomes</i>	04/25/13	12	Yes
2484-A <i>Resub L2 Webb FLP Sub</i>	05/02/13	1	Yes
2491-C <i>The Courtyards Sub</i>	06/27/13	3	Yes
2488-E <i>Nero Subdivision</i>	07/25/13	1	ETJ
2489-D <i>Wilson Acres Sub</i>	07/25/13	1	Yes
2490-F <i>Replat L11 pt and 12 Whispering Pines</i>	08/29/13	0 replat	Yes
2493-B <i>Resub L2A of L2, Wilson Ave BP</i>	09/26/13	3	Yes
2483-D <i>Ervin Subdivision</i>	05/02/13	1 additional lot	
Approved but not recorded	as of 12/02/13	--	--
*Honda Division	11/21/13	1	
*Gipson	10/25/13	1	ETJ
*Lazzari	10/25/13	1	ETJ
Tasheiko	10/25/13	3	ETJ
• Not shown on maps			

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Revised City of Daphne Street Map
Date: January 27, 2014

MEMORANDUM

At the January 23, 2014, regular meeting of the City of Daphne Planning Commission, eight members were present. The motion to set forth a **favorable recommendation** carried unanimously of the above-mentioned revision to the street map.

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

Upon receipt of said documentation, please prepare a resolution for placement on the City Council agenda of Monday, February 3, 2014.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Street Map Six-Month Report (Copy Attached)
2. Street Map (Display - Posted in Council Chambers)

ORDINANCE 2014-02

Park Drive & Pollard Road and Paving & Intersection Improvements

WHEREAS, Ordinance 2013-50 approved and adopted the Fiscal Year 2014 Budget on September 23, 2013; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2014 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2014 budget; and

WHEREAS, Park Drive & Pollard Road needs paving and intersection improvements; and

WHEREAS, staff requested quotes for the project; and

WHEREAS, quotes were received for the project with American Asphalt, Inc being the low quote for construction being \$22,830 and materials purchased by the City - \$30,668 for a total project cost of \$53,498 (*engineering done in-house*).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$53,498 from the Four Cents Gas Tax Fund and made a part of the Fiscal Year 2014 budget for the Park Drive & Pollard Road Paving and Intersection Improvements project.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2014.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ORDINANCE 2014-03

**City Hall Building Maintenance Appropriation: Finance Director's Office
Door Window Installation & HVAC/Chiller Maintenance Agreements**

WHEREAS, Ordinance 2013-50 approved and adopted the Fiscal Year 2014 Budget on September 23, 2013; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2014 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2014 budget; and

WHEREAS, a window needs to be installed in the Finance Director's door to make the office more functional for meetings; and

WHEREAS, due to the need to keep City Hall Building, HVAC system, Chiller, and mechanical equipment functional for City Hall operations equipment repairs and maintenance contracts are also required.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that funds in the amount of \$17,000 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2014 budget for the maintenance required for the City Hall building.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2014.

Dane Haygood , Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ORDINANCE 2014-04

Police & Public Works Radio Equipment: Nexedge Radio System

WHEREAS, Ordinance 2013-50 approved and adopted the Fiscal Year 2014 Budget on September 23, 2013; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2014 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2014 budget; and

WHEREAS, the current police radio equipment is over 20 years old and the technology is over 30 years old; and

WHEREAS, this radio system no longer connects to the Sheriff's Department or other outside agencies radio systems in the area; and

WHEREAS, the Police department and Public Works department need to replace their current radio equipment; and

WHEREAS, the radio equipment is available for purchase through a State Bid Contract with Hurricane Electronics, Inc..

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2014 Budget is hereby amended to include a General Fund appropriation in the amount of \$247,182 for the replacement of the Police & Public Works department's radio equipment.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2014.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE
ORDINANCE NO. 2013-05**

**AN ORDINANCE TO AMEND AND REORGANIZE CHAPTERS
ONE AND TEN OF THE
CITY'S EMPLOYEE HANDBOOK**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to Chapters One and Ten of the City of Daphne Employee Handbook are necessary for the proper administration of said Handbook and the policies contained therein;

WHEREAS, revisions to Chapters One and Ten of the Employee Handbook will enable the City to more easily facilitate and administer policies in those chapters in order to benefit the health, safety, and welfare of its employees;

WHEREAS, revisions to Chapters One and Ten of the Employee Handbook are also necessary to integrate policies adopted or revised by Ordinances 2005-56, 2012-62 and 2013-26, and further revisions of Ordinance 2005-56 are necessary as part of the integration;

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

SECTION I: REVISION TO CHAPTER 1

That all Sections of Chapter One of the Employee Handbook be and are hereby revised as follows:

CHAPTER 1

EMPLOYMENT PRACTICES

1.1. GENERAL PROVISIONS RELATED TO POLICIES AND PROCEDURES

Purpose. It is the intent and purpose of these personnel policies and procedures to establish guidelines for personnel actions within the city which will facilitate recruitment, selection and retention of qualified employees; enhance effective and efficient employee performance in providing services for the citizens of the City of Daphne; and enable city employees to derive satisfaction in their work.

Pronouns. The pronouns “he, his, him” and other similar pronouns by which the male gender is normally distinguished are used at times to refer to both male or female individuals for purposes of convenience or to avoid awkward phrasing.

Contract Disclaimer. Nothing contained herein will be construed as creating any contract of employment between the City of Daphne and any individual or to restrict the right of the city to:(a) refuse or discontinue employment and/or prohibit the future service of any person when it is considered to be in the best interest of the city;(b) decrease proportionately the compensation of all employees when determined to be necessary; or (c) use independent contractors for performance of work or rendering of services. Normally, continuation of employment with the City of Daphne will be contingent upon an individual's job performance, the need for his position, or the availability of financial resources to fund his position. However, nothing contained herein shall be construed as preventing the removal of any individual from employment with the city now or in the future, so long as such removal meets the intent of these policies and procedures.

Scope of Policies and Procedures. These policies and procedures apply to "employees" of the city. An "employee" includes an individual who is employed by the city (other than a temporary individual obtained through a temporary service organization) and is paid from city controlled funds and who is actively working or on authorized leave of absence from the city and whose position is being held for him pending his return. The following categories of individuals are not considered "employees" of the City of Daphne subject to these personnel policies and procedures: (a) elected officials; (b) members of appointed commissions and committees; (c) attorneys and similar individuals employed in their professional capacity; (d) judges of any court; (e) independent contractors under contract with the city; and (f) students or interns assigned to the city as part of a curriculum of study in which said students or interns are engaged; and other similar categories of individuals as exempted by the city council.

Amendment or Supplementation. The mayor is responsible for the development and submission to the city council for approval such amended rules, regulations, procedures and plans as may be necessary to effectively operate the city personnel system. Such amendments will become effective only after approval by majority vote of the city council.

Operational Guidelines. The provisions contained herein are not intended to include all the guidelines which may be necessary at the operational level. Therefore, they may be supplemented by such operational guidelines as approved by the mayor to ensure efficient and effective operations at the department level. However, no such guidelines may be in conflict with the basic policies and procedures contained herein.

