

**CITY OF DAPHNE
CITY COUNCIL ORGANIZATIONAL MEETING
AGENDA
NOVEMBER 7, 2016
1705 MAIN STREET, DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

2. INVOCATION / PLEDGE OF ALLEGIANCE

Invocation by Father Robert Seawell with the Church of the Apostles

3. OATHS OF OFFICE:

OATH OF OFFICE ADMINISTRED BY JUDGE JAMES H. REID

Joe Davis District 7

OATH OF OFFICE ADMINISTERED BY ACTING CHIEF JUSTICE LYN STUART
ALABAMA SUPREME COURT

Tommie Conaway District 1

OATH OF OFFICE ADMINISTERED BY JUDGE MICHAEL HOYT

Dane Haygood Mayor
Pat Rudicell District 2
Joel Coleman District 3
Ron Scott District 5
Robin LeJeune District 6

OATH OF OFFICE ADMINISTERED BY FEDERAL JUDGE BERT MILLING

Doug Goodlin District 4

4. ROLL CALL

5. ELECT COUNCIL PRESIDENT

6. ELECT COUNCIL PRESIDENT PRO-TEM

7. MOTION: Establish time and place of regular meetings to be held each month. (1st & 3rd Monday at 6:30 p.m. as contained in Council Rules of Procedure)

8. Adopt Rules of Procedure *Ordinance 2016-66*
9. **RETAIN OFFICERS & EMPLOYEES /**
 - a.) City Clerk / Rebecca Hayes / *Resolution 2016-77*
 - b.) Treasurer / Kelli Kichler / *Resolution 2016-78*
 - c.) Fire Chief / James “Bo” White / *Resolution 2016-79*
 - d.) Police Chief / David Carpenter / *Resolution 2016-80*
 - e.) City Attorney / Jay Ross / *Resolution 2016-81*
 - f.) Employees Under Merit System / *Resolution 2016-82*
 - g.) City Judge / Michael Hoyt / *Resolution 2016-83*
10. **ASSIGNMENT OF COMMITTEES / *Resolution 2016-84***
11. **RATIFY USE OF PRESENT BANK DEPOSITORIES AND SIGNATORIES TO THE CITY ACCOUNTS / *ORDINANCE 2016-67***
12. **WHATEVER ELSE IS DEEMED NECESSARY**
13. **ADJOURN TO REGULAR SCHEDULED BUSINESS MEETING**

**CITY OF DAPHNE
ORDINANCE 2016-66**

**AN ORDINANCE ADOPTING THE RULES OF PROCEDURE IN ALL
INSTANCES FOR MEETINGS OF THE CITY COUNCIL**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the Order Procedure in All Instances for Meetings of the City Council shall be as follows:

SECTION I: GOVERNING RULES

The Rules of Procedure herein contained shall govern the deliberations and meetings of all of the Council of the City of Daphne, Alabama.

- A. Amending the Council Rules of Procedure. The rules of the Council may be amended in the same manner as any other ordinance of general or permanent nature.

- B. Suspension of the Rules of Procedure. The Rules of the Council may be temporarily suspended by unanimous roll call vote of all members present.

SECTION II: COUNCIL MEETING TIME

The regular meetings of the City Council shall be held on the first and third Mondays of each month, which meeting shall convene at 6:30 p.m. at the City Hall Council Chamber. All meetings, regular and special, shall be opened to the public, except when Council meets in executive session as authorized by State law. The regularly scheduled work session will be held on the second Monday of each month at 6:30 p.m. at the City Hall Council Chambers. Any meeting that is scheduled to meet on a Monday that is observed by the City as a holiday shall instead meet on the Tuesday after the holiday at the regularly scheduled time.

SECTION III: SPECIAL CALLED MEETINGS

Special meetings may be held at the call of the presiding officer by serving notice on each member of the Council not less than twenty-four hours before the time set for such special called meeting. A special meeting may also be called by any two (2) Council members. All special meetings may be held as provided by Section 11-43-50 Code of Alabama, 1975 (as amended). Notice of all special meetings shall be posted on the council approved bulletin board and appropriate customary media notified, and shall be accessible to the public at least twenty-four hours prior to such scheduled meeting.

SECTION IV: QUORUM

A Quorum shall be determined as provided by Section 11-43-40, Code of Alabama, 1975, (as amended).

SECTION V: ORDER OF BUSINESS

That the order of business of each council meeting shall be as follows:

1. Call to Order
2. Roll Call/Invocation/Pledge of Allegiance
3. Approval of the Minutes of the Previous Meeting(s)
4. Reports of Standing Committees:
 - Finance Committee
 - Building/Property Committee
 - Code Enforcement/Ordinance Committee
 - Public Safety
 - Public Works/Solid Waste Committee
5. Reports of Special Boards and Commissions
 - Board of Zoning Adjustment
 - Downtown Redevelopment Authority
 - Industrial Development Board
 - Library Board
 - Planning Commission
 - Recreation Board
 - Utility Board
6. Report of Mayor
7. Report of City Attorney
8. Report by Department Heads
9. City Clerk's Report
10. Public Participation
11. Resolution, Ordinances and Other Business
12. Council Comments
13. Adjournment

SECTION VI: SUBMISSION OF COUNCIL MEETING MATERIAL

- A. It is desired that information be supplied to the City Clerk in time to be made part of the council meeting or work session packet. Any item to be placed on council meeting and work session agenda must be turned in to the City Clerk with all background materials by 5:00 p.m. on the Wednesday before the council meeting or work session. The Council President retains the authority to add or remove items to the agenda. However, any item may be placed upon the agenda if two council members submit a written request to the City Clerk prior to the above mentioned deadline. The council meeting packet will be sent to the full City Council by 12:00 p.m. Friday before the City council meeting or work session, and posted on the city website Friday before a council meeting or work session.
- B. All motions, resolutions, ordinances or other business required to be in writing shall be prepared and supplied to all Council members by noon one full city work day before the council meeting in which it is to be presented. (e.g. if City offices are not open the Friday before the Monday council meeting, then the writings and documentation shall be supplied to each city council member by placing same in each member's mailbox at City Hall by noon Thursday.)
- C. When a work session is called or scheduled between two council meetings, all motions, resolutions, ordinances or other business required to be in writing shall be presented in substantially the same form as that which is required for presentation at council meeting.
- D. In the event of an emergency sections A. and B., hereinabove, shall not apply. An emergency exists if a failure to act would result in an immediate and irrefutable harm to the City or any of its citizens or otherwise it is physically impossible to comply with notice requirements set forth herein. The presiding officer of the Council at the earliest meeting dealing with said emergency shall have final say over interpretations of this section.

SECTION VII: COMMENTS BY COUNCILMEMBERS

- A. Comments by Councilmembers and Mayor. Any comments or discussion by councilmembers or the Mayor shall be with permission of the presiding officer, and for not more than three (3) minutes.
- B. Number of comments by councilmember on a subject. No member shall speak more than twice on the same subject without permission of the presiding officer. The presiding officer may grant the councilmember additional comments after all other council members have had the opportunity to speak.

SECTION VIII: PUBLIC PARTICIPATION / PRESENTATIONS

- A. Public Participation. At the designated time in the order of business, any member of the public may address the City Council concerning any item appearing on the agenda for the council meeting or work session. Discussion on a subject scheduled for a public hearing shall be limited to that public hearing. No individual who is not a member of the City Council or the Mayor shall be allowed to address the same while in session without permission of the presiding officer and for not more than three (3) minutes, unless approved by the presiding officer.
- B. Presentations to Council. An individual wishing to make a presentation to the council with permission of the Council President or Presiding Officer may be allowed 10 minutes. The individual must provide in writing a synopsis of the topic to be discussed to the City Clerk by the Wednesday before the council meeting at 5:00 p.m.

SECTION IX: MOTIONS

- A. Discuss any Motion. The City Council may have the ability to have a discussion on any motion.
- B. Seconding Motions. Any motion coming from committees do not require a second.
- C. Reconsider a Motion. Those motions to reconsider must be made by a council member who voted with the majority at the same or next succeeding meeting of the Council.
- D. Recording of "Ayes" and Nays" / Division on any Question. Whenever it shall be required by one or more members the "ayes" and the "nays" shall be recorded and any member may call for a division on any question.
- E. Order of Motions. Motions to lay any matter on the table shall be first in order, and on all questions, the last amendment, the most distant day, and the largest financial sum shall be first put.

SECTION X: QUESTIONS OF ORDER

All questions of order shall be decided by the presiding officer of the Council with the right of appeal to the full Council.

SECTION XI: PROCEDURE FOR CHAIRMAN TO ADDRESS THE COUNCIL

The presiding officer of the Council may call any members to take the chair to allow him or her to address the Council or make a motion or discuss any other matter at issue.

SECTION XII: EXECUTIVE SESSION

The Council may meet in executive session only for purposes authorized by State law and only after the City Attorney certifies the stated purposes for the executive session are authorized by state law. When a council person makes a motion for executive session for an enumerated purpose, the presiding officer shall put the motion to a roll call vote. The estimated length of the executive session shall be stated prior to the roll call vote. The City Attorney shall then certify that the reason stated to enter into executive session is legal according to the Open Meetings Act. If the majority of the council shall vote in favor of the motion for executive session the body shall move into executive session for discussion of the matter for which executive session was called. No action may be taken in an executive session. When the discussion has been completed, the council shall resume its deliberations in public.

SECTION XIII: MOTION FOR ADJOURNMENT

A motion for adjournment shall always be in order.

SECTION XIV: COMMITTEES / BOARDS

- A. The chair of each respective committee, or the council member acting for him or her, shall submit and make report to the Council when so requested by the presiding officer or any member of the Council.
- B. Each Council member is required to serve on a minimum of two (2) committees or boards, but it is recommended that each serve on a minimum of three (3) committees or boards.
- C. Chairman shall be selected by members of committee or board.
- D. No council member shall serve as chair of more than one (1) committee or board.
- E. Council President shall not chair a committee or board.
- F. Committee or board meeting agenda shall be set by the committee chairman.
- G. The Mayor may add any item to any committee or board agenda with notification to the chairman.
- H. The Mayor shall not delete any agenda item without approval from the committee or board chairman.

SECTION XV: ORDINANCES THAT REQUIRE EXPENDITURE OF MONEY

All ordinances, resolutions or propositions submitted to Council which require the expenditure of money will lie over until the next Council meeting; provided that such ordinance, resolution or propositions may be considered earlier by unanimous consent of the Council members present at such meeting by roll call vote and provided further that this rule shall not

apply to the current expenses of, or contracts previously made with, or regular salaries of officers, or wages of employees of the City.

SECTION XVI: ATTENDANCE REQUIREMENT

The City Clerk, Treasurer, City Attorney, Chief of Police, Fire Chief, Finance Director, Public Works Director, Human Resources Director, Building Departments Director, Community Development Director, Parks and Recreation Director, Library Director, Civic Center Director and such other department heads or their designated employee shall attend all meetings of the City Council, and shall remain at the council meeting after Department Heads Report when they have items pertaining to their department on the agenda. Department Heads shall attend Council work sessions when items on the agenda pertain to their department.

SECTION XVII: ROBERTS RULES OF ORDER

That Roberts Rules of Order 11th edition be and is hereby adopted as the rules of procedure for this Council in those situations which cannot be resolved by the rules set forth in this Ordinance.

SECTION XVIII: PUBLIC HEARINGS

The City Council will set all public hearings by a majority vote. At all public hearings after the initial presentation all questions and comments are limited to three (3) minutes per speaker.

SECTION XIX: REPEALER

That Ordinance 2013-21 be and is hereby repealed in its entirety and that other ordinance(s), parts of ordinance(s) or resolutions(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION XX: SEVERABILITY

That the provisions of this Ordinance are severable. If any provision, section, paragraph, sentence are part thereof shall be held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not effect or impair the remainder of this Ordinance, it being the legislative intent to ordain and act each provision section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION XXI:

This Ordinance shall take effect and be enforced from and after approval by the City Council of the City of Daphne upon publication required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this the _____ day of _____, 2016.

**CITY OF DAPHNE,
AN ALABAMA MUNICIPAL CORPORATION**

**DANE HAYGOOD,
MAYOR**

ATTEST:

REBECCA A. HAYES, CITY CLERK

RESOLUTION NO. 2016-77

Retaining Officers & Employees

City Clerk

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, IN THE STATE OF ALABAMA:

SECTION 1: That Rebecca A. Hayes, an appointed employee, is elected and appointed to continue as City Clerk of the City of Daphne until June 30, 2017, upon the basis of compensation heretofore existing.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2016.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

RESOLUTION NO. 2016-78

Retaining Officers & Employees

Treasurer

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, IN THE STATE OF ALABAMA:

SECTION 1: That Kellie Kichler, an appointed employee, is elected and appointed to continue as Treasurer for the City of Daphne upon the basis of compensation heretofore existing.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2016.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

RESOLUTION NO. 2016-79

Retaining Officers & Employees

Fire Chief

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, IN THE STATE OF ALABAMA:

SECTION 1: That Fire Chief James “Bo” White, an appointed employee, is elected and appointed to continue as the Fire Chief for the City of Daphne upon the basis of compensation heretofore existing.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2016.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

RESOLUTION NO. 2016-80

Retaining Officers & Employees

Police Chief

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, IN THE STATE OF ALABAMA:

SECTION 1: That Chief David Carpenter, an appointed employee, is elected and appointed to continue as the Chief of Police for the City of Daphne upon the basis of compensation heretofore existing.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2016.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

RESOLUTION NO. 2016-81

Retaining Officers & Employees

City Attorney

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, IN THE STATE OF ALABAMA:

SECTION 1: That Jay Ross, with Adams & Reese, LLP, is appointed to continue as City Attorney for the City of Daphne upon the basis of compensation heretofore existing.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2016.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

RESOLUTION NO. 2016-82

Retaining Officers & Employees Under Merit System

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, IN THE STATE OF ALABAMA:

SECTION 1: That all classified officers and employees of the City of Daphne so designated under the merit system, are continued by virtue of law; that all other officers and employees of the City paid out of the General Fund of the City are hereby continued in such positions upon the terms and upon the basis of compensation heretofore existing as may be hereafter modified, such to serve at the will of the City Council, or its designee.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2016.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

RESOLUTION NO. 2016-83

Retaining Officers & Employees

City Judge

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, IN THE STATE OF ALABAMA:

SECTION 1: That Michael Hoyt is appointed to continue as City Judge for a one two (2) year term, effective February 2017 – February 2019, for the City of Daphne upon the basis of compensation heretofore existing.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2016.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

RESOLUTION NO. 2016-84

City Council Committee Assignments

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, IN THE STATE OF ALABAMA:

That the City of Daphne City Council committee assignments are as follows:

COMMITTEES:

- A.) **Finance Committee:**
Tommie Conaway
Pat Rudicell, Chairman
Joel Coleman
Doug Goodlin
Ron Scott
Robin LeJeune
Joe Davis
- B.) **Buildings & Property Committee**
Tommie Conaway
Pat Rudicell
Joel Coleman
Doug Goodlin
Ron Scott, Chairman
Robin LeJeune
Joe Davis
- C.) **Public Safety Committee**
Tommie Conaway
Pat Rudicell
Joel Coleman
Doug Goodlin
Ron Scott
Robin LeJeune
Joe Davis, Chairman
- D.) **Code Enforcement / Ordinance Committee**
Tommie Conaway
Pat Rudicell
Joel Coleman
Doug Goodlin, Chairman
Ron Scott
Robin LeJeune
Joe Davis

E.) Public Works Committee

Tommie Conaway
Pat Rudicell
Joel Coleman, *Chairman*
Doug Goodlin
Ron Scott
Robin LeJeune
Joe Davis

F.) Downtown Redevelopment

Tommie Conaway

G.) Library Board

Pat Rudicell

H.) Industrial Development Board

Joe Davis

I.) Planning Commission

Ron Scott

J.) Recreation Board

Robin LeJeune
Joel Coleman

K.) Utility Board

Robin LeJeune

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2016.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

ORDINANCE NO. 2016-67

An Ordinance setting forth the authorization of certain City Officials as designated signatories on various accounts of the City of Daphne, Alabama.

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

SECTION 1: The following Officers of the City of Daphne, Alabama, be and hereby are officially designated as the appropriate and authorized signatories on the various City accounts of the City of Daphne, Alabama:

Mayor	Dane Haygood
Treasurer/Finance Director	Kelli Kichler
Councilmember	Tommie Conaway
Councilmember	Pat Rudicell

SECTION 2: All checks, drafts, and all other financial transfers shall be signed by two (2) of the above-designated signatories.

SECTION 3: Any ordinance or resolution previously adopted which in any way conflicts with this Ordinance is hereby deemed repealed in its entirety with the exclusion of Resolution 2007-67 which prescribes signatories for the Confiscated Funds account.

SECTION 4: The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the remaining parts.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, THIS _____ day of _____, 2016.

Dane Haygood
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk