

CITY OF DAPHNE
CITY COUNCIL BUSINESS MEETING AGENDA
JANUARY 3, 2005

1. CALL TO ORDER

2. ROLL CALL/INVOCATION: *Pastor Joe Drake / Abundant Life Christian Center*
PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: December 20, 2004

4. REPORT STANDING COMMITTEES:

- A. *FINANCE COMMITTEE* - Scott
- B. *BUILDINGS AND PROPERTY COMMITTEE*- Lake
- C. *PLANNING/ZONING/CODE ENFORCEMENT* - Barnette
- D. *PUBLIC SAFETY/ORDINANCE COMMITTEE*- Burnam
- E. *PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY* - Yelding

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. *Board of Zoning Adjustments* -
- B. *Downtown Redevelopment Authority* - Barnette
- C. *Industrial Development Board* - Yelding
- D. *Library Board* - Lake
Review minutes meeting held December 13th
MOTION: Nomination to fill vacancy on the Board to expire September 30, 2005
- E. *Planning Commission* - Barnette
- F. *Recreation Board* - Burnam
- G. *Utility Board* - Scott

6. REPORTS OF THE OFFICERS:

- A. *Mayor's Report*
 - a.) *Report on Malbis TIC*
- B. *City Attorney's Report*
- C. *Department Head Comments*

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS:

RESOLUTIONS:

- a.) *Prepaid Travel / David Cohen / ACCMA 2005 Winter Conference /Resolution No. 2005-01*
- b.) *Acceptance of Streets & Drainage /*
Casa di San Francesco Subdv. Phase II. /Resolution No. 2005-02

ORDINANCES:

- a.) Amend the Land Use Ordinance / Overlay District 2nd Read /Ordinance No. 2004-50**
- b.) Amend the Land Use Ordinance / Multi-Use District 2nd Read. /Ordinance No. 2004- 51**
- c.) Adopting a Pay and Classification Plan 2nd Read /Ordinance No. 2004-52**

- 9. COUNCIL COMMENTS**
- 10. ADJOURN**

**DECEMBER 20, 2004
CITY OF DAPHNE, AL
CITY COUNCIL MEETING
6:30 PM**

1. CALL TO ORDER

Council President Burnam called meeting to order at 6:30 P.M.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Reverend Greg Kennedy from Christ Presbyterian Church gave the invocation.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake; Greg Burnam; Ron Scott; Regina Landry; August Palumbo; Mayor Small.

Also present: David Cohen, City Clerk, Rebecca Hayes, Executive Secretary to City Clerk; Jay Ross, City Attorney; Tim Fleming, Attorney; Sharon Cureton, Human Resource Director; Mr. Bill Eady, Community Development Director; David Carpenter, Police Chief; Mund Hanson, Fire Chief; Ronnie Phillips, Building Inspection Director Dale Foster, Librarian; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Sandra Morse, Civic Center Director; Kim Briley, Finance Director; Scott Hutchinson, City Engineer; Bob Segalla, Utility Board; Al Guarisco Village Point Foundation; Starke Irvine, DRA; Willie Robinson, BZA, Lon Johnston, Utility Board

3. APPROVE MINUTES OF MEETING HELD: December 6, 2004

MOTION BY Mr. Barnette to *adopted the minutes for the December 6, 2004 as amended to include the discussion regarding the Industrial Development Board property .* *Seconded by Mr. Lake.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

PRESENTATION: Fire Chief Mund Hanson introduced Captain Kenny Hanak who recognized and presented an award to Steve Barr and Tommy Bozeman for their quick actions resulting in saving a man's life who was suffering cardiac arrest, by resuscitating him on December 8, 2004.

PRESENTATION: Chief Carpenter introduced the new promotions in the Police Department. Captain Scott Taylor is over Field Operations, which consist of the Patrol Division and Detective Division. Captain Taylor has been with the city for 14 years, going from Patrolman all the way up. Lieutenant Danny Bell has been with the Police Department for almost 11 years, he also came from Patrolman on up, and he is overseeing the Detective Division.

PUBLIC HEARING: Amend the Land Use Ordinance - Overlay District / *Ordinance 2004-50*

Mr. Starke Irvine, Chairman of the Downtown Redevelopment Authority, explained the reason for this request. He stated that the DRA had established the Overlay District for the Olde Towne of Daphne, and assisted Mr. Eady in writing the code for that District. He has proposed, and is requesting the Council, and it has been to the Planning Commission, to establish another District. He handed out a map of the District. An Overlay District allows for creating developments in certain areas that the normal code does not permit. For example in Olde Towne Daphne you can have a mixed use, which is the primary goal that they are trying to achieve in the presentation of this District. This Overlay District, called The Village, is in that area, that includes the piece that the city acquired from Tonsmiere last year, and goes to the north side of Thomas Medical Center, along those properties out to the four (4) lane to the bay. If they can establish an Overlay District, they are intending to develop beginning with Bayfront Park Drive a village type setting, which they would like to have retail and possibly office use, and be able to put apartments above. They want to have mixed use in that area. This does not change any zoning, if they don't presently comply with the zoning, they will have to go back through the zoning process, so it does not change the zoning at all. What it does, the code allows for a lesser amount of parking, it gives credit for public parking that may be near by, and this is primarily the things that are covered in Olde Towne Daphne area, and that is what they are recommending to be up there as well. The Sign Ordinance is more stringent than it is in other areas, and they would not conflict with Magnolia Place Shopping Center, but the signage, for example, on Bayfront Park Drive, the future developments will have to conform, and that will be similar to what is in place for Olde Towne Daphne. Landscaping is a little bit less than the rest of the city. He said Fairhope has already achieved what they want to achieve in Olde Towne Daphne and Bayfront, they have mixed use there, and they have apartments over retail.

Council asked several questions of Mr. Irvine.

Council President Burnam requested that Mr. Irvine have an actual overhead visual of the Overlay District for the next Council meeting.

Council President Burnam opened the Public Hearing at 6:41 p.m.

No one spoke.

Council President Burnam closed the Public Hearing at 6:42 p.m.

PUBLIC HEARING: Amend the Land Use Ordinance - Multi-Use District /
Ordinance 2004-51

Mr. Eady said at the time the Overlay District was approved for Olde Towne Daphne, the Multi-Use District was not of the zoning designation of B-2, it was left out of the Ordinance for local business, and there are quite a lot of B-2 business designations in that area. That is the only thing that is changing, just adding the B-2 General Business designation along with the, B-3 - Professional Business and R-4 Single Family Residential.

Council President Burnam opened the Public Hearing at 6:43 p.m.

No one spoke.

**DECEMBER 20, 2004
CITY OF DAPHNE, AL
CITY COUNCIL MEETING
6:30 PM**

Council President Burnam closed the Public Hearing at 6:44 p.m.

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE - Scott

The Committee met twice, on December 6th and December 13th.

MOTION BY Mr. Yelding to accept the Treasurers Report ending November 2004 with a balance of \$8,810,519.39. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mr. Scott commented on the Sales and Use Tax saying, for the month of October \$833,700.71 was collected, which was \$166,776.88 more than was budgeted. It was considerably more than was collected in 2004, which was \$697,830. He said hurricane damage is reflected in those numbers, they will not expect a 25% increase on a month to month basis. He reported the Lodging Tax collected was \$53,490.95, which was considerably more than normal. Here again they think this was storm related.

MOTION: Reject Bid - Metal Pipe

Mr. Eslava said that due to the rising price of steel and some other reasons, they have decided to stop using and stocking metal pipe and are using concrete and plastic pipe.

MOTION BY Mr. Scott to reject the bid for metal pipe. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION: Two Year Extension Franchise Agreement with See Coast Manufacturing Company

They provide the binocular equipment at the Overlook facility, and they pay a franchise and share the quarters that are put in the equipment. The contract has expired and an extension is needed.

MOTION BY Mr. Scott to give a two (2) year extension on the Franchise Agreement with See Coast Manufacturing Company. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION: SARPC - Contract Payment

Invoice presented for \$16,000, and have requested the city pay half of it.

MOTION BY Mr. Scott to pay SARPC half of the dues, \$8,000.

Mr. Yelding said the Finance Committee said they were supposed to provide information regarding what service they give the city before they pay the other \$8,000.

Mrs. Landry said they were to provide them with written information, and they have not done so as yet.

Mr. Scott restated his motion.

MOTION BY Mr. Scott to pay SARPC half of their annual dues predicated by the Council receiving the written information that they have requested. Secoded by Mr. Yelding.

Mr. Scott said Mrs. Briley would not be authorized to send that check until they have received the written information and they have notified her of that.

Council President Burnam asked Mrs. Briley if they were aware of what the city was doing?

Mrs. Briley said yes.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

B. BUILDING/PROPERTY COMMITTEE - Lake

No report.

C. PLANNING/ZONING/CODE ENFORCEMENT - Barnette

No report.

D. PUBLIC SAFETY/ORDINANCE COMMITTEE - Burnam

No report.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY - Yelding

No report. Mr. Yelding commended the Beautification Committee for a job well done in decorating the city. He asked the Council to review the Beautification minutes to see what they do for the city.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments -

There will not be a meeting in December or January.

B. Downtown Redevelopment Authority -

The Authority met last week to discuss the fountain project, which will be getting under way after the holidays. Mrs. Barnette mentioned they are still fund raising for the project, and if citizens are looking for a tax deductible donation they can still send money for the project.

C. Industrial Development Board -Yelding

No report.

D. Library Board - Lake

No report. *Mr. Palumbo* stated in the last four (4) years Library traffic has increased 80%.

E. Planning Commission - Barnette

The next meeting will be January 27th at 6:00 p.m. She mentioned that a meeting was held December 7th between Bayside Academy and Belrose residents, and another meeting will be held after the first of the year.

F. Recreation Board - Burnam

No report.

G. Utility Board - Scott

No report except, the minutes for the last four (4) meetings are in the packet.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

a.) Discuss Lake Forest motion to give the City the Lake Forest Lake.

Mayor Small said that he would like this to be discussed at a work session. He wants the Council to all be in agreement regarding this. He also would like to discuss possible grants to fix the problems up stream, and as well as how they can enhance the lake for the citizens of Daphne. He feels that they need to have several work sessions on this.

Council President Burnam asked the City Clerk to keep this on the burner, and if you will every time a work session is scheduled and he doesn't have this on the agenda to remind him about this.

b.) Update on Jubilee Courtyard

Mayor Small reported that he met with members of the Beautification Committee, and Mrs. Barnette was there also, regarding the Courtyard, with positive feed back coming out of that meeting. A committee was set up with members of the Beautification Committee and Downtown Redevelopment Authority to work together looking at that as a tool to enhance the downtown area. They will be working on that.

B. City Attorney's Report

Mr. Ross asked the Council to go into Executive Session to discuss pending litigation.

The Council decided to finish the agenda before going into Executive Session.

C. Department Heads Comments:

Chief Carpenter encouraged everyone to drive safely during the holiday season.

7. PUBLIC PARTICIPATION:

Starke Irvine - Daphne - DRA - spoke regarding Jubilee Courtyard. He handed out a memo regarding information about the park. (The handout is included in these minutes.)

Joan Crowder - Daphne - spoke regarding Jubilee Courtyard.

8. RESOLUTIONS, ORDINANCES, & OTHER BUSINESS:

RESOLUTIONS:

- a.) 2005-D-Crowd Control Barricades. /Resolution No. 2004-82
- b.) 2005-E-Asphalt. /Resolution No. 2004-83
- c.) 2005-F-Concrete Material /Resolution No. 2004-84
- d.) 2005-H-Plastic Pipe /Resolution No. 2004-85
- e.) 2005-B-Rock Material /Resolution No. 2004-86

MOTION BY Mr. Lake to waive the reading of Resolution Nos. 2004-82, 2004-83, 2004-84, 2004-85, 2004-86. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**DECEMBER 20, 2004
CITY OF DAPHNE, AL
CITY COUNCIL MEETING
6:30 PM**

**MOTION BY Mr. Lake to adopt Resolution Nos. 2004-82, 2004-83, 2004-84, 2004-85, 2004-86.
*Seconded by Mr. Scott.***

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

- a.) Amend the Land Use Ordinance / Overlay District. /Ordinance No. 2004-50**
- b.) Amend the Land Use Ordinance / Multi-Use District. /Ordinance No. 2004- 51**
- c.) Adopting a Pay and Classification Plan /Ordinance No. 2004-52**

Ordinance Nos. 2004-50, 2004-51 were made First Read.

MOTION BY Mr. Lake to *suspend the rules* to consider Ordinance 2004-52. Seconded by Mr. Yelding.

ROLL CALL VOTE

Yelding	Aye	Scott	Aye
Barnette	Aye	Landry	Aye
Lake	Aye	Palumbo	Nay
Burnam	Nay		

AYE Yelding, Barnette, Lake, Scott, Landry NAY Burnam, Palumbo

MOTION FAILED

Ordinance 2004-52 was made a First Read.

9. COUNCIL COMMENTS:

Mrs. Barnette wished everyone a Merry Christmas and Happy New Year.

**DECEMBER 20, 2004
CITY OF DAPHNE, AL
CITY COUNCIL MEETING
6:30 PM**

Mr. Lake said that the Christmas Parade was fantastic. He wished everyone a Merry Christmas and Happy New Year.

Mr. Scott agreed with Mr. Lake regarding the parade. He wished everyone a Merry Christmas and Happy New Year, and a safe one.

Mr. Palumbo wished everyone a great holiday. He commended the Beautification Committee on the Christmas decorations. He said they volunteer their time and come and put the wreaths together and do everything except climbing the poles and hang them. He asked that a letter be sent to them commending them from Council or Mr. Eslava. He wants to see that the members are recognized for all their hard work.

Council President Burnam wished everyone Happy Holidays. He clarified what happened to the pay plan, because so many employees were present. He said they will be voting on it at the first meeting in January, the reason is, he personally, and he knows some other Council members feel the same way, they feel there are some inequities in it. He feels on something as important as this, the Council as a whole, should have the same feeling on it, and at this point they don't. Regardless, it will come to a vote in January.

MOTION BY Mr. Lake to enter into Executive Session to discuss pending litigation. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

Council entered into Executive Session at 7:15 p.m.

Mr. Yelding left at 7:30 p.m.

Council returned from Executive Session at 8:05 p.m.

MOTION BY Mr. Scott to *suspend the rules* to consider a motion to authorize the Mayor and City Attorney to seek bond counsel to represent the city regarding the Aronov proposal. *Seconded by Mr. Lake.*

ROLL CALL VOTE

Barnette	Aye	Landry	Aye
Lake	Aye	Palumbo	Aye
Burnam	Aye		
Scott	Aye		

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

**DECEMBER 20, 2004
CITY OF DAPHNE, AL
CITY COUNCIL MEETING
6:30 PM**

MOTION BY Mrs. Barnette to authorize the Mayor and City Attorney to seek bond counsel to represent the city on the Aronov proposal, and to place this on the January 3, 2005 agenda. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

10. ADJOURN

MOTION BY Mr. Lake to adjourn. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:10 P.M.

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam
Council President
Date & Time Signed:

**Daphne Library Board
December 13, 2004
Meeting Minutes**

In Attendance:

Library Director Dale Foster, Board Members Glenn Swaney, Chairman, Gayle Robinson, Ernie Seckinger, Anita Rigas, and Council Representative Gus Palumbo. Absent was John Lake.

Call to Order:

After a quorum was established, Glenn Swaney called the meeting to order at 4:00 pm.

Reading and Approval of Minutes:

The minutes from the October 11, 2004 meeting were reviewed and approved.

Monthly Reports:

Reports for October and November were presented by the Director and accepted by the Board. October circulation numbers leveled off, with the impact of Hurricane Ivan still being felt. November circulation numbers were surprisingly large with another double-digit increase at a time of year when usage normally slows down. Computer usage is way up, with a waiting line occurring almost daily. The circulation numbers for the year were up about 18,000 over last year.

Personnel Action:

Mr. Foster reported filling the full-time Library Aide vacancy. Ms. Julia Adams, a former part-time Library Aide was hired. Ms. Lisa Lee, a former volunteer, was hired for the vacant part-time Library Aide position.

Library Board Meeting Schedule for 2005:

It was agreed that the Board would continue to meet on the second Monday of the month, at 4:00 pm in the Board Room of the Library.

Nominations for Vacant Library Board Position:

After discussion, Glenn Swaney moved and Ernie Seckinger seconded the motion that the name of Cassandra Day be submitted to the Council for appointment to the Library Board. Motion passed with a unanimous vote.

Faulkner Community College Adult Education Classes at Library:

It was reported by the Director that he is working with the Recreation Department to move the Faulkner Adult Education Classes to the Library due to space needs in the Rec Center. This is the only site in Daphne to offer GED preparation and testing.

Report on Conclusion of Smith Grant (Literature):

The Director informed the Board that the final report was completed on the \$5,000 literature grant from the M.W. Smith, Jr. Foundation secured through Mary Martin Riser.

Report on Conclusion of Legacy, Inc. Grant (Earth Matters Collection):

The \$2500 grant for environmental resource materials was completed.

Report on Pending Grant for Myrt Jones Collection (Earth Matters Collection):

Local environmentalist Myrt Jones has offered to sell part of her personal book collection to the Library. The Mobile Bay Natural Estuary Program has offered some money toward the purchase, with the balance coming from a yet unnamed donor. The material would fit into the Special Collections and Earth Matters Collection.

Receipt of Annual Donation from ExxonMobile:

A donation of \$1000 has been received from ExxonMobile, which will be spent on our Science and Ecology collections.

Report on Pending Public Officials Liability Claim:

Mr. Foster reported on a discrimination claim concerning computer usage filed against the Library. The claim was forwarded to the Mayor, City Attorney, and the City's insurance company. The Insurance company denied the claim, stating that the allegations were baseless, and that the Library staff had followed proper procedures and documented the event well.

Update on New Public Access Computer Network:

Mr. Foster informed the Board that Charlie Wilson is configuring the new server. Six new client PCs will soon be available. Things are moving rapidly now with the first phase of installation scheduled during the third week of January. This system will allow patrons to be authenticated directly, will monitor the time of usage, and log off automatically. Wireless access should be available in the Library by February. Mr. Swaney was thanked for constructing a custom worktable for the server.

APLS Annual Statistical Report:

The Board was presented a copy of the Alabama Public Library Service (APLS) Annual Report, showing statistics from this year and last year. Total circulation was up over 18,000 items and computer users were up to 13,000, up from 10,000 last year. The figures reflect the impact of Ivan, but overall growth continued even though we were closed for a week. Our circulation numbers are by far the highest in the County, but our staff size falls below other cities in the county. APLS recommends we have 16 staff members but we have only 9. Over the last four years our circulation increased over 80%, while only 2.5 FTE staff members were added. Discussion followed on various business issues and possibility of new revenues in the future to hire more employees. Mr. Palumbo suggested that a presentation be made to the new Council to inform them of our continued growth and continued need for more personnel.

Report on Library's Five-Year Plan:

This previously adopted Plan was sent to APLS and it was decided to include it in our presentation the Council.

Report on Library Building Expansion:

Mr. Swaney presented a timeline, including the years 2005-2010, for the new addition. The first step will be to form a Committee to oversee planning and fundraising. Discussion followed on a three year fundraising effort, which could possibly be cut short with help from the City in the form of a bond issue. This will be included in the presentation to the Council next year.

Update on Personnel Reclassification Plan:

After several months of work, the consultant hired by the City has reported back his findings. Library position salaries, currently below market value, would be brought up by the plan. Discussion followed during which the Board requested that Mr. Palumbo encourage the Council to adopt the plan. A letter from the Board will be sent to the City Clerk and Council encouraging passage of this Plan.

Upcoming Library Events:

December 16, 12:00 pm. Friends of the Library will host a luncheon for the Library Board and Library Staff.

January 5, 2005. Presentation by Lenore Vinyard Bechtel, author of *Heart in Her Pocket*, a historical novel set in Mobile at Mardi Gras.

The meeting adjourned at 6:00 pm.

Submitted by Anita Rigas

Daphne Public Library

P.O. Box 1225
Daphne, AL 36526
251-621-2818

MEMO

To: Mayor Fred Small
cc: David Cohen, City Clerk
cc: Councilman John Lake

From: Dale Foster, Library Director 

Date: December 29, 2004

Re: Nomination of Ms. Cassandra Day to the Daphne Library Board

The Library Board nominates Ms. Cassandra Day of 7498 Park Drive, Daphne, AL to serve in the vacant position on the Board.

Ms. Day will fill the unexpired term of Julie Marshall who recently resigned due to a family illness. She is nominated for the position by a unanimous vote of the Library Board.

Ms. Day has served in a variety of civic, educational, and professional positions.

Ms. Day's term will expire on September 30, 2005.

I am requesting that this item be added to the agenda for the January 3, 2005 City Council Meeting, and that Councilman John Lake make the formal nomination.

RESOLUTION NO. 2005 - 01

PREPAID TRAVEL REQUEST

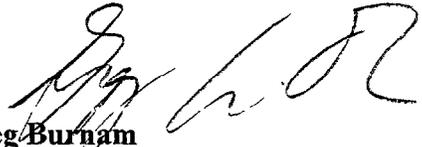
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA
HEREBY AUTHORIZES THE FOLLOWING:**

that prepaid travel expenses for the following City employees be approved for the purpose and amounts indicated below:

**David L. Cohen / ACCMA 2005 Winter Conference / January 12-14, 2005 / Prattville,
AL/ \$105.00**

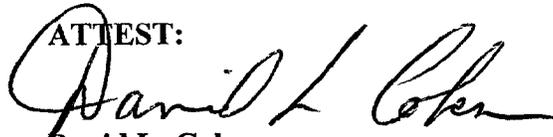
A complete expense summary with receipts will be submitted upon the return from the above conferences.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL, CITY OF
DAPHNE, ALABAMA on this 3rd day of January, 2005.**


Greg Burnam
Council President
Date & Time Signed: 1-04-05 3:30


Fred Small
Mayor
Date & Time Signed: 1-4/05 17:10

ATTEST:


David L. Cohen
City Clerk, MMC

SK/eq 11-30-04

Gene to Gene
11-23-04

ACCMA 2005 WINTER CONFERENCE

The "How-Tos" In Local Government Management

The Legends at Capitol Hill – Prattville, Alabama
January 12-13, 2005

TENTATIVE AGENDA



Wednesday, January 12, 2005

8:00 a.m. Golf Outing (Optional)
 12:30 – 1:30 p.m. ACCMA Board Meeting
 1:30 – 3:30 p.m. Registration Desk Open
 2:00 – 3:45 p.m. The "How-Tos" in Planning & Zoning
 Just What Is The Law?, Sub-division Regulations and Building Inspections, Success Stories
 4:00 – 5:45 p.m. The "How-Tos" in Recovering and Rebuilding Following Catastrophes
 When Weather Strikes, Economic Disasters, Terrorist Attacks
 5:45 p.m. Door Prize Drawing
 Evening On Your Own

Thursday continued

10:15 – Noon The "How-Tos" in Controlling the Rising Cost of Health Insurance (A Panel Discussion)
 12:00 – 1:15 p.m. President's Luncheon
 Governor Riley, Speaker (invited)
 1:30 – 3:30 p.m. Local Government At Work*
 (Off-site Tour of Successful City and County Programs)
 5:00 – 9:00 p.m. Closing Reception*
 "An Affair to Remember"
 Dinner Reception & Private Tour of Alabama Shakespeare Festival followed by Dessert Reception & Tour of Montgomery Museum of Fine Arts
 9:00 p.m. Grand Prize Drawing

Thursday, January 13, 2005

8:00 – 9:00 a.m. Registration Desk Open
 8:30 – 9:00 a.m. Business Meeting
 9:00 – 10:00 a.m. The "How-Tos" in Improving Capital Planning, Budgeting and Finance

* Transportation will be provided for both off-site events.

REGISTRATION FORM

City, County or Company Name:

City of Daphne

Address:

P.O. Box 400, 1205 Main St. Daphne

Email:

daphnecc@bellsonet

Enclosed is registration for

persons at \$125 per ACCMA Member.
persons at \$175 per Non-ACCMA Member. (\$50 will apply to 2004-2005 membership dues.)

Total amount enclosed: \$ 125.00 Make Checks Payable to: Alabama City/County Management Association

Total number of all persons attending each event: 1 LUNCHEON 1 OFF-SITE SESSION 1 RECEPTION/TOURS

Please list below the name and title of each person registering as well as their attending spouses and/or guests.

David L. Cohen City Clerk

Please reserve tee times for _____ persons to play in the GOLF OUTING on Wednesday, January 11, 2005.

Return form and payment by Friday, December 17, 2004 to:
ACCMA Winter Conference 100 North Jackson Street Montgomery, AL 36104

For room reservations at the special ACCMA rate call The Legends at 1-888-250-3767 by Sunday, December 12, 2004

RESOLUTION 2005-02

Acceptance of Streets and Drainage located in La Casa di San Francesco Subdivision, Phase II

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval and recommends acceptance of the streets located in La Casa di San Francesco Subdivision, Phase II; and,

Whereas, an inspection was made by the Director of Community Development. All reports, as well as, all other related documents are on file and the streets and drainage have been installed in conformity with City standards; and,

Whereas, the Utilities Board of the City of Daphne has accepted the utilities of La Casa di San Francesco Subdivision, Phase II; and,

Whereas, the developer has provided to the City a two-year construction warranty bond for maintenance of improvements as required by the City of Daphne Land Use and Development Ordinance; and,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that La Casa di San Francesco Subdivision, Phase II according to the plat by Hutchinson, Moore & Rauch recorded in the Judge of Probate, Baldwin County, Alabama, and said street being named Via Del San Francesco is hereby accepted by the City of Daphne, Alabama as a City street for maintenance.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE 3RD DAY OF JANUARY, 2005.

THE CITY OF DAPHNE,

AN ALABAMA MUNICIPAL CORPORATION

GREG BURHAM

COUNCIL PRESIDENT

Date & Time Signed: 1-04-05 3:30



FRED SMALL

MAYOR

Date & Time Signed: 1/4/05 17:10

ATTEST:

DAVID COHEN
CITY CLERK, MMC

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

SUBDIVISION NAME: La Casa di San Francesco Phase II

LOCATION: Pollard Road between Randall Avenue & Highway 64

THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY is made this 16th day of Nov., 2004 by Olde Towne Dev., LLC, hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as La Casa di San Francesco Subdivision to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and, Phase II:

WHEREAS, the Subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Subdivision Review, and Article XI, Minimum Requirements and Required Improvements. The Subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

WHEREAS, the Subdivider does hereby agree to provide a Maintenance Bond, as outlined in Article XVII, entitled Subdivision Review, in an amount equal to ten (10) percent of the total street and drainage improvements (\$ 7,970,30) in the subdivision for a period of two (2) years after the date of their acceptance and dedication of the same to the City. Said bond shall be required by the City as a condition to the acceptance and dedication of any new roads or rights-of-way within the City; and,

WHEREAS, the Project Engineer acting on behalf of the Subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Subdivision Review, and Article XI, Minimum Requirements and Required Improvements.

WHEREAS, the City of Daphne, Alabama, acting by and through the recommendation of the City of Daphne Planning Commission, has agreed to accept the responsibility for the maintenance of the roads and rights-of-way of said subdivision subject to a two (2) year maintenance period as described above; and,

WHEREAS, the City of Daphne has agreed to accept the property within the confines of the road right-of-way which does not include drainage or utility easements or any other improvements outside of these confines.

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Subdivider hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the recommendation of the City of Daphne Planning Commission at their regular meeting of December 16, 2004. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named _____ via del San Francesco

are hereby accepted for maintenance by the City of Daphne, Alabama as a city street.

IN WITNESS WHEREOF, the Subdivider has caused the execution of this dedication as of the date setforth above.

Respectfully submitted,

Stärke Irvine

Name of Individual or Corporation

By:

Stärke Irvine
President

Its:

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said State and County, hereby certify that Stärke Irvine, whose name as Stärke Irvine of Old Town Development, LLC Alabama corporation or as owner of instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 17th day of November, 2004

Barbara J. Thomas
NOTARY PUBLIC
(NOTARY SEAL)

My commission expires: 1-22-06

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

Recommendation:

William H. Eady, Sr.
William H. Eady, Sr., Director of Community Development
City of Daphne

Approval:

[Signature]
Planning Commission Chairman
City of Daphne

ORDINANCE NO. 2004- 50
Ordinance to Amend the City of Daphne
Land Use and Development Ordinance 2002-22

AN ORDINANCE ADDING/AMENDING THE CITY OF DAPHNE LAND USE AND DEVELOPMENT ORDINANCE NO. 2002-22, ADOPTED SEPTEMBER 3, 2002.

WHEREAS, the Planning Commission of the City of Daphne at their regular meeting held on October 28, 2004, considered certain amendments to the City of Daphne Land Use and Development Ordinance and set forth **an affirmative recommendation** to the City Council of the City of Daphne that said amendments should be affirmed; and,

WHEREAS, due notice of the said amendment has been presented 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 in regard to said amendment to the City of Daphne Land Use and Development Ordinance was held on December 20, 2004; and,

WHEREAS, the Mayor and City Council of the City of Daphne, after due consideration, deemed that the amendments requested are proper and believe it to be in the best interest of the City that said amendments be affirmed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said amendments described below are hereby adopted as follows:

SECTION 1: THE VILLAGE OVERLAY DISTRICT.

ARTICLE XXXVI

THE VILLAGE OVERLAY DISTRICT

36-1 PURPOSE

The intent of this Article is to provide for the creation of the district in order to establish minimum standards and provisions for residential, business, or commercial development in the areas outlined the map provided herein and to achieve a healthy, beautiful, and safe community by the following means:

- **Aesthetics:**

Improve the appearance of all areas through the incorporation of innovative landscaping and open space into development in ways that harmonize and enhance the natural beauty of the environment.

- **Land Values:**

Maintain and increase the value of land by incorporating innovative designs and criteria into development, thus becoming itself a valuable capital asset.

- Human Values:

Provide direct and important physical and psychological benefits to human beings through the use of landscaping and tree preservation as a buffer zone between residential and business development to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.

- Improved Design:

Promote innovative and cost conscious approach to the design and construction of the District.

- Improved Administration and Enforcement:

Establish procedures and standards for the administration and enforcement of this Article.

36-2 DEFINITIONS

(a) Multi-Use Tenant:

Property which is occupied by more than one tenant for the purpose of conducting business.

(b) Single-Use Tenant:

Property which is occupied by one tenant for the purpose of conducting business.

36-3 USES PERMITTED

The following zoning districts provided herein established and most specifically defined in Article XII, Establishment of Districts: B-1, Local Business, B-2, General Business, B-3, Professional Business, R-4, Single Family and Multi-Family Residential, and MU, Multi-Use. Article XXXV, the Table of Permitted Uses and Conditions, outlines the restrictions for each district.

36-4 SPECIAL PROVISIONS

The following shall apply:

- (a) The provisions of this Article provided herein shall require a site plan for all residential developments involving the construction of two (2) or more dwelling units, business, or commercial structures; all existing structures which increases the gross floor area by thirty (30) percent or more, construction of a park, public way, open space, public building or structure, or public utility, whether publicly or privately owned, and other uses as required by the Planning Commission.
- (b) Size of properties reserved or laid out for business, or commercial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (c) A site plan review shall be accomplished by the recommendation of the Director of Community Development and approval of the Planning Commission to assure compliance with the provisions of Land Use and Development Ordinance in conformity with its purpose as stated in Article I, as well as, applicable Building and Fire Codes, latest edition.
- (d) Said approval shall be authorization to begin work, subject to the issuance of a Site Disturbance Permit. Such approval shall become void upon one (1) year from the date of approval if no such permit has been acquired and/or if no such building or construction activity has occurred.
- (e) When all required improvements are installed, the developer/owner shall call for a final inspection. The Director of Community Development or his duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications.

36-5 PLAN CONTENT

The plan shall contain all information shown on the current departmental check list for a site plan which may be modified at the discretion of the Director of Community Development when applicable.

36-6 WAIVER

The Director of Community Development may waive certain requirements contained in this Article if, in his opinion, the requirements are not essential to a proper decision on the project; or, he may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development.

36-7 FEES

An application for site plan review shall be accompanied by the appropriate fee as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

36-8 ISSUANCE OF SITE DISTURBANCE PERMIT

Each person, firm, corporation, utility, entity or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Planning Department prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of the site plan by the Planning Commission. Fees for said permit shall be as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

36-9 ISSUANCE OF BUILDING PERMIT

Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development provided that the application is in compliance with all applicable City, County, State and Federal requirements.

36-10 PARKING REQUIREMENTS

Any business use located within the Village Overlay District with a lot frontage of fifty (50) feet shall require a minimum of four (4) parking spaces, with a lot frontage of twenty-five feet shall require a minimum of two (2) parking spaces, and shall also comply with the minimum design and improvements standards as otherwise outlined in this Ordinance and ADA requirements.

Off-street parking for multi-use developments shall be located in the rear of the building(s) adjacent to the street.

For any use for which the above referenced parking requirement cannot be met due to the unique conditions of a particular parcel of property, off-street parking spaces of the public type may be considered toward the requirements necessary to comply with the Article upon determination of the Director of Community Development and approval of the Planning Commission.

36-11 SIGNAGE

(a) Nonconformance:

Any sign in existence on the date of the adoption of this Ordinance that is not in conformance shall be considered a nonconforming sign and shall be permitted to continue to exist subject to the conditions and prohibitions set forth in the provisions of Article XXXIII, Section 33-4, Sign Provisions.

(b) Single-Use Tenant:

Signs indicating the name of a business or retail use permitted in this District with a single-use tenant shall have one (1) sign not to exceed fifteen (15) square feet in area per face, five (5) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this District with a single-use tenant may acquire an additional permit for a wall-mounted sign of a size not to exceed ten percent (10%) of the surface frontal area of its building or portion of the building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

(c) Multi-Use Tenant:

Signs indicating the name of a business or retail use permitted in this District with a multi-use tenant shall have one (1) sign not to exceed thirty-two (32) square feet in area per face, ten (10) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this District with a multi-use tenant may acquire an additional permit for a wall-mounted sign of a size not to exceed ten percent (10%) of the surface frontal area of its building or portion of building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

(d) Fees:

Signs permitted under this Article shall require a permit as more specifically enumerated in Article XXXIII, Section 33-10, Sign Provisions. Fees for each permitted sign shall be as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

36-12 SIDEWALKS

A sidewalk of a minimum six (6) feet in width shall be required to be located adjacent to the front property line and in the interior of multi-use developments.

36-13 LANDSCAPE STANDARDS

(a) General Requirements:

Any use in this District shall suitably landscape at least five percent (5%) of the subject property and also comply with the requirements of Article XIX, entitled Landscape and Tree Protection.

Innovative landscape designs to include planters and/or hanging plants, as well as, a “natural cluster of trees” may be approved if recommended by the Director of Community Development and given approval by the Planning Commission, if it is determined the landscape design is compatible with the character of the District.

More stringent design and landscape standards may be required if it is determined that the design would be more compatible with the development and more beneficial to the aesthetics of the City.

(b) Off-Street Parking Landscape Requirements:

The design and appearance of parking areas are intended to be compatible with the character of the community. Toward this objective, the following landscaping standards shall be observed in the construction of off-street parking areas:

- (1) Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas.
- (2) Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.
- (3) The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.
- (4) Adjacent residential property owners may jointly agree on the establishment of a common landscaped or fenced area between their properties which meet the requirements of this Article.

(c) Buffer Zone Requirements:

Where a business district abuts any part of a residential district, a buffer zone ten (10) feet in width shall be required. The buffer shall run the entire length of the abutting lot line(s). Under no circumstances shall this buffer impair vehicular flow and shall be part of the yard requirements. Said protection buffer shall be maintained in such a manner to accomplish its purpose continuously.

This District shall comply with the following minimum standards and said buffer zone shall be constructed of at least one of the following three (3) designs or a combination thereof as determined by the Director of Community Development and approved by the Planning Commission:

(1) Wall or Fence.

If a wall or fence of solid appearance is provided as a protection buffer, it shall be at least six (6) feet in height and of a construction and a design approved by the Planning Commission.

(2) Screen Planting Strip.

A staggered double row of Evergreen plantings at least ten (10) feet in width which will grow to at least ten (10) feet in height and spaced in a manner in which after three years it will provide an impervious visual barrier.

(3) Natural Forest.

A natural, undisturbed forest which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the width of the buffer zone shall be ten (10) feet in width and shall be included on the landscape plan.

The Director of Community Development shall determine whether the barrier is satisfactory via site inspection prior to approval.

36-14 SUPERVISION

The landscape architect shall be responsible for the supervision of all plantings. After completion, the landscape architect shall certify in writing to the City of Daphne that the submitted, approved landscape plan has been implemented and complies with the requirements of this Article.

36-15 CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued until the submitted, approved landscape plan has been implemented or a bond has been posted. Said bond shall be in an amount equal to one hundred and fifty percent (150%) of the actual landscape cost which shall be certified by a professional landscape architect.

36-16 PENALTIES

The Code Enforcement Officer of the City of Daphne shall serve the owner of said property, each person, firm or corporation engaged in the activities regulated hereunder in which the activities are being conducted in violation of any provision of this Article with a Summons and Complaint citation.

The person(s) shall be fined upon conviction, not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) and costs of the court for each offense.

36-17 SETBACKS

MINIMUM DISTRICT REQUIREMENTS

	FRONT YARD	REAR YARD	SIDE YARD	CORNER <u>LOT</u> <u>SIDE</u> <u>YARD</u>
R-4, SINGLE FAMILY	15	20	6	25
R-4, MULTI-FAMILY	15	20	a	25
B-1, LOCAL BUSINESS	10	b	b	25
B-2, GENERAL BUSINESS	10	b	b	25
B-3, PROFESSIONAL BUSINESS	10	b	b	25

- (a) When dwelling unit faces side yard, the dwelling unit shall not be less than twenty-five (25) feet from the side lot line.

- (b) None. If there is a rear alley, the setback shall be twenty-five (25) feet. When abutting a residential district it shall be not less than ten (10) feet. (See Buffer Requirements, Section 36-12).

36-18 MAXIMUM BUILDING HEIGHT

Except as otherwise provided herein, no structure shall exceed thirty-five (35) feet in height in any R-4, Single Family and Multi-Family Residential, district or more than 50 (fifty) feet in height in any Business or Multi-Use District. Structures of more than fifty (50) feet may be permitted subject to the approval of the City Council. (See Definition of Height, Building in Article VIII, entitled Definition of Terms).

36-19 DRAINAGE

Any use in this District shall comply with Article XVIII, entitled Drainage and Storm Sewers.

36-20 DISTRICT MAP

The Village Overly District Map, Exhibit B, is hereby adopted and as a part of this Ordinance. (See Appendix I, Table of Contents).

SECTION 2: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION 3: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

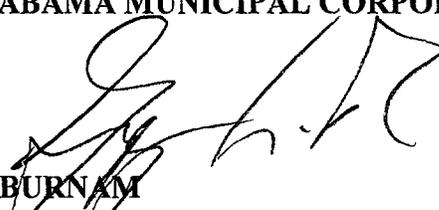
SECTION 4: EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon its adoption and publication as required by law.

APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS
3rd day of January, 2005.

THE CITY OF DAPHNE,

AN ALABAMA MUNICIPAL CORPORATION



GREG BURNAM
COUNCIL PRESIDENT

Date & Time Signed: 1-04-05 3:30



FRED SMALL
MAYOR

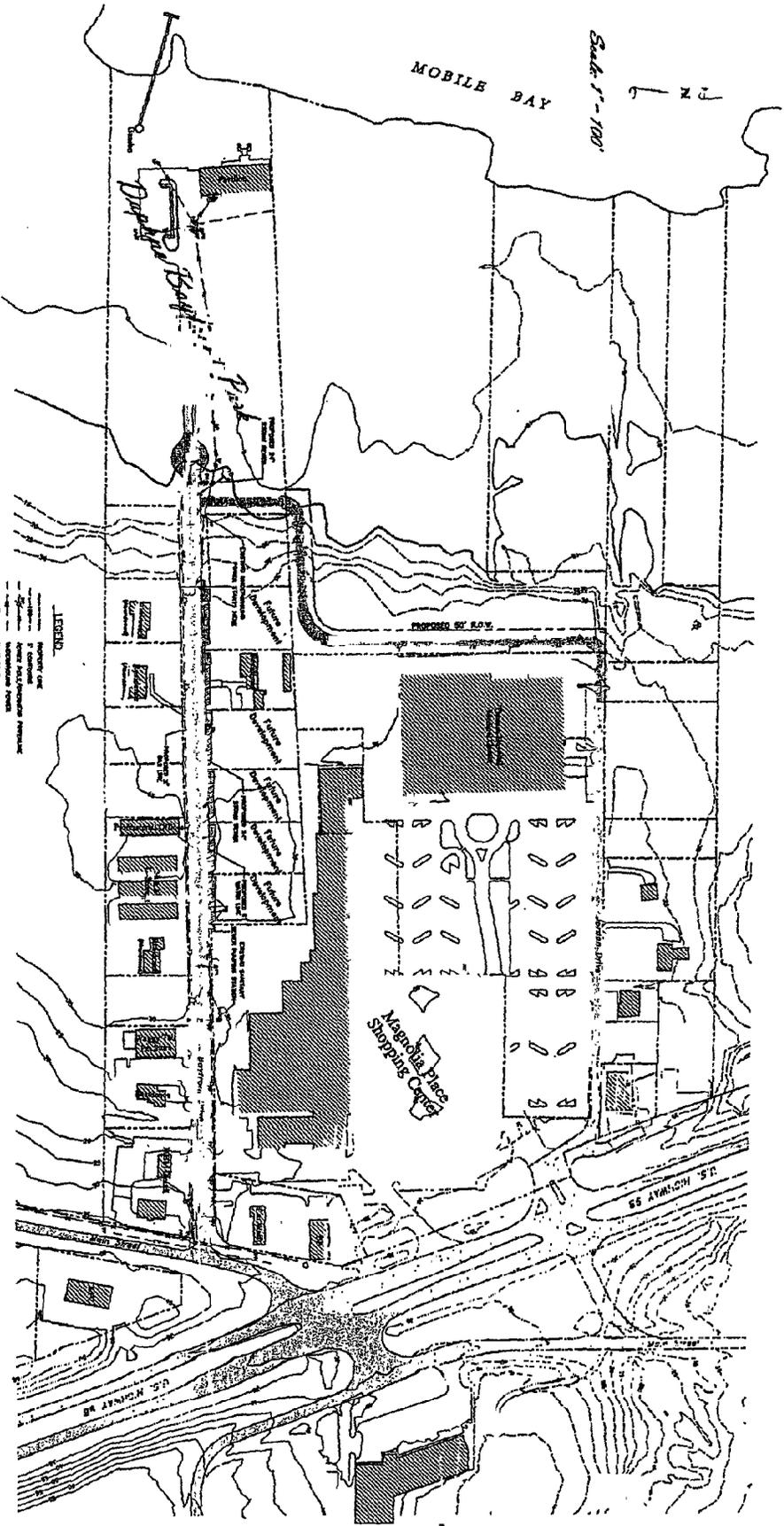
Date & Time Signed: 1/04/05 17:10

ATTEST:



DAVID L. COHEN
CITY CLERK, MMC

1
December 20, 2004



EMR
HUTCHINSON MOORE & RAUCH, LLC
MEMBERSHIP & ASSOCIATION
LAND SURVEYORS

LEGEND

- PROPOSED LOT
- PROPOSED BUILDING
- PROPOSED PARKING
- PROPOSED DRIVEWAY
- PROPOSED WALKWAY
- PROPOSED UTILITY
- PROPOSED FENCING
- PROPOSED LANDSCAPING
- PROPOSED RETENTION WALL
- PROPOSED STORM DRAIN
- PROPOSED EROSION CONTROL
- PROPOSED ACCESS POINT
- PROPOSED SURVEY LINE
- PROPOSED SURVEY POINT
- PROPOSED SURVEY STATION
- PROPOSED SURVEY MARKER
- PROPOSED SURVEY CONTROL
- PROPOSED SURVEY BENCH MARK
- PROPOSED SURVEY REFERENCE
- PROPOSED SURVEY DATUM
- PROPOSED SURVEY METHOD
- PROPOSED SURVEY ACCURACY
- PROPOSED SURVEY DATE
- PROPOSED SURVEY LOCATION
- PROPOSED SURVEY PROJECT
- PROPOSED SURVEY CLIENT
- PROPOSED SURVEY ENGINEER
- PROPOSED SURVEY SURVEYOR
- PROPOSED SURVEY ASSISTANT
- PROPOSED SURVEY OPERATOR
- PROPOSED SURVEY RECORDER
- PROPOSED SURVEY CHECKER
- PROPOSED SURVEY REVIEWER
- PROPOSED SURVEY APPROVER
- PROPOSED SURVEY SIGNATORY
- PROPOSED SURVEY SEAL
- PROPOSED SURVEY STAMP
- PROPOSED SURVEY CERTIFICATE
- PROPOSED SURVEY LICENSE
- PROPOSED SURVEY REGISTRATION
- PROPOSED SURVEY MEMBERSHIP
- PROPOSED SURVEY ASSOCIATION
- PROPOSED SURVEY SOCIETY
- PROPOSED SURVEY CLUB
- PROPOSED SURVEY ORDER
- PROPOSED SURVEY CHAPTER
- PROPOSED SURVEY DISTRICT
- PROPOSED SURVEY DIVISION
- PROPOSED SURVEY REGION
- PROPOSED SURVEY STATE
- PROPOSED SURVEY COUNTRY
- PROPOSED SURVEY CONTINENT
- PROPOSED SURVEY HEMISPHERE
- PROPOSED SURVEY GLOBE
- PROPOSED SURVEY UNIVERSE

Stacks Prairie
Engineered Drain Development
Daphnia, Missouri

ORDINANCE NO. 2004- 51

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance 2002-22**

AN ORDINANCE ADDING/AMENDING THE CITY OF DAPHNE LAND USE AND DEVELOPMENT ORDINANCE NO. 2002-22, ADOPTED SEPTEMBER 3, 2002.

WHEREAS, the Planning Commission of the City of Daphne at their regular meeting held on October 28, 2004, considered certain amendments to the City of Daphne Land Use and Development Ordinance and setforth **an affirmative recommendation** to the City Council of the City of Daphne that said amendments should be affirmed; and,

WHEREAS, due notice of the said amendment has been presented 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 in regard to said amendment to the City of Daphne Land Use and Development Ordinance was held on December 20, 2004; and,

WHEREAS, the Mayor and City Council of the City of Daphne, after due consideration, deemed that the amendments requested are proper and believe it to be in the best interest of the City that said amendments be affirmed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said amendments described below are hereby adopted as follows:

SECTION I. AMENDMENT

Article XII, Establishment of Districts, Sections 12-3, Business Districts, (d) MU, Multi-Use District of Daphne Land Use and Development Ordinance, Ordinance number 2002-22, is hereby repealed in its entirety and replaced with the following:

ARTICLE XII

ESTABLISHMENT OF DISTRICTS

(d) MU, Multi-Use District:

A multi-use district shall be limited to a combination of B-1, Local Business, B-2, General Business, B-3, Professional Business, and R-4, High Density Single Family Residential, uses. This district is established to provide opportunity to encourage the concentration of limited retail convenience goods and personal service establishments, business establishments of a professional nature, and high density residential development compatible with a good, high density living environment in a multi-use development for each residential neighborhood.

SECTION 2: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION 3: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

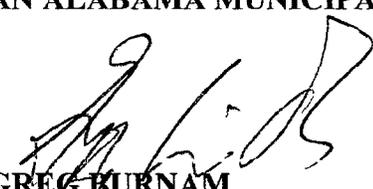
SECTION 4: EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon its adoption and publication as required by law.

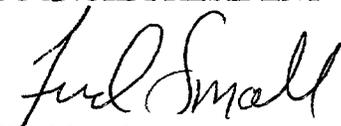
APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS
3rd day of January 2005.

THE CITY OF DAPHNE,

AN ALABAMA MUNICIPAL CORPORATION


GREG BURNAM
COUNCIL PRESIDENT

1-5-05 12:10 P.M.


FRED SMALL
MAYOR

1/6/05 08:30

ATTEST:


DAVID L. COHEN
CITY CLERK, MMC

Ordinance 2004- 52

An Ordinance Adopting a Pay and Classification Plan

WHEREAS, the City of Daphne has heretofore adopted Ordinance No. 1997-31 in order to establish a fair and equitable Pay and Classification Plan for all employees of the City of Daphne, and such Ordinance was subsequently amended by Ordinance Nos. 1998-10, and 2000-04; and

WHEREAS, such Pay and Classification Plans have not been reviewed and updated comprehensively with market data on a regular basis resulting in an outdated Pay and Classification Plan; and

WHEREAS, the City of Daphne did heretofore enter into a contract with the Archer Company (Maximus) to conduct a market study and job analysis, classification, and evaluation of all City positions; and

WHEREAS, such study has been completed and the proposed Pay and Classification Plan has been reviewed by the City Council; and

WHEREAS, the City Council believes the Pay and Classification Plan as attached hereto and made a part hereof is a viable classification and pay plan for the City of Daphne; and

WHEREAS, the Fiscal Year 2005 budget as approved by Ordinance 2004-31 includes a contingency appropriation in the amount of \$ 500,000 for the implementation of Pay and Classification Plan adjustments.

NOW, THEREFORE, BE IT ORDAINED BY THE City Council of the City of Daphne, Alabama, as follows:

Section 1: Adoption of Pay Plan Table.

The Pay Table attached as Exhibit A is hereby established as the City of Daphne Pay Table. Such Pay Table shall be amended from time to time as cost-of-living increases are approved and adopted by the City Council.

Future cost-of-living increases shall be granted at the discretion of the City Council and approved with the adoption of the budget, or at any other such time as the Council may determine. Any future cost-of-living adjustments as approved and adopted by the City Council shall be applied uniformly to all job grades and steps and the Pay Table shall be adjusted accordingly.

Section 2: Adoption of Job Classification Schedule.

The Job Classification Schedule as attached as Exhibit B is hereby established as the City of Daphne Job Classification Schedule.

Subsequent revisions or amendments to such Job Classification Schedule shall be approved by the City Council.

Section 3: Pay and Classification Plan Implementation.

The Pay and Classification Plan will be implemented as follows:

- 1) Employees currently being paid less than the minimum pay rate for their Job Classification shall be adjusted to the minimum.
- 2) All other employees whose Job Classification is within the appropriate pay range but whose current pay does not fall on a step as set forth in the Pay Table shall be adjusted to the next step up to the closest pay rate they are currently being paid.

Section 4: Release of Fiscal Year 2005 Contingency Funds.

Contingency funds are hereby approved to be released for implementation purposes as herein set forth in Section 3 (estimated to total \$ 261,539).

The remaining Fiscal Year 2005 contingency budget shall remain in reserve pending further evaluation (estimated to total \$ 238,461).

Section 5: Authorization of revisions to existing Personnel Handbook.

The Human Resources Director is hereby authorized to draft appropriate amendments to the Personnel Handbook to the extent that the provisions of this ordinance conflict with the current handbook.

Section 6: Severability.

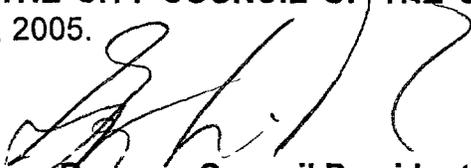
The provisions of this ordinance shall supercede any conflicting provisions of any other ordinance(s) or resolution(s) previously adopted which pertain to the establishment of a Pay and Classification Plan.

Should any provision(s) of this Ordinance be declared to be invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section 7: Effective Date.

The provisions of this ordinance shall be effective with the pay period beginning January 20, 2005:

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this 3rd day of January, 2005.


Greg Burnam, Council President
Date/Time Signed: 1-4-5 - 3:30 P.M.


Fred Small, Mayor
Date/Time Signed: 1/4/05 17:10

ATTEST:

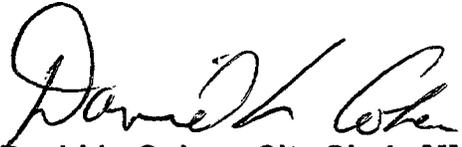

David L. Cohen, City Clerk, MMC

EXHIBIT A

City of Daphne, Alabama Pay Schedule FY2005 (Step table) Prepared by the Archer Company

GR	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	14,426	14,844	15,262	15,680	16,098	16,516	16,934	17,352	17,770	18,188	18,606	19,024	19,442	19,860	20,278	20,696	21,114	21,532	21,950	22,368
2	15,375	15,820	16,265	16,710	17,155	17,600	18,045	18,490	18,935	19,380	19,825	20,270	20,715	21,160	21,605	22,050	22,495	22,940	23,385	23,831
3	16,325	16,798	17,271	17,744	18,217	18,690	19,163	19,636	20,109	20,582	21,055	21,528	22,001	22,474	22,947	23,420	23,893	24,366	24,839	25,304
4	17,274	17,774	18,274	18,774	19,274	19,774	20,274	20,774	21,274	21,774	22,274	22,774	23,274	23,774	24,274	24,774	25,274	25,774	26,274	26,775
5	18,223	18,751	19,279	19,807	20,335	20,863	21,391	21,919	22,447	22,975	23,503	24,031	24,559	25,087	25,615	26,143	26,671	27,199	27,727	28,246
6	19,173	19,728	20,283	20,838	21,393	21,948	22,503	23,058	23,613	24,168	24,723	25,278	25,833	26,388	26,943	27,498	28,053	28,608	29,163	29,718
7	20,123	20,706	21,289	21,872	22,455	23,038	23,621	24,204	24,787	25,370	25,953	26,536	27,119	27,702	28,285	28,868	29,451	30,034	30,617	31,191
8	21,072	21,682	22,292	22,902	23,512	24,122	24,732	25,342	25,952	26,562	27,172	27,782	28,392	29,002	29,612	30,222	30,832	31,442	32,052	32,662
9	22,021	22,658	23,295	23,932	24,569	25,206	25,843	26,480	27,117	27,754	28,391	29,028	29,665	30,302	30,939	31,576	32,213	32,850	33,487	34,133
10	22,971	23,636	24,301	24,966	25,631	26,296	26,961	27,626	28,291	28,956	29,621	30,286	30,951	31,616	32,281	32,946	33,611	34,276	34,941	35,605
11	23,920	24,612	25,304	25,996	26,688	27,380	28,072	28,764	29,456	30,148	30,840	31,532	32,224	32,916	33,608	34,300	34,992	35,684	36,376	37,075
12	24,869	25,589	26,309	27,029	27,749	28,469	29,189	29,909	30,629	31,349	32,069	32,789	33,509	34,229	34,949	35,669	36,389	37,109	37,829	38,547
13	25,819	26,566	27,313	28,060	28,807	29,554	30,301	31,048	31,795	32,542	33,289	34,036	34,783	35,530	36,277	37,024	37,771	38,518	39,265	40,019
14	26,768	27,543	28,318	29,093	29,868	30,643	31,418	32,193	32,968	33,743	34,518	35,293	36,068	36,843	37,618	38,393	39,168	39,943	40,718	41,490
15	27,718	28,520	29,322	30,124	30,926	31,728	32,530	33,332	34,134	34,936	35,738	36,540	37,342	38,144	38,946	39,748	40,550	41,352	42,154	42,963
16	28,668	29,498	30,328	31,158	31,988	32,818	33,648	34,478	35,308	36,138	36,968	37,798	38,628	39,458	40,288	41,118	41,948	42,778	43,608	44,435
17	29,617	30,474	31,331	32,188	33,045	33,902	34,759	35,616	36,473	37,330	38,187	39,044	39,901	40,758	41,615	42,472	43,329	44,186	45,043	45,905
18	30,566	31,451	32,336	33,221	34,106	34,991	35,876	36,761	37,646	38,531	39,416	40,301	41,186	42,071	42,956	43,841	44,726	45,611	46,496	47,377
19	31,515	32,427	33,339	34,251	35,163	36,075	36,987	37,899	38,811	39,723	40,635	41,547	42,459	43,371	44,283	45,195	46,107	47,019	47,931	48,848
20	32,465	33,405	34,345	35,285	36,225	37,165	38,105	39,045	39,985	40,925	41,865	42,805	43,745	44,685	45,625	46,565	47,505	48,445	49,385	50,321
21	33,414	34,381	35,348	36,315	37,282	38,249	39,216	40,183	41,150	42,117	43,084	44,051	45,018	45,985	46,952	47,919	48,886	49,853	50,820	51,792
22	34,363	35,358	36,353	37,348	38,343	39,338	40,333	41,328	42,323	43,318	44,313	45,308	46,303	47,298	48,293	49,288	50,283	51,278	52,273	53,263
23	35,313	36,336	37,357	38,379	39,401	40,423	41,445	42,467	43,489	44,511	45,533	46,555	47,577	48,599	49,621	50,643	51,665	52,687	53,709	54,735
24	36,263	37,313	38,363	39,413	40,463	41,513	42,563	43,613	44,663	45,713	46,763	47,813	48,863	49,913	50,963	52,013	53,063	54,113	55,163	56,208
25	37,212	38,289	39,368	40,443	41,520	42,597	43,674	44,751	45,828	46,905	47,982	49,059	50,136	51,213	52,290	53,367	54,444	55,521	56,598	57,678
26	38,162	39,267	40,372	41,477	42,582	43,687	44,792	45,897	47,002	48,107	49,212	50,317	51,422	52,527	53,632	54,737	55,842	56,947	58,052	59,151
27	39,111	40,243	41,375	42,507	43,639	44,771	45,903	47,035	48,167	49,299	50,431	51,563	52,695	53,827	54,959	56,091	57,223	58,355	59,487	60,622
28	40,060	41,220	42,380	43,540	44,700	45,860	47,020	48,180	49,340	50,500	51,660	52,820	53,980	55,140	56,300	57,460	58,620	59,780	60,940	62,093
29	41,009	42,196	43,383	44,570	45,757	46,944	48,131	49,318	50,505	51,692	52,879	54,066	55,253	56,440	57,627	58,814	60,001	61,188	62,375	63,564
30	41,959	43,174	44,389	45,604	46,819	48,034	49,249	50,464	51,679	52,894	54,109	55,324	56,539	57,754	58,969	60,184	61,399	62,614	63,829	65,036
31	42,908	44,150	45,392	46,634	47,876	49,118	50,360	51,602	52,844	54,086	55,328	56,570	57,812	59,054	60,296	61,538	62,780	64,022	65,264	66,507
32	43,858	45,128	46,398	47,668	48,938	50,208	51,478	52,748	54,018	55,288	56,558	57,828	59,098	60,368	61,638	62,908	64,178	65,448	66,718	67,980
33	44,808	46,105	47,402	48,699	49,996	51,293	52,590	53,887	55,184	56,481	57,778	59,075	60,372	61,669	62,966	64,263	65,560	66,857	68,154	69,452
34	45,757	47,082	48,407	49,732	51,057	52,382	53,707	55,032	56,357	57,682	59,007	60,332	61,657	62,982	64,307	65,632	66,957	68,282	69,607	70,923
35	46,706	48,058	49,410	50,762	52,114	53,466	54,818	56,170	57,522	58,874	60,226	61,578	62,930	64,282	65,634	66,986	68,338	69,690	71,042	72,394
36	47,655	49,036	50,416	51,796	53,176	54,556	55,936	57,316	58,696	60,076	61,456	62,836	64,216	65,596	66,976	68,356	69,736	71,116	72,496	73,867
37	48,605	50,012	51,419	52,826	54,233	55,640	57,047	58,454	59,861	61,268	62,675	64,082	65,489	66,896	68,303	69,710	71,117	72,524	73,931	75,338
38	49,554	50,988	52,422	53,856	55,290	56,724	58,158	59,592	61,026	62,460	63,894	65,328	66,762	68,196	69,630	71,064	72,498	73,932	75,366	76,809
39	50,503	51,965	53,427	54,889	56,351	57,813	59,275	60,737	62,199	63,661	65,123	66,585	68,047	69,509	70,971	72,433	73,895	75,357	76,819	78,280
40	51,453	52,942	54,431	55,920	57,409	58,898	60,387	61,876	63,365	64,854	66,343	67,832	69,321	70,810	72,299	73,788	75,277	76,766	78,255	79,752

EXHIBIT B

City of Daphne, Alabama JOB CLASSIFICATION LISTING -- GRADE ORDER

DRAFT

This draft of the classification and compensation study has been prepared for preliminary review. This is a working document and is subject to revisions of both form and content. The study will be finalized following consultation with management and/or the governing board.

Grade:	Code: Title	FLSA	Minimum	Midpoint	Maximum
2	7545 SAIL SITE DRIVER	N	\$15,375	\$18,450	\$23,831
	7550 SAIL SITE WORKER	N	\$15,375	\$18,450	\$23,831
	2568 SCHOOL CROSSING GUARD	N	\$15,375	\$18,450	\$23,831
4	0151 CUSTODIAN	N	\$17,274	\$20,729	\$26,775
	4521 GREENHOUSE ASSISTANT	N	\$17,274	\$20,729	\$26,775
	0143 PUBLIC SERVICE WORKER	N	\$17,274	\$20,729	\$26,775
5	0028 EVENTS ASSISTANT	N	\$18,223	\$21,868	\$28,246
	7533 FITNESS ASSOCIATE	N	\$18,223	\$21,868	\$28,246
	7540 SAIL SITE MANAGER	N	\$18,223	\$21,868	\$28,246
6	7532 ATHLETIC PROGRAM ASSOCIATE	N	\$19,173	\$23,008	\$29,718
	8070 LIBRARY AIDE	N	\$19,173	\$23,008	\$29,718
	0005 OFFICE ASSISTANT	N	\$19,173	\$23,008	\$29,718
	0141 PARTS TECHNICIAN	N	\$19,173	\$23,008	\$29,718
	0144 SOLID WASTE WORKER	N	\$19,173	\$23,008	\$29,718
7	2549 ANIMAL SHELTER TECHNICIAN	N	\$20,123	\$24,147	\$31,191
	0152 CUSTODIAL SUPERVISOR	N	\$20,123	\$24,147	\$31,191
8	0128 HUMAN RESOURCES TECHNICIAN	N	\$21,072	\$25,286	\$32,662
	8041 LIBRARY SERVICES TECHNICIAN	N	\$21,072	\$25,286	\$32,662
	0030 SALES ASSISTANT	N	\$21,072	\$25,286	\$32,662
9	0010 ADMINISTRATIVE TECHNICIAN	N	\$22,021	\$26,425	\$34,133
10	1043 ACCOUNTING TECHNICIAN	N	\$22,971	\$27,565	\$35,605
	0015 ADMINISTRATIVE SECRETARY	N	\$22,971	\$27,565	\$35,605
	0023 ASSISTANT CITY CLERK	N	\$22,971	\$27,565	\$35,605
	2330 BUILDING MAINTENANCE TECHNICIAN	N	\$22,971	\$27,565	\$35,605
	0026 EVENT SERVICES SUPERVISOR	N	\$22,971	\$27,565	\$35,605
	7052 SMALL ENGINE MECHANIC	N	\$22,971	\$27,565	\$35,605

City of Daphne, Alabama
JOB CLASSIFICATION LISTING – GRADE ORDER

DRAFT

This draft of the classification and compensation study has been prepared for preliminary review. This is a working document and is subject to revisions of both form and content. The study will be finalized following consultation with management and/or the governing board.

Grade:	Code: Title	FLSA	Minimum	Midpoint	Maximum
11	2548 ANIMAL CONTROL OFFICER	N	\$23,920	\$28,704	\$37,076
	2551 COMMUNICATIONS OFFICER	N	\$23,920	\$28,704	\$37,076
	2546 CORRECTIONS OFFICER	N	\$23,920	\$28,704	\$37,076
	6850 PERMIT TECHNICIAN	N	\$23,920	\$28,704	\$37,076
	5545 PLANNING COORDINATOR	N	\$23,920	\$28,704	\$37,076
	0142 PUBLIC SERVICE WORKER, SENIOR	N	\$23,920	\$28,704	\$37,076
	0145 SOLID WASTE WORKER, SENIOR	N	\$23,920	\$28,704	\$37,076
12	2245 CODE ENFORCEMENT OFFICER	N	\$24,869	\$29,843	\$38,547
	2030 MUNICIPAL COURT MAGISTRATE	N	\$24,869	\$29,843	\$38,547
13	0020 ADMINISTRATIVE ASSISTANT	N	\$25,819	\$30,983	\$40,019
	4040 EQUIPMENT OPERATOR	N	\$25,819	\$30,983	\$40,019
	3040 FIREFIGHTER	N	\$25,819	\$30,983	\$40,019
	4540 GREENHOUSE COORDINATOR	N	\$25,819	\$30,983	\$40,019
	0521 HUMAN RESOURCES ASSISTANT	N	\$25,819	\$30,983	\$40,019
	7050 MECHANIC	N	\$25,819	\$30,983	\$40,019
	2540 POLICE OFFICER	N	\$25,819	\$30,983	\$40,019
	3043 PUBLIC FIRE & LIFE SAFETY EDUCATOR	N	\$25,819	\$30,983	\$40,019
	2533 SCHOOL RESOURCE OFFICER	N	\$25,819	\$30,983	\$40,019
	0146 SOLID WASTE COORDINATOR	N	\$25,819	\$30,983	\$40,019
14	0123 CREW LEADER	N	\$26,768	\$32,122	\$41,490
	7053 MECHANIC, SENIOR	N	\$26,768	\$32,122	\$41,490
	2535 POLICE CORPORAL	N	\$26,768	\$32,122	\$41,490
	2542 POLICE DETECTIVE	N	\$26,768	\$32,122	\$41,490
	0459 PUBLIC WORKS/EMA ASSISTANT	N	\$26,768	\$32,122	\$41,490
15	2543 POLICE DETECTIVE CORPORAL	N	\$27,718	\$33,261	\$42,963

City of Daphne, Alabama
JOB CLASSIFICATION LISTING – GRADE ORDER

DRAFT

This draft of the classification and compensation study has been prepared for preliminary review. This is a working document and is subject to revisions of both form and content. The study will be finalized following consultation with management and/or the governing board.

Grade:	Code: Title	FLSA	Minimum	Midpoint	Maximum
16	0027 AUDIO-VISUAL MANAGER	N	\$28,668	\$34,401	\$44,435
	6840 BUILDING INSPECTOR	N	\$28,668	\$34,401	\$44,435
	3030 FIRE INSPECTOR	N	\$28,668	\$34,401	\$44,435
	5540 GIS TECHNICIAN*	N	\$28,668	\$34,401	\$44,435
	8050 LIBRARY SUPV, CIRCULATION	E	\$28,668	\$34,401	\$44,435
	8040 LIBRARY SUPV, TECHNICAL SERVICES	E	\$28,668	\$34,401	\$44,435
	0130 PAYROLL/BENEFITS COORDINATOR	E	\$28,668	\$34,401	\$44,435
17	1023 ACCOUNTANT	E	\$29,617	\$35,540	\$45,906
	2545 CHIEF CORRECTIONS OFFICER	N	\$29,617	\$35,540	\$45,906
	2550 COMMUNICATIONS SUPERVISOR	N	\$29,617	\$35,540	\$45,906
	2022 MUNICIPAL COURT ADMINISTRATOR	E	\$29,617	\$35,540	\$45,906
	7530 RECREATION PROGRAMS COORDINATOR	E	\$29,617	\$35,540	\$45,906
18	2332 BUILDING MAINTENANCE SUPERVISOR	N	\$30,566	\$36,679	\$47,377
	8068 CHILDREN'S LIBRARIAN	E	\$30,566	\$36,679	\$47,377
	7023 EQUIPMENT MAINTENANCE SUPERVISOR	N	\$30,566	\$36,679	\$47,377
	4023 PUBLIC WORKS SUPERVISOR	N	\$30,566	\$36,679	\$47,377
	8045 REFERENCE LIBRARIAN	E	\$30,566	\$36,679	\$47,377
	0135 SAFETY COORDINATOR	E	\$30,566	\$36,679	\$47,377
19	2530 POLICE SERGEANT	N	\$31,515	\$37,818	\$48,848
20	3035 FIRE CAPTAIN	N	\$32,465	\$38,958	\$50,321
	3045 FIRE MARSHAL	N	\$32,465	\$38,958	\$50,321
	4024 PUBLIC WORKS SUPERVISOR, SENIOR	N	\$32,465	\$38,958	\$50,321
	1522 REVENUE OFFICER	E	\$32,465	\$38,958	\$50,321
22	1022 ACCOUNTANT, SENIOR	E	\$34,363	\$41,236	\$53,263
	4522 GROUNDS SUPERVISOR	N	\$34,363	\$41,236	\$53,263
23	7525 ATHLETIC COORDINATOR	E	\$35,313	\$42,376	\$54,735
	0022 CITY CLERK	E	\$35,313	\$42,376	\$54,735
	2528 POLICE LIEUTENANT	E	\$35,313	\$42,376	\$54,735

City of Daphne, Alabama
JOB CLASSIFICATION LISTING -- GRADE ORDER

DRAFT

This draft of the classification and compensation study has been prepared for preliminary review. This is a working document and is subject to revisions of both form and content. The study will be finalized following consultation with management and/or the governing board.

Grade:	Code: Title	FLSA	Minimum	Midpoint	Maximum
26	2526 POLICE CAPTAIN	E	\$38,162	\$45,794	\$59,151
27	6022 SUPERINTENDENT, PUBLIC WORKS	E	\$39,111	\$46,933	\$60,622
29	6822 BUILDING OFFICIAL	E	\$41,009	\$49,211	\$63,564
	0036 DIRECTOR, CIVIC CENTER	E	\$41,009	\$49,211	\$63,564
	8020 DIRECTOR, LIBRARY	E	\$41,009	\$49,211	\$63,564
	7520 DIRECTOR, RECREATION	E	\$41,009	\$49,211	\$63,564
36	1020 DIRECTOR, FINANCE	E	\$47,656	\$57,187	\$73,867
	0520 DIRECTOR, HUMAN RESOURCES	E	\$47,656	\$57,187	\$73,867
	5535 DIRECTOR, PLANNING	E	\$47,656	\$57,187	\$73,867
	3020 FIRE CHIEF	E	\$47,656	\$57,187	\$73,867
38	6019 DIRECTOR, PUBLIC WORKS	E	\$49,554	\$59,465	\$76,809
	2520 POLICE CHIEF	E	\$49,554	\$59,465	\$76,809