Responsibility for Personnel Administration. The mayor is responsible for overall operation of the city personnel system, including all adopted personnel policies and procedures. The city human resources director is responsible for day-to-day operation of the city personnel system and for providing assistance to the mayor, department heads, supervisory personnel, and employees as needed to ensure that the intent of the city's personnel ordinance is met. The mayor may delegate to department heads or other individuals, at his discretion, responsibility for selected administrative tasks required by these guidelines. Department heads and supervisory personnel are responsible for proper support and administration of the approved personnel system. City employees are responsible for acquainting themselves with these and any other city personnel policies and procedures and for complying with them.

Appointing Authority. When used in these policies and procedures, this term means the mayor and city council in the case of unclassified employees; or the mayor, or other individuals designated by the mayor as established in the city's personnel system for classified, part-time, and temporary employees.

Department Head. When used in these policies and procedures, this term means an employee of the city charged with the responsibility of managing and administering activities and resources to include personnel within a defined and organized department of city government as approved by the city council.

Disciplining Individual. When used in these policies and procedures, this term means an appointing authority or department head, as designated in these policies, who is charged with the responsibility of administering discipline pursuant to these policies.

1.2. DISCRIMINATION & HARASSMENT PREVENTION POLICY

Commitment to Equal Employment Opportunities. The city recognizes and appreciates each employee's work and contribution to the city's success, and the city believes that all employees are to be treated fairly and with respect. The city provides equal employment opportunities and equal treatment in all aspects of employment to all employees and all applicants for employment without regard to race, color, religion, sex/gender, (including pregnancy, childbirth and other related medical conditions), national origin, age, physical and/or mental disability, political affiliation, and/or military obligation (except where age, sex, or physical/mental ability constitute a bona fide occupational qualification). The city is committed to making reasonable accommodations to ensure equal employment opportunities for qualified disabled individuals. Violation of this policy shall not be permitted and shall be treated as a Group Two (2) offense, with disciplinary action up to and including termination.

Harassment Forbidden. The City of Daphne expects all employees, including department managers and supervisors, to respect the feelings of fellow employees and to treat co-employees in a courteous and professional manner. The city shall not tolerate any form of harassment in the workplace. Specifically forbidden is harassment due to a person's race, color, religion, sex/gender, (including pregnancy, childbirth and other related medical conditions), national origin, age, physical and/or mental disability, political affiliation, and/or military obligation. Certain examples of prohibited harassment include, but are not limited to: offensive, insulting or demeaning remarks, gestures, jokes, pranks, slurs, graffiti, emails, pictures, cartoons and the like, or statements or comments that reflect upon stereotypes. Harassment of city employees is strictly forbidden and shall be treated as a Group Two (2) offense, with disciplinary action up to and including termination.

Sexual Harassment Forbidden. The City of Daphne requires all employees to maintain a professional workplace that is free of sexual harassment. Sexual harassment is generally defined as a continuing pattern of unwelcome sexual advances, request for sexual favors, or physical contact of a sexual nature under any of the following conditions: (i) submission to such conduct is perceived to be a condition of employment; (ii) submission, or refusal, is perceived to be used, or might be used, as the basis of an employment decision which affects the individual; (iii) the conduct unreasonably interferes with the individual's job performance or creates a work

environment that is intimidating, hostile, or offensive; or (iv) the conduct interferes with non-employees. The City of Daphne expressly prohibits any verbal or physical conduct of a sexual nature that could contribute to a hostile or offensive workplace for any employee, whether committed by a department manager, supervisor, employee, any other persons so employed with the city, or individuals who are not employed by the city who come into contact with city employees. Some examples of prohibited conduct include the following:

- The use of profane or vulgar language;
- Unwelcome sexual flirtations, sexual advances or sexual propositions;
- Sexually oriented or suggestive jokes or comments;
- Comments implied about a person's body or sex life;
- Sexually degrading words, including sexual slang used to describe any person;
- Any physical contact of a sexual nature, including unwelcome or inappropriate touching, pinching, patting, grabbing and/or hugging;
- The display, reproduction or transmission of sexually explicit and/or sexually suggestive images, objects, or cartoons in or about the workplace;
- Sexually suggestive or vulgar graffiti, including words and/or drawings;
- A department manager or supervisor's comments suggesting that an employee will suffer employment consequences such as demotion, discharge or denial of a pay raise if such employee does not agree to certain demands or if the employee complains about such offenses of sexual behavior or other forms of harassment;
- Comments suggesting that the employee will receive favorable treatment in exchange for sexual favors.

Department managers, supervisors, and co-employees shall not threaten or insinuate that an employee's refusal to submit to sexual advances or any other form of sexual harassment will adversely affect the employee's continued employment, pay, benefits, working conditions or job opportunities. Similarly, department managers and supervisors shall not state or imply, expressly or otherwise, that submission to sexual advances or any other form of sexual harassment will in any way enhance an employee's employment opportunities, hours, pay, benefits and/or other terms or conditions of employment or advancement of employment. No department manager or supervisor has any authority to take any adverse action against an employee, including discharge, demotion or reducing the employee's work hours, benefits or pay because the employee refuses or has refused to submit to any sexual advances or any other form of sexual harassment. Similarly, no department manager or supervisor shall have any authority to provide an employee preferential treatment because the employee consents to the submission of sexual advances or any other form of sexual harassment. Sexual harassment of city employees is strictly forbidden and shall result in disciplinary action up to and including termination and shall otherwise be treated as a Group Two (2) offense.

Retaliation Forbidden. The City of Daphne encourages all employees of the city to immediately come forward if such employee has a discrimination or harassment complaint and the city does expressly affirm that no adverse action shall or may be taken or allowed against any employee who, in good faith, reports discrimination or harassment in the workplace. Retaliation against the employee shall be grounds for discipline and shall be considered a Group Two (2) offense.

EEO/Harassment/Retaliation Complaint Procedure. An employee must promptly report directly to the human resources director any observed or any known incidences of discrimination, harassment and/or retaliation to ensure that the city can promptly investigate, and if appropriate, take prompt and effective action. It is considered inappropriate and insufficient for an employee to report or complain only to a manager or supervisor. If a complaint involves the human resources director, then the employee shall promptly report said complaint to the mayor. All managers and supervisors shall have a responsibility to address any observed or reported harassment, discrimination or retaliation and shall immediately stop such misconduct if such occurs in their presence. All managers and supervisors shall have the responsibility to report observed or reported harassment, discrimination or retaliation to the human resources director, even if no employee initiates a complaint. Failure to do so may result in disciplinary action, which shall be considered a Group Two (2) offense.

Investigation. If the discrimination or harassment complaint involves the mayor, it will be forwarded to the city council for investigation and action. If the discrimination or harassment complaint involves a member of the council, it will be forwarded to the mayor for presentation to the council for action. In such cases, the council will appoint a council member or members to investigate the complaint. The human resources director will thoroughly investigate all other complaints. The complaining employee may be required to prepare a written report detailing the alleged allegation and to sign the report. To the extent practical, investigations will be confidential with extreme and due regard for the sensitive nature of such complaint. After completing an investigation, the human resources director or the mayor or council designee will determine if the complaint is valid.

Remedial Action. Prompt and appropriate remedial or disciplinary action up to and including discharge will be taken against the person or persons engaged in misconduct, depending upon the severity of the violation. If appropriate, the city has the discretion to provide counseling services, referrals and medical assistance for employees. Employees who have reported violations of this policy will be notified, subject to confidentiality, of how their reports were investigated and what actions were taken, within thirty (30) calendar days of the filing of said complaint.

Appeal of Findings and Action. The complainant or the accused employee may appeal the findings or remedial action imposed in accordance with the procedures established in Chapter 8 of this Employee Handbook, if he believes that the complaint has not been satisfactorily resolved or if he believes the discipline imposed is too severe.

1.3. DRUG AND ALCOHOL POLICY

Purpose. The welfare and success of the city depends upon the physical and psychological health of its employees. The abuse of drugs or alcohol poses a serious threat to both the city and its employees. It is the responsibility of both the city and its employees to maintain a safe, healthful and efficient drug-free working environment.

Prohibited Activities. An employee's possession, manufacture, use, sale, or purchase of alcohol, unauthorized drugs, or illegal drugs on city premises or while on city business (unless while performing the duties associated with one's job) is prohibited. An employee must not report for

work or work under the influence of any drugs or alcohol which impairs judgment, performance, or behavior.

Testing. The city has a number of jobs which present special safety considerations to employees and to the public. These considerations include the use of moving machinery, operation of vehicles, handling of chemicals, law enforcement, fire suppression and other similar activities. The city may require that any employee involved in such activities may be tested periodically on a random basis for the use of drugs and/or alcohol. The city may also require that other employees be tested when there is reasonable cause to suspect that they may be violating the city's policy against drug/alcohol use. An employee with positive test results may be found disqualified to work in such job and may be subject to discipline, to include separation unless the positive test results are due to medication prescribed by a medical authority.

Pre-employment Testing. The city may also establish procedures to test prospective employees for the use of drugs as part of their pre-employment medical examinations. In such situations, positive test results will be considered in employment decisions and may result in a decision that the applicant is unqualified for employment.

Prescription Medicine Reporting Responsibility. Each employee is responsible for promptly reporting to his immediate supervisor any use of prescribed medication which may affect the employee's judgment, performance, or behavior.

Enforcement and Discipline. The city will establish and append to these policies and procedures those guidelines necessary to enforce this policy effectively. Any employee who violates this policy or those guidelines or refuses to cooperate with the City's attempt to enforce this policy or those guidelines will be subject to discipline, to include separation.

1.4. POLITICAL ACTIVITY POLICY

Not To Affect Employment. No individual will be appointed, promoted, demoted, dismissed, or otherwise harassed because of his political opinions or affiliations.

Improper Use of Influence. No individual connected with the city will use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to affect employment, promotion, increase in pay, or other advantages in employment for any individual for the purpose of influencing his vote, political action, or any other consideration.

Participation Rights. No law enforcement officer, firefighter, peace officer, or any other person in the employment of the City of Daphne, when off duty, out of uniform, and acting as a private citizen, shall be denied the right to participate in political activities to the same extent as any other citizen of the State of Alabama. These policies and procedures must not be interpreted or enforce in any way as to interfere with or inhibit any city employee's right to vote in any municipal, county, state or national election.

On-the-Job Political Activity Prohibited. Employees must refrain from engaging in political activities during an employee's working time. Working time is for work and should be spent performing job assignments and duties. The City expressly prohibits employees from soliciting

financial contributions, distributing political literature, wearing political buttons or similar insignia during an employee's working time. The City also prohibits employees from distributing political literature or material in working areas at any time or in non-working areas while the employee distributing the literature or material or the employee who is the intended recipient is supposed to be working.

Use of City Resources for Political Activity Prohibited. Employees must not use any City funds, property, or time, for any political activities. Employees are prohibited from using the City's electronic media and equipment (such as, electronic mail, Internet, voice-mail, telephones, computers, or other related equipment) for the purpose of soliciting others for political activities or for preparing, duplicating, or distributing political literature or materials to other employees or non-employees.

Political Activity While in Uniform Prohibited. Uniformed officers and employees are prohibited from wearing City-issued uniforms while engaging in any political activities, whether on or off duty, or during working or non-working time.

City Political Office Candidates. Any City of Daphne employee who qualifies to seek any elective political office with the City of Daphne must take a leave of absence from the date the employee qualifies to run for office until the date on which the election results are certified or the employee is no longer a candidate or there are no other candidates on the ballot. This leave of absence is unpaid, except the employee may use available unused paid vacation leave. A City of Daphne employee elected to a political office with the City shall immediately submit a notice of resignation from employment with the City. Violation of this subsection by the employee shall be considered a "voluntary quit" and/or grounds for immediate discharge.

Other Government Political Office Candidates. Any City employee who qualifies to seek any elective political office with any federal, state, or other local government may engage in election-related or candidacy-related activities only on personal time before or after scheduled work or on the employee's scheduled days off (including holidays) or during a pre-approved leave. If an employee desires to engage in election-related or candidacy-related activities during working time or on scheduled work days, the employee must first obtain approval for a leave of absence. Any leave of absence is unpaid, except the employee may use available unused paid vacation leave. Violation of this subsection by the employee shall be considered a "voluntary quit" and/or grounds for immediate discharge.

Other Off-Duty Political Activity. The Mayor may require an employee to take leave without pay during the term of off-duty non-elective political activity, appointment or other party or non-partisan assignment if, in the judgment of Mayor, the conduct might interfere with the employee's work or cause harm to the programs or other activities of the City.

Reporting Violations. Any employee who witnesses or experiences a violation of this policy must immediately report the incident to the mayor or the human resources director for investigation and implementation of any necessary remedial action.

Discipline. Any employee who violates this policy will be subject to discipline, to include separation.

1.5. WORKPLACE VIOLENCE POLICY

Prohibited Activities. The city does not tolerate unjustified acts of violence committed by or against city employees and strictly prohibits employees from making threats of, or engaging in, violent behavior except in cases of legitimate self-defense or defense of others or as part of law enforcement or public safety duties. Workplace violence includes unjustified actions or words that endanger or harm another employee or result in other employees having a reasonable belief that they are in danger. It can occur inside or outside the workplace. Such threats include threats by employees, by customers, vendors, solicitors or other members of the public and fears of being stalked and/or attacked in the workplace. Threats of violence may also include a co-worker discussing violence toward himself in the form of a suicidal plan. Workplace violence also includes the following unjustified actions:

- Intentionally injuring another employee or person;
- Expressly or implicitly threatening physical injury to another person or employee;
- Otherwise engaging in behavior that creates reasonable fear of physical injury to another person or employee or that subjects another individual to severe or extreme emotional distress or mental anguish;
- Brandishing, or using a firearm, knife or other weapon while on city premises or engaging in city business, or threatening to use or utilizing any other object as a weapon;
- Threatening to damage, or intentionally damaging, real or personal property;
- Committing injurious acts motivated by, or related to, domestic violence or sexual harassment.

Reporting Responsibilities. If an employee feels threatened or in danger of violent behavior, or believes a co-worker is in danger or has been threatened or is making suicidal self-threatening comments, he must immediately advise his supervisor and/or department manager and then promptly report the threat to the human resources director. It may also be necessary to contact the Daphne Police Department. All threats of, or actual violence, both direct and indirect, shall be reported as soon as possible, and no later than twenty four (24) hours after occurrence. When reporting a threat of violence, the employee should be as specific in detail as possible. Employees are also encouraged to review the procedures entitled **Security Measures in Case of Workplace Violence** for additional information on how to respond to a crisis situation.

Investigation and Remedial Action. The city shall thoroughly investigate all complaints and violations of workplace violence. The complaining employee may be required to prepare a written report describing the alleged violation and will be required to sign the report. If, after completing the investigation, the human resources director and/or mayor determine that a complaint is valid, the human resources director and/or mayor shall take prompt disciplinary action, up to and including discharge against the employee or employees engaged in the misconduct, depending upon the severity of the violation. Non-employees engaged in violent acts on the city's premises will be reported to law enforcement for consideration of prosecution. Employees who have reported violations of this policy shall be notified by the human resources department, subject to confidentiality, of the status of their report, and that it was investigated

and what actions were taken by the city, within thirty (30) calendar days of the complaint. The city will actively intervene at any indication of possible hostility or a violent situation.

Victim Assistance. The city is committed to the safety and well-being of its employees, and for this reason, the city may provide, through the health insurance provider, counseling services, referrals and/or medical assistance for employees who have been victims of violence, as well as employees who are in need of help in dealing with personal or work related problems that generate anger, hostilities, or self-harm ideas.

1. 6. PRIVATELY-OWNED FIREARMS & AMMUNITION IN THE WORKPLACE

Definitions. The following terms used in this policy are defined as follows:

Firearm – This term will have the same meaning as the term is defined in Alabama Code §13A-8-1(4), and in 18 U.S.C. §§926B(e), as those statutes currently exist or are later amended.

Ammunition – Any propellant used in firearms or ammunition including but not limited to bullets, fixed cartridge ammunition, shotgun shells, individual components of fixed cartridge ammunition, or projectiles for muzzle-loading firearms

Pistol - A firearm with a barrel of less than 12 inches in length.

Long Gun - A firearm with a barrel of 12 or more inches in length (*e.g.*, a shotgun or rifle).

Qualified Police Officer - A police officer employed by the City who is in compliance with the Police Department’s “Firearms Policy” (SOP 4.11), as such policy currently exists or is later amended, and who meets the definition of “qualified law enforcement officer” as defined by 18 U.S.C. §§926B(c), as such statute currently exists or is later amended.

Carrying of a Firearm On Duty. Except for qualified police officers, the City prohibits all employees, including those with a concealed weapons permit or hunting license, from carrying privately-owned firearms or ammunition while on duty on the City’s facilities, while on duty in City-owned vehicles, while in any part of City facilities not open to the general public, or while engaged in work duties on or off City property. Qualified police officers may carry privately-owned firearms in these areas and at these times as authorized by the Police Department “Firearms Policy” (SOP 4.11) as such policy currently exists or is later amended, and as authorized by 18 U.S.C. §§926B, as such statute currently exists or is later amended.

This policy does not alter or limit the rights and responsibilities of an employee as a citizen to transport or store lawfully-possessed firearms or ammunition on City property while the employee is off duty and not engaged in work activities. The same regulations applicable to all citizens coming onto City property with firearms and ammunition apply to employees who are off duty and not engaged in work activities.

Transportation of Firearms & Ammunition upon City Employee Parking Lots. While an employee is at work or engaged in work duties, the City does not restrict the transportation or storage of a lawfully possessed, privately-owned firearm or ammunition in an employee’s

privately-owned motor vehicle while the vehicle is parked or operated in a City parking area or where the vehicle is otherwise permitted to be upon City property subject to the following:

The ownership, possession, or use of the firearm or ammunition must not otherwise be prohibited by state or federal law.

An employee previously convicted of a crime of violence, or who has documented prior workplace incidents involving the threat of physical injury or which resulted in physical injury, or who is subject to a domestic violence court order, may not transport, store, or possess a prohibited firearm on City property.

An employee possessing a valid concealed weapons permit or an employee who is a qualified police officer may store or keep a lawfully possessed, privately-owned pistol or a long gun and/or ammunition in his or her locked personal vehicle.

An employee possessing a valid Alabama hunting license may, during hunting season, store or keep a lawfully possessed, privately-owned unloaded long gun (not a pistol) which is legal for hunting and/or ammunition in his or her locked personal vehicle.

To reduce the likelihood of theft and to prevent the display or viewing of the firearm or ammunition as be construed as a threat or intimidation, employees must take the following precautions. If a vehicle is attended by the employee, the firearm or ammunition must be kept from ordinary observation within the vehicle as well as to those outside the vehicle. For an unattended vehicle, the firearm or ammunition must be kept from ordinary observation and locked within the interior of the vehicle (or otherwise secured in locked compartment/container which is located in the interior of the vehicle or is permanently affixed to the vehicle).

Firearm & Ammunition Policy Inspection & Discipline. If the City believes any employee presents a risk of harm to himself or others, the City may ask the employee whether he has a firearm or ammunition in his vehicle or otherwise upon City property. If the employee's response indicates the possibility that firearms or ammunition is present on City property, the City may take further action to ensure the employee is in compliance with the above provisions. If the employee is not in compliance, the City at its discretion may discipline the employee up to an including separation from employment.

1.7. ACCESS TO CITY PREMISES AND WORK SITES

Persons who are not employees of the city will not be permitted to come on, or remain on, city premises except for city related reasons. Access to city premises and work sites for the purpose of making solicitations or posting/distributing cards, literature, notices or other material of any kind is specifically denied unless approved in writing beforehand by the human resources director. The presence of any unauthorized person(s) on city premises or work sites must be reported immediately by employees to their department heads.

1.8. RESIDENCY REQUIREMENTS

Residency within the city's service area will not be required unless, in the judgment of the mayor or city council, the employee's job requires that he live within such area. However, all employees will be expected to carry out the duties and responsibilities of their job. This may require that an employee live within a reasonable distance of his work station. This determination will be made as needed.

1.9. EMPLOYEE REFERENCE INQUIRIES

All personal, telephone, and written inquiries from individuals regarding employment, personal references, or other personal information concerning current or former employees must be referred to the human resources director.

1.10. ANTI-NEPOTISM POLICY

No individual will be employed by the city, if he would be subjected to administrative or supervisory control by a member of his immediate family. For this purpose, immediate family will be interpreted to include an individual's spouse, parent, child, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, and the like relationship of the individual's spouse. An individual who was currently employed in such situation in 1994 at the time of adoption of this provision remains exempted from its restriction. If such relationship is created between two employees after they are employed, one of the employees may be transferred to another position, as determined by the mayor, if the mayor determines that a conflict or the appearance of a conflict might occur. If a transfer is not possible, the mayor may direct that one of the employees resign. If the employee does not resign, the mayor will initiate action to dismiss one of them.

1.11. MOONLIGHTING

Employment with the City of Daphne will be considered by all unclassified and classified employees as their primary jobs. Therefore, such employees may not commit themselves to second jobs that might conflict with the city's demand on their availability for work or reflect unfavorably upon the city. If an employee engages in a second job that conflicts with his employment with the city, the mayor may direct the employee to terminate the second job. If he refuses, the mayor may terminate the employee. Such termination will be in accordance with the provisions of these policies and procedures.

1.12. ATTIRE

All employees are expected to dress appropriately for work. The mayor will set an appropriate dress standard, to include wearing uniforms when required, for all employees. In setting this standard the following will be considered: (a) nature of the work; (b) safety considerations; (c) nature of the employee's public contact; (d) prevailing practices of other workers in similar jobs; and (e) type of image the city wishes to project. The dress standards for women will be, to the extent that it is practical, comparable with that for men. When a work uniform is provided an employee, it will not be worn if the employee works for gain at outside work, unless approved by the employee's department head. A city provided uniform will not be worn by an employee in any situation that would reflect unfavorably upon the city.

1.13. SMOKING POLICY STATEMENT

The city recognizes the need for employees to work in an environment free of tobacco smoke. The city also respects the rights of those employees who choose to smoke to make such personal decisions without interference, as long as they do not interfere with the rights of other employees. However, the city urges those employees who smoke to contact an appropriate association, such as the American Lung Association, to obtain information about smoking cessation programs.

1.14. VEHICLE AND EQUIPMENT USAGE PROVISIONS

City vehicles and equipment shall not be used to do private work. Driving city vehicles after work hours will be limited to those employees assigned to on-call duty. Individuals who are not on official city business will not be transported in city vehicles, since they are not covered by the city's insurance.

1.15. SOCIAL MEDIA POLICY

Definitions. "Social media activity" includes, includes all types of postings on the Internet, including but not limited to, postings on social networking sites, (such as Facebook, MySpace or LinkedIn); blogs and other on-line journals and diaries; bulletin boards and chat rooms; microblogging, such as Twitter®; and postings of video or audio on media-sharing sites, such as YouTube®. "Social media activity" also includes permitting, or failing to remove, posts by others where the employee can control the content of postings, such as on a personal page or blog.

Application. Employees who engage in social media activity should be aware that their postings, even if done off premises and while off duty, could have an adverse effect on the City's interests. To reduce that risk, the city has adopted this Policy which is applicable to all City employees and to all social media activity of such employees even if the activity is done off duty, while using personal electronic resources, and whether or not the employee posts anonymously or using a pseudonym. Employees who are expressly authorized to engage in social media activity on the City's behalf are required to comply with separate guidelines. In the event an area is not covered specifically by this policy, the City relies on the professionalism and judgment of its employees to ensure that social media activity is used appropriately.

Guidelines and Prohibitions. All social media activity will be subject to all City policies, rules, regulations, and guidelines. In addition, the City adopts these specific guidelines and prohibitions:

- The City prohibits employees from engaging in social media activity while on duty during working time, which excludes meal breaks or other break periods when employees are not expected to be working.
- The City prohibits employees from engaging in social media activity utilizing any of the City's electronic resources, unless specifically authorized in writing by the City.

- The City prohibits employees from texting or other social media activity while driving on City business or while driving any City vehicle, whether the employee is on duty or off duty.
- Supervisory employees must not gain access to the restricted social media page of a subordinate (for example, by sending or accepting a “friend” request) unless there is a valid City business purpose for doing so. Any such access to a subordinate’s restricted social media page should be limited to that which is necessary to accomplish the City’s business purpose. Any employee may reject, without fear of retaliation, any request from any other employee, or manager, or supervisor that, if accepted, would permit access to a restricted social media page (such as a “friend” or “like” or connection request).
- Employees are prohibited from acting as or purporting to act as a spokesperson on behalf of the City or posting comments as a representative of or purporting to be a representative of the City without express written authorization. Employees must make clear to their readers that the views expressed in any posting are their views alone and do not reflect the views of the City.
- Employees are prohibited from disclosing information of the City that is confidential and/or proprietary when engaging in social media activity.
- Employees are prohibited from posting images or videos of other employees/co-workers taken or made while the employee/co-worker is working or otherwise in their employment capacity.
- Employees are prohibited from posting any nonpublic, confidential, and/or proprietary images of any City premises and property.
- While engaged in social media activity, employees are prohibited from displaying the City of Daphne logo or letterhead or using materials belonging to the City, including promotional and marketing materials, without express written permission or authorization.
- Employees are prohibited from using use a City-issued email address to register for any social media account or site, or as an identifier needed to participate in any social media activity, or otherwise while engaging in social media activity for non-business purposes; provided, however, employees may reference the City as their employer and include contact information (including City-issued email addresses) on social and professional networking sites only, such as LinkedIn.

Enforcement. The City may view and monitor any employee’s publicly-accessible website, web blog, or other social media forum for which the employee is responsible at any time. The City will, in its discretion, review social media activity to the fullest extent permitted by applicable law. If an employee engages in social media activity in violation of this Policy anonymously or using a pseudonym, the City will, in appropriate circumstances, take steps to determine the employee’s identity. Employees will be held accountable for engaging in social media activity that violates this Policy. Failure to comply with this Policy may result in disciplinary action up to and including, termination of employment. The City also reserves the right to report

suspected unlawful conduct to appropriate law enforcement authorities and take any other available legal remedy.

SECTION II: REVISION TO CHAPTER 10

That all Sections of Chapter Ten of the Employee Handbook be and are hereby revised as follows:

CHAPTER 10

COMPENSATION AND BENEFITS

10.1. GENERAL PROVISIONS

General. The city will, so far as financially practical, provide its employees fair and equitable compensation that will be established and maintained in accordance with the guidelines of this chapter. An employee's compensation will be comprised of his wages and city provided benefits.

Responsibility. The mayor is responsible for ensuring that every employee's pay and benefits, as provided for herein, are established and maintained fairly, equitably, and consistently within the intent of these guidelines. The mayor will periodically review and evaluate the effectiveness of the city's compensation system and recommend needed changes to the city council for approval.

Deviations Not Authorized. Deviations from the city's approved compensation plan will not be authorized. If warranted, the compensation plan will be changed as required.

No Pay Advances. It is the city's policy to refuse all requests for pay advances.

Payroll Deductions. Normally, the city will make payroll deductions from each employee's pay only as required by law and as necessary to pay the employee's portion of his employee benefits. However, an interested employee should check with the human resources director to determine if the city will approve an item for withholding from his pay. With respect to absences from work, the city will deduct pay from an exempt employee's salary under the following limited circumstances: (i) one or more full day absences for personal reasons; (ii) one or more full day absences for illness, injury or sickness (after exhausting any paid sick leave); (iii) one or more full day disciplinary suspensions; and (iv) partial or full day absences during an approved leave covered by our *Family and Medical Leaves of Absence (FMLA) Policy*. Except for partial day intermittent medical leave absences, the city will not deduct pay from an exempt employee's salary if the employee has a partial day absence. If an exempt employee believes the city made an incorrect or improper salary deduction, the employee must promptly report the deduction to the human resources director for investigation. If the deduction from an exempt employee's salary was improper or incorrect, the city will reimburse the employee for the deducted pay.

Entry Level Pay for Temporary Employees. The level of pay for temporary employees will be established by the mayor and the city council based upon the content of the job at the time the position is authorized at an hourly rate which is equal to or greater than the minimum hourly wage required by the FLSA.

10.2. JOB DESCRIPTIONS

Each unclassified, classified, and part-time service job will have a written job description. . The approved job description will identify the representative duties and tasks, along with the job-related knowledge, skills and abilities that are required for proper performance of the job. The approved job description will be used by the human resources director and the mayor to assign a pay grade level in the Pay Scale. When a new job is established or a substantial change is made to an existing job in the unclassified, classified, or part-time service, the human resources director will prepare a new/revised job description, in coordination with the appropriate department head.

10.3. EMPLOYEE ANNIVERSARY DATE

Establishment. Each unclassified, classified, and part-time employee will have an anniversary date established based on his date of employment. The purpose of the employee anniversary date is to establish a point from which all employee personnel decisions that are based on years of service can be based. An employee's anniversary date will be used to determine his eligibility for longevity pay increases, benefits, and other areas, which are related to an employee's years of service.

Break in Service. If an individual is separated and subsequently re-employed as an unclassified, classified, or part-time employee, his new employment date will be established as his anniversary date. But if such break is less than ninety (90) calendar days, his employment date will not change. If an employee is placed in leave without pay status for more than ninety (90) calendar days, his anniversary date will be adjusted to reflect his break in service.

10.4. PAY PERIOD

Generally. The city has established a bi-weekly pay period for all employees. All pay earned during the pay period will be paid to the employee on the Wednesday following the end of the pay period. If this day is an official holiday, the last work day before the holiday will be observed as the pay day.

Beginning Point and Length of Pay Period. The bi-weekly pay period for all city employees except fire fighters begins on Thursday at 6:00 a.m. and runs for fourteen (14) consecutive twenty-four (24) hour days. The bi-weekly pay period for fire fighters begins on Thursday at 7:00 a.m. and runs for fourteen (14) consecutive twenty-four (24) hour days.

10.5. CALL-IN DUTY PAY

Call-in-Duty. Every employee is expected to respond to requests to work from his supervisor, even without pre-arrangement. Department heads will establish written procedures for notifying employees to report for duty in a call-in situation. Non-exempt employees who respond to

requests from their department head to work at a time other than their scheduled work hours will be considered to be in a call-in status. Exempt employees who are required to work outside their normal work schedule will not be considered to be in a call-in status.

Call-in Duty Pay. A non-exempt employee who is in a call-in status will be paid during the call-in pursuant to the following guidelines:

Travel time spent on reporting to a call-in will be considered as work time for purposes of this policy. The employee in a call-in status will be paid for the time he works during a call-in and the reporting-in travel time. If the length of time the employee actually works during a particular call-in including reporting-in travel time is less than two (2) hours, he will be paid for two (2) hours for the first two call-in's within each 24 hour period. If an employee is called in again during the same 24-hour period, only the actual time spent working including the reporting-in travel time will be paid, even if such total time for the call-in is less than two hours.

Only that time actually worked after arriving for the call-in will be used in determining the total hours worked for the purpose of calculating overtime pay. Stated otherwise, time paid for travel and the time "rounded up" to two hours will not count towards the overtime pay calculation.

If the employee is called-in prior to the starting time of his regularly scheduled work day and continues working through his starting time, he will be paid for all time worked and will not be paid for travel time or otherwise be eligible to receive call-in pay.

If the employee continues working through his normally scheduled quitting time, he will be paid for all time worked and will not be paid for travel time or otherwise be eligible to receive call-in pay.

10.6. EMERGENCY DUTY PAY

Additional Emergency Duty Overtime Pay For Exempt Employees. In the event of a state of emergency affecting the City of Daphne as declared by Federal, State, County, or City government and ratified by the Mayor of the City of Daphne and/or such other competent authority, the Mayor may utilize exempt employees to aid the City's emergency response during extended work hours beyond the employees' usual schedules. In the event of such a declared state of emergency, beginning when such state of emergency is declared and ending when such state of emergency is lifted, exempt employees will be paid additional emergency duty overtime compensation for hours worked in response to the emergency over 40 in the seven-day workweek. The rate of pay for this additional emergency duty overtime compensation will be equal to one and one-half (1^{1/2}) times the exempt employee's "calculated hourly rate" which will be determined by dividing the exempt employee's annual salary by 2080.

Emergency-Related Administrative Pay For Non-Exempt Employees. In the event the mayor declares a local State of Emergency affecting the City of Daphne, and due to emergency conditions non-exempt employees are unable to report for work or are required to arrive at work late or to depart work early, the mayor may in his discretion direct that non-exempt employees so affected be paid emergency-related administrative pay at the employee's regular rate of pay for the time the non-exempt employee is not working due to the emergency. Payment of

emergency-related administrative pay will not be counted as *hours worked* in the calculation of hours eligible for overtime compensation.

10.7. PAY SCALE

Overview. The city has an established Pay Scale containing 25 Steps which applies to positions in the unclassified, classified, and part-time services. The Pay Scale is available for review by employees in the human resources department.

Pay Rates. Employee pay rates are set on the Pay Scale at an hourly rate, which is the regular rate of pay for an hourly-paid non-exempt employee in the position. Employees who are assigned to jobs that have been determined to be exempt from the overtime provisions of the FLSA and such other non-exempt employees who have been designated by the mayor as salaried employees will be paid a salary each pay period. Such salary will be based upon the hours that the employee is normally expected to work during the pay period and the approved hourly rate of pay for his job as determined from the Pay Scale. Normally, this will be forty (40) hours, however, in those situations where an employee is expected to work more or fewer hours per pay period his salary will be based upon the expected hours of work.

10.8. COST OF LIVING ADJUSTMENTS

In order to combat the Pay Scale becoming outdated and non-competitive with other employment opportunities and to slow the advancement of employees to the maximum pay step, the Mayor and City Council shall utilize Cost of Living Adjustment (“COLA”) to amend the Pay Scale as the means to provide salary increases to all employees.

A COLA may be approved with the adoption of the annual budget, or at any other such time as the Council may determine appropriate and necessary. Any approved and adopted COLA shall be applied uniformly to all job grades and steps and the Pay Scale shall be adjusted accordingly. Enactment of a COLA shall not have an effect on the grade or step of employees but shall alter the pay of each step for all grades as specified in the adopted COLA.

The primary method of implementing said salary increases shall be accomplished through a COLA approved with the adoption of the budget. Said COLA for Salary Increases shall not be limited to being adopted as part of the budget process but may be approved and adopted at any such time as the Mayor and City Council may determine it appropriate and necessary. Any approved and adopted COLA shall be applied uniformly to all job grades and steps and the Pay Scale shall be adjusted accordingly, but may be implemented as a percentage based increase or an increase in a fixed amount that is applied to all pay grades and steps within the Pay Scale.

10.9. MERIT-BASED PAY INCREASES

Individual employee pay scale step increases shall be limited to performance or merit based pay increases. Employees are from time to time evaluated on their job performance. A Department Head may request a merit based step increase for employees demonstrating exceptional job performance. Merit increases shall be awarded to employees in the form of a one-step pay increase.

Funding for the one-step merit pay increases shall be subject to appropriated funds in the annual budget, as adopted or amended from time to time by the City Council. The annual budget shall include a line item to provide allocation, if any, for one-step merit pay increases. The allocation amount, number of requests, and performance demonstrated by the employee shall be among the factors considered in awarding merit-based increases. Upon the award of a merit step increase by the Mayor, funding to cover the increase in salary for the award shall be transferred from the one-step merit pay allocation to the corresponding city department's personnel budget.

Documentation of approved merit step increases shall be forwarded to the Human Resource Director for inclusion in the employee's file. Such documentation shall include the basis upon which the merit pay increase is awarded.

10.10.ENTRY LEVEL PAY FOR NEWLY-HIRED AND PROMOTED EMPLOYEES.

General Rule – New Hires. The entry-level rate of pay for a new salaried or hourly employee in the unclassified, classified, or part-time service will be established at the minimum level of pay for the employee's job as authorized in the Pay Scale. But in order to ensure adequate opportunity for performance based salary advancement for all employees, including exceptional situations, the entry pay grade for an employee shall not exceed a Step Sixteen.

General Rule - Promotions. When an employee is promoted to another job, the default pay will be established at the entry level of the new pay grade. In the event the entry level of pay for the new pay grade is less than the pay associated with a four-step increase from the previous position, the pay established shall be the first step in the new pay grade greater than a four-step increase from the previous position.

Exceptional Circumstances – Higher Pay Rate. The city recognizes that there are hiring and promotion situations which require additional pay considerations beyond what is normally allowed. When these situations occur it will be the appointing authority's responsibility to document the applicant's or employee's qualifications and any other exceptional circumstances surrounding the hiring or promotion decision. The Mayor can review the information and decide if the pay step recommendation is appropriate. The Mayor shall have the final authority to approve entry-level pay for newly-hired or promoted employees not to exceed a Step Twelve, with no further action required by the City Council, provided that funds are available in the City's personnel budget. An appropriation by the City Council shall be required should adequate funds not be available. Should the pay requirements further exceed the maximum step for which the Mayor can approve, the Mayor may request the City Council to review the qualifications for step placement between Step Twelve and Step Sixteen.

Exceptional Circumstances – Lower Pay Rate. If the appointing authority determines that a newly-hired or promoted employee does not fully meet the job-related qualifications (including required certification and licensure) for his job, he may approve a lower entry level of up to four (4) steps below the minimum level that is established for the job. When an employee's entry level pay is established at below the minimum level established for his job, his appointing authority will provide him written notification of the conditions and time frame which he has to meet the required job standards. Such notice will also inform the employee that if he does not meet the established conditions, he may be separated or returned to the original job, if available.

Documentation. All circumstances outlined and included herein shall be fully documented and provided to Human Resources for inclusion in personnel files.

10.11. PAY LEVEL AFTER OTHER REASSIGNMENTS

Transfer. When an employee is transferred to another job, his pay will remain the same as before his reassignment. However, any adjustments that are required due to a change in the hours that a salaried employee is expected to work during the pay period will be made.

Demotion. When an employee is demoted to a new job, his pay will be established at the same relative position in the pay range of the pay grade for his new job that it was in the pay range of the job he held prior to his demotion. Such pay will be at least two (2) steps below the pay he received prior to the demotion. However, under no circumstances will a demoted employee's pay exceed the maximum level of pay or be less than the minimum level of pay authorized for the pay grade of his new job.

Return to Old or Comparable Job Before Completing Probationary Period. If a promoted employee is returned to his old job, or a comparable job, prior to completing a required probationary period, his pay will be returned to the pay it was prior to his promotion. However, the employee's pay will be increased or decreased to reflect any general adjustments applied to other employees that would have otherwise affected his pay.

10.12. PAY LEVEL AFTER LEAVE WITHOUT PAY ABSENCE

An employee who returns to work after a leave without pay will have his pay established at the same level of pay he was paid prior to the leave without pay, if he is placed in a job in the same pay grade level that he previously held. If he is placed in a job of a lower pay level than he previously held, his pay will be adjusted to the same relative place in the range for his new job as it was in his old pay range. However, the employee will receive any general pay adjustments provided to other employees while he was in a leave without pay status to which he would have been otherwise entitled.

10.13. PAY RATE FOR CERTAIN REHIRED FORMER EMPLOYEES.

If a former unclassified, classified or part-time employee who left the city in good standing is rehired to a vacant position in the unclassified, classified, or part-time service after a break in service of less than 180 days, the Department Head may request to the mayor that the pay of the employee be established at the same relative rate in the pay range of the pay grade level for the job as it was before the employee's break in service.

10.14. EMPLOYEE GROUP INSURANCE BENEFITS

Overview. The city provides life insurance, health insurance, and disability insurance coverage for all unclassified and classified employees under the employee group insurance program as part of their overall compensation. In addition, a covered employee's dependents may also be eligible for health insurance coverage. The actual entitlement and eligibility requirements for each benefit will be in accordance with the criteria established for such benefits. Additional

information may be found in the city's benefit manual that is provided each eligible employee. If an employee has a specific question about a particular benefit, he should contact the human resources director. The information presented herein is general in nature and is presented to provide employees with an overview of such benefits. Eligibility requirements and benefits associated with each insurance plan are explicitly defined in legal documents, including insurance contracts, official plan texts, and trust agreements which are on file in the human resources director's office. Should any question ever arise about the nature and extent of a plan's benefits, the formal language of the plan document will govern.

Costs. The cost associated with the employee's coverage is paid by the city as part of the employee's compensation package. The cost associated with a dependent's coverage will be paid by the employee. The premium costs associated with the employee group insurance program will be determined on a periodic basis in accordance with the terms of the specific insurance contract. The costs (if any) associated with an employee's coverage under any of the specific plans (life, health, disability) will be determined by city council annually.

Continuation Coverage. In some situations, an individual or his dependents may be eligible to continue his insurance during a leave of absence or upon separation in accordance with federal law and the provisions of the applicable policy. Such coverage and the cost associated thereof will be in accordance with the provisions of the applicable policy.

10.15. ON-THE-JOB INJURY/ILLNESS BENEFITS

Overview. If an employee is injured on the job or develops an illness directly related to employment with the city which causes the employee to be unable to perform job duties, the employee may be eligible for worker's compensation in the form of a weekly wage replacement benefit. The amount and duration of this weekly benefit is established by law. If an employee is injured on the job or develops an illness directly related to employment with the city, the city also will pay for covered medical expenses relating to the illness or injury as provided by law. Benefits and eligibility in each case will be determined in accordance with the criteria specified in Title 25 of the Code of Alabama. No employee will receive any city-provided compensation while he is receiving or eligible to receive worker's compensation wage-replacement benefits, except as provided in the Sick Leave Policy in Chapter 9.

Reporting Requirements. All job-related injuries or illnesses must be reported immediately by an employee through his supervisor to his department head. In addition, a written report will be completed by the employee and his supervisor and submitted in accordance with the guidelines established by the human resources director. Failure to do so may result in loss, or delay, of receipt of any authorized benefits. If deemed necessary, the department head may require the employee to see a city approved doctor at the city's expense.

Loss of Eligibility/Disciplinary Consequences. Workers' compensation benefits and payment for covered medical expenses are not available if the injury or illness is caused by the employee's willful misconduct, by the employee's willful failure or refusal to use a safety device, or by the employee's intoxication or impairment by alcohol or illegal drugs. Any falsification or misrepresentation of information concerning an accident, injury or illness also may cause a loss of these benefits, and is also grounds for discipline, up to and including discharge.

SECTION III: REPEALER

That any Ordinance, or parts thereof, heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance be and is hereby repealed to the extent of such conflict.

SECTION IV: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION V: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2014.

**RON SCOTT
CITY COUNCIL PRESIDENT**

**DANE HAYGOOD
MAYOR**

ATTEST:

**REBECCA HAYES
CITY CLERK**

CITY OF DAPHNE

ORDINANCE NO. 2014-06

AN ORDINANCE TO IMPOSE LODGING TAXES

WHEREAS, the City Council of the City of Daphne has determined that consolidating the existing lodging tax ordinances, which are currently in effect, is necessary to effectuate and implement more efficient means within the City of Daphne;

WHEREAS, the City Council deems that a lodging tax and the following allocations for the purpose of bay front property debt service, future acquisition, development and maintenance of bay front property, industrial development, downtown redevelopment, and ground related capital for recreation, are in the best interest of the citizens of the City of Daphne.

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

SECTION 1. DEFINITIONS

Unless the context clearly indicates a different meaning, the words, terms and phrases used in this Ordinance shall have the following respective meanings:

"City" shall mean the City of Daphne in the State of Alabama.

"Finance Director" shall mean the finance director duly hired by the Mayor.

"Revenue Officer" shall mean the revenue officer of the City.

"Person" shall mean any person, firm, corporation, partnership, association, administrator, trustee, or other fiduciary.

"Transient" shall mean a person to whom rooms or lodging are rented for a period of less than 180 continuous days.

"Fiscal year" shall mean the period commencing on October 1 of any calendar year and ending on September 30 of the then next succeeding calendar year.

SECTION 2. LEVY OF LODGING TAX

There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person engaging within the City in:

- (a) The business of renting or furnishing any rooms, lodgings, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms or lodgings are regularly furnished to transients for a consideration, said tax to be in an amount equal to six percent (6%) of the charge for such rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such rooms; provided, however, that charges for property sold or services furnished which are required to be included in the computation of the tax levied by Alabama Sales Tax Statutes, shall not be included in computing the tax herein levied; or
- (b) The business of renting or furnishing space for accommodation of trailers for a consideration, said tax to be in an amount equal to six percent (6%) of the charge for such trailer space; provided, however, that charges made by persons in the business of renting trailer space for use of washing machines, electric power, garbage collection, water supply, and other such charges shall not be included in the measure of said tax, but only the charge for trailer space proper shall be so included.

The tax herein levied shall not apply to rooms, lodgings, or accommodations supplied for a period of 180 continuous days or more in any place; nor to any additional exemptions stated in ALA CODE § 40-26-1.

SECTION 3. DUE DATE OF TAXES AND MONTHLY REPORTS

The taxes levied under the provisions of this Ordinance, except as otherwise provided, shall be due and payable in monthly installments on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month every person on whom the taxes herein levied are imposed, shall render to the Revenue Officer on a form prescribed by the Revenue Officer, a true and correct statement showing the gross proceeds of the business subject to said tax for the then next preceding month, together with such other information as the Revenue Officer may demand and require, and at the time of making such monthly report the taxpayer shall compute the taxes due and shall pay to the Revenue Officer the amount of taxes shown to be due.

SECTION 4. CREDIT COLLECTIONS

Any person subject to the taxes herein levied who conducts business on a credit basis may defer reporting credit rental and charges until after their collection, and in the event so defers reporting them, they shall thereafter include in each monthly report all credit collections made during the then proceeding month and shall pay the amount of taxes measured thereby at the time of filing such report.

SECTION 5. MAINTENANCE OF RECORDS

It shall be the duty of every person engaging or continuing in any business subject to the taxes herein levied to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he/she is liable under the provisions of this Ordinance. Such records shall be kept and preserved for a period of two (2) years and shall be open for examination at any time by the Revenue Officer or other duly authorized representative of the City.

SECTION 6. OATHS

The monthly reports herein required to be made are not required to be made on oath; but the annual returns provided for in Section 5 hereof shall be sworn to by the taxpayer or his agent before some officer authorized to administer oaths; and any false statement of a material fact made with intent to defraud shall constitute perjury, and upon conviction thereof the person so convicted shall be punishable as provided by law.

SECTION 7. VIOLATION OF THIS ORDINANCE

Any person subject to the provisions of this Ordinance who fails for any reason to make the reports as herein required, or who fails to keep the records as herein required, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$100.00 for each offense. Each month of such failure shall constitute a separate offense.

Any person subject to the provision of this Ordinance who willfully refuses to make the reports herein required or who refuses to permit the examination of his or its records by the Revenue Officer, or other duly authorized agent of the City, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$50.00 nor more than \$100.00 for each offense, and in addition may be imprisoned in the municipal jail for a period not to exceed six (6) months. Each month of failure to make such report shall constitute a separate offense, and each refusal of a written demand of the Revenue Officer to examine, inspect or audit such records shall constitute a separate offense.

SECTION 8. PENALTY AND INTEREST

Any person who fails to properly and timely file any return required hereunder on or before the date prescribed shall be assessed a penalty pursuant to ALA CODE § 40-2A-11a, (as amended), which at the time of the adoption of this Ordinance, is equal to the greater of ten percent (10%) of the tax due or \$50.00. Such penalty shall be assessed and collected as part of the tax.

Any person who fails to fully and timely pay any tax required hereunder on or before the date prescribed shall be assessed a penalty pursuant to ALA CODE § 40-2A-11b, (as amended), which at the time of the adoption of this ordinance, is equal to ten percent (10%) of the unpaid tax amount. Such penalty shall be assessed and collected as part of the tax.

Any person who fails to fully and timely pay any tax required hereunder on or before the date prescribed shall be assessed interest equal to one percent (1%) per month or any part thereof.

SECTION 9. USE OF PROCEEDS

The lodging taxes which are collected are hereby divided as follows:

- (a) Thirteen percent (13%) shall be paid at least quarterly and used for the purpose of providing funding to the Industrial Development Board for the action items, implementation of strategies, and tactics included in the then current Strategic Economic Development Plan as approved and adopted by the City Council.
- (b) Five percent (5%) shall be paid at least quarterly and used for the action items, implementation of strategies and purpose of providing funding for the Downtown Redevelopment Authority as approved by the City Council.
- (c) Thirty-two percent (32%) shall be used for the purpose of continued bay front uses such as acquisitions, development, and maintenance along with the service of debt incurred through the acquisition of bay front property.
- (d) The remainder of the lodging tax proceeds shall be used for the purpose of ground related capital for recreation, which does not include such items as trucks or the maintenance of fields.

SECTION 10. SEVERABILITY

If any section, subsection, clause, provision or part of this Ordinance shall be held to be invalid or unconstitutional in a court of competent jurisdiction, such holding or holding shall not affect any other section, subsection, clause, provision or part of this Ordinance which is in itself and of itself valid and constitutional.

SECTION 11. EFFECTIVE DATE

This Ordinance shall take effect and be in force effective April 1, 2014 subject to publication as required by law.

SECTION 12. INFORMATION MAY NOT BE DIVULGED

It shall be unlawful for any person connected with the administration of this Ordinance to divulge any information obtained by him/her in the course of inspection and examination of the books of account, invoices, bank statements, sales tax records, state and federal income tax records, or other reports and memoranda or the taxpayer made pursuant to the provisions hereof, except to the Mayor, the City Council, the Finance Director, the Revenue Officer, the City Attorney, and those representatives connected with the administration of this Code, or pursuant to court order or judicial process.

SECTION 13. REPEALER

Ordinance Nos. 1995-15, 1997-28, 2000-25, 2000-34, 2009-28, 2009-55, 2010-09 2012-48 are hereby repealed in their entirety. 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 MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2014.

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK