

**CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
MARCH 7, 2011
BUSINESS MEETING
6:30 P.M.**

- 1. CALL TO ORDER**
- 2. ROLL CALL/INVOCATION /
PLEDGE OF ALLEGIANCE**
- 3. APPROVE MINUTES:** Council meeting minutes / February 21, 2011

PROCLAMATION: Traumatic Brain Injury Month

ACKNOWLEDGE: Boy Scouts

PUBLIC HEARING: Revisions to Zoning Map

WORK SESSION AGENDA ON MARCH 14

- 4. REPORT STANDING COMMITTEES:**
 - A. FINANCE COMMITTEE / Boulware**
 - B. BUILDINGS & PROPERTY - Lake**
Review minutes / February 7th
 - C. PUBLIC SAFETY – Palumbo**
 - D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo**
Review minutes / January 12th
 - E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding**

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments – Jones**
- B. Downtown Redevelopment Authority – Barnette**
Review minutes / February 28th
- C. Industrial Development Board – Yelding**
- D. Library Board – Lake**
- E. Planning Commission – Barnette**
- F. Recreation Board – Reese**
- G. Utility Board - Scott**
Review minutes / January 26th

6. REPORTS OF OFFICERS:

- A. Mayor’s Report**
 - a.) **Appoint Voting Delegate:** Alabama League of Municipalities Convention being held April 30-May 3, 2011 in Huntsville, AL
- B. City Attorney’s Report**
- C. Department Head Comments**

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Acceptance of YMCA Property / Round-About. /Resolution 2011-20**
- b.) **Adopting Baldwin County 2010 Multi-Hazard Mitigation Plan /Resolution 2011-21**

- c.) **Commending Daphne High School & Spanish Fort High School Varsity Football Teams as the 2010 6A & 5A Champions/Resolution 2011-22**

ORDINANCES:

2ND READ

- a.) **Hiring Freeze Exception / Recreation Athletic Coordinator/Ordinance 2011-13**
- b.) **Appropriation of Funds: Playground Surfacing Material. /Ordinance 2011-15**
- d.) **Appropriation of Funds: Parks Truck Replacement. /Ordinance 2011-16**
- e.) **Hiring Freeze Exception / Recreation Program Coordinator. /Ordinance 2011-19**

1ST READ

- f.) **Revisions to Zoning Map /Ordinance 2011-20**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ __

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN BURNAM

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

COUNCILMAN BOULWARE

PRESENT__ ABSENT__ __

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ __

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ __

CITY CLERK:

DAVID L. COHEN

PRESENT__ ABSENT__

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**FEBRUARY 21, 2011
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Councilman Lake.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake; Kelly Reese; Ron Scott; Derek Boulware; August Palumbo.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; David Carpenter, Police Chief; Richard Johnson, Publics Works Director; David McKelroy, Recreation Director; Adrienne Jones, Planning Director; Richard Merchant, Building Official; Tonja Young, Library Director; Kim Briley, Finance Director; Margaret Thigpen, Civic Center Director; Vickie Hinman, Human Resource Director; Jane Ellis, Mayor's Assistant; Scott Hutchinson, City Engineer; Willie Robison, BZA; Doug Bailey, DRA, IDB.

3. APPROVE MINUTES

MOTION BY Councilman Boulware to adopt the February 7, 2011 Council meeting minutes. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to adopt the February 14, 2011 Council Work Session minutes. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PROCLAMATION: Earth Day / April 23, 2011

Mayor Small read and presented the proclamation to Mr. Gary Gover.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The committee met on February 7th, and the minutes will be in the next council packet.

C. PUBLIC SAFETY COMMITTEE – Palumbo

The minutes for the February 9th meeting are in the packet. The next meeting will be Wednesday at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

The committee did not meet in February.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The committee met before the council meeting, and the minutes will be in the next packet. The Directors report was handed out before the council meeting. The sidewalk projects are moving fast and should be done soon.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Mrs. Jones

No meeting in March.

B. Downtown Redevelopment Authority – Barnette

The next meeting will be Monday at 5:15 p.m.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

Councilman Lake reported that the Library offers computer classes, and the information is on the Library's website. They are in the process of updating the software on all the computers.

E. Planning Commission – Barnette

The commission will meet Thursday at 5:00 p.m. Mrs. Jones asked council for direction regarding the Land Use Ordinance whether they wanted the finished document to go straight to council or to a work session.

Council President Barnette stated that it can be on the March work session if it is ready.

F. Recreation Board – Reese

No report.

G. Utility Board – Scott

The next meeting will be next Wednesday at 5:00 p.m. Utilities had the ground breaking for the central facilities on Well Road.

6. REPORTS OF THE OFFICERS:

Mayor's Report

a.) Parade Permit / Arthritis Foundation / Annual 5K and 1 Mile Run / December 3, 2011

MOTION BY Councilman Palumbo to approve the Parade Permit for the Arthritis Foundation's Annul 5K and 1 Mile Run to be held on December 3, 2011. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney Report

The City Attorney stated that he sent an e-mail to the mayor and council members per Mr. Scotts request a few weeks ago regarding the issue of whether the position of mayor was required to be bonded, and the information is contained in the letter. He said at some point there is a couple of matters dealing with pending litigation to discuss in Executive Session, not at this meeting, but at a subsequent meeting, when time permits he would also like to go over a case along with Mr. Jordan who is working and a case for the city.

C. Department Head Comments

David Carpenter – Police Chief – reported on Mr. Scott's request regarding how many accidents have occurred at the round-about, and there has only been one accident which was a rear-end collision. He also reminded everyone that Mardi Gras starts Friday, and to come out, and be safe. There was a homicide yesterday, but they have made an arrest.

Margaret Thigpen – Civic Center Director – reminded everyone that Ballroom Dance is coming up April 15th, the Zydeco Festival is May 20th-22nd, and the Taste of the Eastern Shore is August 19th.

David McKelroy – Recreation Director – reported that the lights at Trione are operational. They had their first event this weekend with a soccer tournament with 40 teams, and 23 were from outside Daphne. He does not have confirmation from the hotels, but unofficially there were 130 rooms used at local hotels. They just started spring sports program. He said congratulations to the boys and girls basketball teams they both won the area. The girls fell short reaching the regionals, but the boys will be playing tomorrow night at 7:30 p.m. at the Mitchell Center at the University of South Alabama against Blount.

7. PUBLIC PARTICIPATION

Mr. Willie Robison – 560 Stuart Street – said that when council overrode the veto of the ordinance taking the mayors power away to hire and fire directors that he was allowed to speak. He does not believe that the mayor can be stopped from speaking at Public Participation.

Mr. Joe Davis – 30757 Pine Court – spoke regarding road improvements to TimberCreek Blvd. (*He handed out the statement that he read which is spread out upon these minutes.*) He urged council to adopt Resolution 2011-17.

Mr. David Chalk – TimberCreek – 8719 Chalk Court – spoke regarding road improvements to TimberCreek Blvd., and urged approval of Resolution 2011-17.

Mr. Ben Cruitt – 323 Ridgewood Drive – spoke regarding actions of council’s approval of Ordinance 2011-05.

Mr. Rod Drummond – Ridgewood Drive – spoke regarding road repairs to Ridgewood Drive.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) **Prepaid Travel...../Resolution 2011-11**
- b.) **Bid Award: Lifting Mechanism / Automated Garbage Truck / McNeilus Truck & Manufacturing...../Resolution 2011-12**
- c.) **Declaring Certain Property Surplus/Resolution 2011-13**
- d.) **Grant Application: MBNEP Stormwater Management (US EPA) Grant/Resolution 2011-14**
- e.) **Grant Application: US Fish & Wildlife Coastal Assistance Program Grant (*Invasive Species Control*)/Resolution 2011-15**
- f.) **Grant Application: Alabama State Council on the Arts Grant / (*Amphitheater Architect Design*)...../Resolution 2011-16**
- g.) **Fiscal Year 2011 Road Improvements for Timber Creek Blvd. /Resolution 2011-17**
- h.) **Remote Computer Connection for City Business. /Resolution 2011-18**
- i.) **Emergency Response Equipment Purchase Authorization: Mississippi Canyon 252 Incident (Deepwater Horizon-BP Oil Spill Grant)...../Resolution 2011-19**

MOTION BY Councilman Scott to waive the reading of Resolutions 2011-11, 2011-12, 2011-13, 2011-14, 2011-15, 2011-16, 2011-17, 2011-18 and 2011-19. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolutions 2011-11, 2011-12 and 2011-13. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR EXCEPT ABSTAIN Boulware on 2011-11 NAY Lake on 2011-13

MOTION CARRIED

MOTION BY Councilman Lake to adopt Resolution 2011-14. *Seconded by Councilman Yelding.*

AYE Yelding, Lake, Reese, Boulware, Palumbo, Barnette NAY Scott

MOTION CARRIED

MOTION BY Councilman Lake to adopt Resolution 2011-15 and Resolution 2011-16. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to adopt Resolution 2011-17. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to adopt Resolution 2011-18. *Seconded by Councilman Lake.*

MOTION BY Councilman Palumbo to amend the motion to include the City Clerk and the Public Works Director. *Seconded by Councilman Lake.*

VOTE ON THE AMENDED MOTION

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

VOTE ON THE ORIGINAL MOTION AS AMENDED

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to adopt Resolution 2011-19. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Rezone: TDG Lake Forest, LLC Property. /Ordinance 2010-73
- b.) Establishing Rules, Regulations, Rates and a Lease Agreement for the Rental of the Daphne Civic Center / Repeal Ordinances 2004-20 & 2010-49. /Ordinance 2011-08
- c.) Establishing Rules, Regulations, Rates and a Lease Agreement for the Rental of the Bayfront Park Pavilion / Repeal Ordinances 2004-21 & 2010-50. /Ordinance 2011-09
- d.) Mandatory Recycling for Municipal Buildings. /Ordinance 2011-11

1ST READ

- e.) Hiring Freeze Exception. /Ordinance 2011-13
- f.) Appropriation of Funds: Sports Complex Concession Roof Repair & Bleacher Replacements. /Ordinance 2011-14

- g.) Appropriation of Funds: Playground Surfacing Material. /Ordinance 2011-15
- h.) Appropriation of Funds: Parks Truck Replacement. /Ordinance 2011-16
- i.) Assistance to Firefighters Grant Acceptance and Match
Appropriation. /Ordinance 2011-17
- j.) 2009 CDBG: South County Road 64 Amend Project & Appropriate
Additional Engineering Fees. /Ordinance 2011-18

MOTION BY Councilman Scott to waive the reading of Ordinance 2010-73. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2010-73. *Seconded by Councilman Lake.*

The attorney for the project requested that council table the ordinance at this time so that they can go to BZA to request a variance to continue to maintain the residency so as not to lose their grandfathered status in order to keep the same number of residents in the complex.

Councilman Scott withdrew his motion. Councilman Lake withdrew his second.

ORDINANCE 2010-73 WAS TABLED.

MOTION BY Councilman Lake to waive the reading of Ordinances 2011-08 and 2011-09. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to adopt Ordinances 2011-08 and 2011-09. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to waive the reading of Ordinance 2011-11. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to adopt Ordinance 2011-11. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Yelding to suspend the rules to consider Ordinance 2011-18. *Seconded by Councilman Boulware.*

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Lake	Aye	Palumbo	Aye
Reese	Aye	Barnette	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2011-18. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Yelding to adopt Ordinance 2011-18. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Councilman Palumbo requested that the two positions listed in the Hiring Freeze Exception ordinance be separated into two (2) different ordinances.

MOTION BY Councilman Scott to suspend the rules to consider Ordinance 2011-14. *Seconded by Councilman Lake.*

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Lake	Aye	Palumbo	Aye
Reese	Aye	Barnette	Aye
Scott	Aye		

ALL IN FAVOR NAY NONE OPPOSED **MOTION CARRIED**

MOTION BY Councilman Lake to waive the reading of Ordinance 2011-14. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED **MOTION CARRIED**

MOTION BY Councilman Scott to adopt Ordinance 2011-14. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED **MOTION CARRIED**

MOTION BY Councilman Scott to suspend the rules to consider Ordinance 2011-17. *Seconded by Councilman Lake.*

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Lake	Aye	Palumbo	Aye
Reese	Aye	Barnette	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED **MOTION CARRIED**

MOTION BY Councilman Yelding to waive the reading of Ordinance 2011-17. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED **MOTION CARRIED**

MOTION BY Councilman Yelding to adopt Ordinance 2011-17. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

ORDINANCES 2011-13, 2011-15, AND 2011-16 WERE MADE A FIRST READ.

8. COUNCIL COMMENTS

Mayor Small stated that they do have two (2) council members that can sign checks, because you have to have two signatures on checks, and if Mrs. Briley or the Mayor cannot sign checks it has to be one of the council. The names need to be in the ordinance itself so they know who they are. In the past ordinances it has been the council president and pro tem. He said again that it would be good if they are in the ordinance.

Council President Barnette stated that the signatories are named in Ordinance 2010-33.

Mayor Small said he honestly believes that it is very bad business to start changing the law when you cannot meet the criteria. He thinks that is what was done tonight, and he does not feel like it was right. He feels there is a right way to do things and a wrong way, and he feels that what happened tonight was wrong. That is his opinion, people don't have a lot of confidence in government as it stands now, and he thinks they should be above board, and try to show complete transparency, and show, especially the employees when they try to hire an employee that has to be bonded, but they cannot be bonded then they cannot be hired. The council can change their own law, and he thinks that is wrong. It is wrong to state that they can do that as a body.

Councilman Scott thanked Public Works and the Beautification Committee for the work at the traffic circle. He said it is appropriate also to point out the great job Publix did on the landscaping they did on the back side of the store and on the entrance to Bayfront Drive.

Councilman Boulware stated that he and Mr. Palumbo are in agreement with the process to get roads done. They have been working on this for two (2) years which includes Lake Forest, TimberCreek and several of the intersections. He is proud of the work they have put together, and it is a testament to what this city government can do. He reported that Joe Thomas, councilman in Spanish Fort, passed away yesterday. He has served on the Spanish Fort council since 1993.

Councilman Palumbo asked the Finance Department to pay particular attention to the last paragraph of Resolution 2011-17.

Council President Barnette stated that the recycling ordinance that they adopted this evening goes along to support their package that will be submitted at the end of the week to, hopefully, bring in a 100% of an application of \$175,000. They will not know until June, but Mrs. Tracey Miller in the

**FEBRUARY 21, 2011
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Public Works office has been working extremely hard on the grant, and they certainly appreciate her efforts.

Mr. Richard Johnson, Public Works Director, announced that Saturday is Arbor Day, and from 9:00 a.m. until 3:00 a.m. they will be giving away trees at the Recreation Center.

9. ADJOURN

MOTION BY Councilman Boulware to adjourn. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 8:06 p.m.

Respectfully submitted by,

Certification by Presiding Officer:

David L. Cohen,
City Clerk, MMC

Cathy S. Barnette,
Council President

MEMORANDUM

February 21, 2011

TO - City of Daphne City Council

FROM - TimberCreek Resident - Joe Davis

SUBJECT - REPAVING TIMBERCREEK BOULEVARD

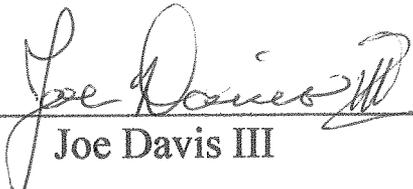
About a year ago we attended a Public Works Committee meeting regarding road repair needs. We presented pictures of the conditions on TC Blvd, the intersection of TC Blvd and Pine Run, plus the deterioration around all manholes in the middle of both streets. Facts discussed were that 668 homeowners on 738 lots travel on TC Blvd everyday and 70% must use Pine Run to get to the Blvd. Also the traffic counts make this 18 + year old road heavily traveled every day.

I recall Mr Lake commenting on the condition of the manholes & suggesting that this should be investigated. We left the meeting confident that appropriate consideration would be given and repaving TC Blvd would be added to the City Road Improvement needs list.

It has since been included in a list of 5 or 6 projects to have engineering work done (cost \$ 30,000).

It WAS NOT included in the advertising step for road improvements ??

The residence of TIMBERCREEK respectfully ask that the City Council correct the CARELESS omission of this project and to not unduly delay this much needed road improvement. If RESOLUTION 2011-17 will accomplish this, then please approve it and move forward.



Joe Davis III

Office of the Mayor
City of Daphne

PROCLAMATION

WHEREAS, Traumatic brain injury is a leading cause of death and disability among children and adults in the United States. Each year in Alabama, almost 10,000 people receive a brain injury, 500 die and 1,500 become disabled; and

WHEREAS, among children ages 0 – 14, TBI results in an estimated 2,685 deaths, 37,000 hospitalizations and 435,000 emergency visits each year in the United States; and as children are at an increased risk for long-term deficits and catastrophic consequences; and

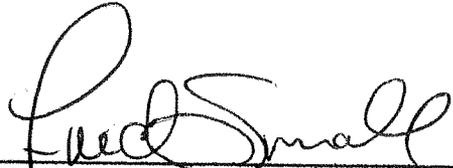
WHEREAS, leading cause of TBI are reported to be falls (28%); motor vehicle-traffic crashes (20%); struck by/against events (19%) and assaults (11%), concerns about the number of injuries sustained by those serving in Iraq and/or Afghanistan, and among athletes of all ages have also come to light; and

WHEREAS, children and adults with brain injury have unique needs for accommodations enabling maximum independence and success in activities of daily living, educational and vocational pursuits, and home and community life.

NOW THEREFORE, I, Fred Small, Mayor of the City of Daphne, do hereby proclaim the month of March 2011 as

Brain Injury Awareness Month

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of March, in the year 2011.


Mayor Fred Small

**PUBLIC HEARING LIST
FOR COUNCIL MEETING**

JANUARY 3, 2011

TO CONSIDER:

- 1. Revisions to Zoning Map**

To: Office of the City Clerk
From: Adrienne D. Jones, Community Development Director
Subject: Revised City of Daphne Zoning Map
Date: February 1, 2011

MEMORANDUM

At the January 27, 2011 regular meeting of the City of Daphne Planning Commission seven members were present and the vote carried unanimously for a favorable recommendation of the acceptance.

Please prepare an ordinance and place on the appropriate agenda for action by the City Council.

Thank you,
ADJ/jd

cc: file

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2011-**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 27, 2011 , favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2005-42, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48 and Ordinance 2008-56, Ordinance 2009-19, Ordinance 2009-60, Ordinance 2010-66; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2002-22, Ordinance 2003-06, Ordinance 2005-11, Ordinance 2005-42, Ordinance 2006-24, Ordinance 2006-73, Ordinance 2007-15, Ordinance 2007-48, Ordinance 2008-56, Ordinance 2009-19 and Ordinance 2009-60, 2010-66; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 7, 2011; and

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

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit "A" of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2002-22 and its amendments.

SECTION II: REPEALER

Ordinances Nos. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2005-42, 2006-24, 2006-73, 2007-15, 2007-48, 2008-56, 2009-19, 2009-60 and 2010-66 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA ON THE ____ DAY OF _____, 2011.**

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

**DAVID L. COHEN,
CITY CLERK, MMC**

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

Buildings & Property Committee Meeting
Monday, February 7, 2011 5:30 PM
Daphne City Hall

Committee

Councilman John Lake
Councilman August A. Palumbo
Mayor Fred Small
Richard Merchant, Building Inspector
Frank Barnett, Maintenance Supervisor
Margaret Thigpen, Civic Center Director

Committee Minutes (Summary)

Present: Councilman Gus Palumbo, Mayor Fred Small, Councilman John Lake, Richard Johnson, Public Works Director; Frank Barnett, Maintenance Supervisor; Margaret Thigpen, Civic Center Director; Jane Robbins, Richard Merchant, Building Inspector; Ashley Campbell, Selena Vaughn, Al Guarisco

Meeting began around 5:30 pm.

- A.) Minutes from January Meeting:** Motion made to approve minutes from December Meeting. Approved.

- B.) Recognition Plaque for Daphne Statue:** No representation.

- C.) Historic Marker Re-location for Jackson Oaks:** Selena Vaughn spoke for the Village Point Foundation requested that the Jackson Oak historic marker be moved from the east side of Main (north of KFC) to the west side of 98 along the sidewalk leading to Village Point. They would like for it to be done by April 15th as the Alabama Historic Association is having a meeting in this area. Richard Johnson felt like it could be moved by end of week. **Gus Palumbo made a motion to move forward with this request. Motion seconded and passed.**

Village Point Improvements – Daphne Utilities is moving forward with providing bathroom at Bay front as discussed before per Rob McElroy. They will tie in to the sewer.

There are two grant opportunities – one is for signage through the Alabama Arts Council – they have a grant that will pay for the design of the signs \$2500 with a match of the same from the City. The match funds could come from the lodging tax. March 1st deadline. **Gus made a motion that this go straight to council for approval with a**

favorable recommendation from the B & P Committee. Council will need to suspend the rules in order meet the deadline. Motion seconded and passed. Kim Briley can prepare the resolution.

The second grant is for hiring an architect to prepare a design drawing of the amphitheater. \$50-60,000 available to get with a 50% match from the city. Again, the funds could be used from the lodging tax account t. This also has a March 1 deadline or we could wait until next year. Mayor suggesting to begin researching this effort – look at the lodging tax account. He asked that the foundation give a resolution to the city with this request and make a presentation on this project. Selena agreed to do so and also mentioned that the Alabama Arts Council also has grants for construction costs when we get to that point. **Gus said this could go on the work session agenda for next Monday.**

D.) Maintenance Building – Lake Forest POA - By letter the Lake Forest POA is requesting that the City of Daphne reimburse them for out of pocket expenses as they related to the rebuilding of the maintenance building after a fire in 2009. There were certain requirements made by the Fire Marshal in order to receive a certificate of occupancy. Road resurfacing, new fire hydrant and they are asking to be reimbursed attorney's fees and rental of mini storage. Total request of \$31,469.84

Gus reported for history sake that when the building burned the LFPOA asked for a waiver and the Fire Marshal felt otherwise. Discussion included John Lake pointing out that he felt we should not have asked the LFPOA to pave the road but it was required so that the Fire Dept could have access. Richard Merchant said that part of the problem is that they (LFPOA) were grandfathered in and then hit in the end with these requirements. Mayor Small pointed out that we have to abide by fire codes regardless. **Motion was made that we send the information to Jay Ross, City Attorney, to get an opinion on the City's liability. Mayor Small will send a letter to the LFPOA letting them know we are seeking advisement on this issue.**

E.) Computer Remote Connection Authorization for City Business - Suzanne distributed a resolution that would allow certain employees to access their department's information only from a remote location such as their home and would only be accessed via City laptop computer. The League suggested that we put a policy in place for this usage for control purposes. The Department Head will give Suzanne the name(s) of employees making access and this list will be approved by Mayor Small. After reviewing the resolution **Gus Palumbo made a motion that she fine tune it a bit with regard to wording and then submit it to council for approval.**

F.) Roof Warranty At City Hall - Frank Barnett presented a request that we enter into a maintenance contract with All-South Subcontractors, Inc. for a three year period at \$875 annually. The current roof system is now out of the two (2) year contractor's warranty period leaving 17 years left on the manufacturer's warranty. **Motion made to move**

forward to Finance Committee to appropriate the funds with a favorable recommendation from the Buildings & Property Committee.

G.) Civic Center Report - Margaret reported that the Civic Center had 2 events in January for \$2745 (of this \$2350 was waived) with a net of \$395. January deposits total \$13,161.95 Bay front had 6 events for \$2955 (of this \$490 was waived) with a net of \$2465. January deposits total \$5430.00.

Upcoming events are Ballroom Dance – April 15 and Zydeco – May 20-22. Margaret asked the committee what they wanted to do about BYOB for the Ballroom Dance which is a city sponsored event. Options are a cash bar or include two drink tickets with the main ticket price. Discussion resulted in Gus Palumbo suggested we do BYOB as in the past.

Zydeco – entertainment is all in place with performance contracts being prepared for signatures. Marketing this event with the Alabama, Mississippi and Louisiana Zydeco groups. Baldwin County will not be sponsoring this event this year but Daphne Utilities will participate. Working on increasing the vendors as well.

Margaret met with the Hotels last week – partnering with them on our events and meetings. Went well.

Will be making an offer for the Event Assistant and the Sales Manager positions.

Margaret asked about whether or not we would be allowing RV Parking at the Civic Center for Mardi Gras this year. It was agreed upon that we would NOT do so and the space would only be used for emergency vehicles – **no need for an ordinance – committee can enforce this policy.**

Homebuilders Event this past weekend went with 500+ in attendance.

Mayor brought before the committee a request from the Daphne High School Quarterback Club to waive all fees for their banquet. Normally this is held at Trojan Hall but this year they would like it at the Civic Center. **Total amount of \$2419. Gus Palumbo made a motion to approve the waiver of all fees. John Lake seconded – motion passed.**

H.) Grants – Ashley Campbell brought before the committee three grant opportunities she would like to pursue.

U. S. Fish and Wildlife Coastal Assistance Program - asking for \$60,000 grant for Invasive species Control Project for Village Point Park and Bay Front Park. The city to

contribute \$3600 in in-kind labor and use \$10,000 from the lodging tax as a match. **Committee made a motion to move this request to the Finance Committee for consideration with a favorable recommendation.**

Auburn Marine Extension has asked for a list of projects that could possible qualify for grant monies available. No match from City is necessary. The other is a list of the **2010 Baldwin County Multi-Hazard Mitigation Plan** – opportunities there as well.

- I.) Building Inspection Monthly Report** - Richard Merchant reported that there were 13 new residential starts in January with 1 new commercial. The start of the New Year looks good with 105 total permits = \$4 million and the city's portion was \$35,000. **This would have resulted in \$42,000 in impact fees had this policy been in place.**

Meeting Adjourned.

Ordinance Committee

Wednesday, January 12, 2011

City Hall Council Chambers

5:30 p.m.

Councilman Kelly Reese

Councilman Gus Palumbo

Councilman Derek Boulware

I. CALL TO ORDER/MEMBERS PRESENT

Members Present: Kelly Reese, Gus Palumbo, and Derek Boulware

Others Present: David Cohen, Eric Bussey, and Marget Thigpin

II. PUBLIC PARTICIPATION

None

III. ORDINANCE REVIEW/DISCUSSION

a. Garbage Fee Posting Procedures

The committee requested to have Richard Johnson be at next meeting and go over garbage fee posting procedures.

b. Civic Center BYOB Procedure Ordinance Amendments

Ms. Thigpin presented the proposed ordinance to the committee.

Motion by Mr. Boulware Seconded by Mr. Reese To recommend to council

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

c. Surety Bond Limits for Certain Municipal Officers and Employees

Motion by Mr. Reese Seconded by Mr. Boulware To recommend to council

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

IV. OTHER BUSINESS

NONE

V. ADJOURN at 6:15 P.M.

Motion by Mr. Reese Seconded by Mr. Boulware To recommend to adjourn.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
FEBRUARY 28, 2011
5:15 P.M.**

DRAFT

1. CALL TO ORDER/ROLLCALL

Casey Zito called the meeting to order at 5:35 p.m.

Members Present: Casey Zito; Ronald Nero; Ken Balme; Kelly Hughes.

ABSENT: Laurie Gorowsky; Doug Bailey; Mary Beth Mantiply.

Also present: Rebecca Hayes, recording secretary; Michael Francis, JMF Solutions; John Rudolf, JMF Solutions.

Absent: Dorothy Morrison, Beautification Committee, Cathy Barnette, Council Liaison.

2. Adopt Minutes / January 24, 2011

**MOTION BY Ronald Nero to approve the January 24, 2011 meeting minutes.
Seconded by Kelly Hughes.**

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

3. WEBSITE

Mr. Michael Francis and Mr. John Rutherford with JMF Solutions presented a packet of information to the members regarding a website. They discussed the goals of the Authority and what the needs were. They discussed fiber optics as a way to help a city to grow economically and attract new businesses. The first step is to get a website with search engine optimization. Mr. Francis stated that the government has grants to help put the utilities underground. Mr. Francis will bring a proposal for the website to the next meeting.

4. NEXT MEETING

The next meeting will be March 28, 2011 at 5:15 p.m.

5. ADJOURN

The meeting adjourned at 6:25 p.m.

Respectfully submitted,

Downtown Redevelopment Authority



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ January 26, 2011 ♦ 5:00 p.m.

I. CALL TO ORDER

The regular January, 2011, Board meeting for the Utilities Board of the City of Daphne was held on January 26, 2011 and called to order by Chairman Robert Segalla, at 5:04 p.m.

II. ROLL CALL

MEMBERS PRESENT: Robert Segalla, Chairman
Fenton E. Jenkins, Vice Chairman
Lon Johnston, Secretary/Treasurer
Ron Scott

OTHERS ABSENT: Fred Small, Mayor

OTHERS PRESENT: Jerry Speegle – Board Attorney
Rob McElroy – General Manager
Danny Lyndall – Operations Manager
Rebecca Williamson – Finance Department
Deloris Brown – Human Resources Manager
Drew Klumpp – Administrative Services Manager
Lori Scharles – Executive Assistant
Melinda Immel – Volkert & Associates
Tim Patton – Volkert & Associates
Doug Bailey – HMR

OTHERS ABSENT: Teresa Logiotatos - Finance Manager
Ray Moore - HMR

III. PLEDGE OF ALLEGIANCE

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

IV. APPROVAL OF MINUTES

a. *Utilities Board Minutes from January 5, 2011:*

The Chairman inquired if there were any corrections noted for the submitted Minutes from the January 5, 2011, Utilities Board meeting.

MOTION BY Lon Johnston to approve the submitted Minutes for January 5, 2011; Seconded by Ron Scott.

AYE: JOHNSTON, SEGALLA, SCOTT, JENKINS ABSENT: SMALL ABSTAIN:

MOTION CARRIED

V. OLD BUSINESS

a. *Central Services Building (Property Investigation) – Update*

Melinda Immel advised that twelve contractors submitted bids for construction of the Central Services building, and

recommended awarding the contract to Case Construction for \$1,750,920.50. The pre-award meeting will be scheduled for the week of January 31, 2011. Ms. Immel responded to a question from Mr. Segalla regarding a drop dead date and construction penalty.

MOTION BY Lon Johnston to award the Construction of the Central Services Building project to Case Construction in the amount of \$1,750,920.50; Seconded by Fenton Jenkins.

AYE: JOHNSTON, SEGALLA, SCOTT, JENKINS ABSENT: SMALL ABSTAIN:

MOTION CARRIED

b. Spanish Fort Sewer Franchise issues

No updated information was reported.

c. 19 Acres - Daphne Utilities property

Rob McElroy stated that the proposal will be presented at the January 27, 2011 Planning Commission meeting. Danny Lyndall noted that these properties need to be subdivided and the administrative presentation was to determine if the subdivision needs to go before a vote of the Planning Commission.

d. Items in Abeyance:

- 1. Gas Franchise Agreement** – No current information was reported.
- 2. Sewer Only Cutoff Policy** – No updated information was reported.

VI. NEW BUSINESS – No New Business was reported.

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle had nothing further to add to his report.

VIII. FINANCIAL REPORT

Rebecca Williamson reported that the gas revenue was up in December, but noted that the gas prices were lower at this time last year. Mrs. Williamson also answered questions relating to the Check History.

IX. GENERAL MANAGER'S REPORT

a. GM Report

Rob McElroy answered questions regarding the AWPCA conference.

b. Operations Report

Danny Lyndall had nothing further to add the Operations Report.

Melinda Immel of Volkert & Associates had nothing further to add to her report.

Doug Bailey from HMR had nothing further to add to his report.

X. BOARD ACTION – None

XI. PUBLIC PARTICIPATION – None

XII. BOARD COMMENTS – None

XIII. ADJOURNMENT

MOTION BY Lon Johnston to adjourn the meeting. Seconded by Ron Scott.

AYE: JOHNSTON, SCOTT, SEGALLA, JENKINS ABSENT: SMALL ABSTAIN:

MOTION CARRIED

The meeting adjourned at 5:19 pm.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:



ALABAMA LEAGUE OF MUNICIPALITIES

P.O. Box 1270 • 535 ADAMS AVENUE • MONTGOMERY, AL 36102

334-262-2566 • FAX 334-263-0200

WWW.ALALM.ORG

PERRY C. ROQUEMORE, JR.
Executive Director

MAYOR CHARLES H. MURPHY, ROBERTSDALE
President

February 18, 2011

TO: All Mayors and Clerks
FROM: League Headquarters *PR*
SUBJECT: Voting Delegate, Annual Convention Business Meeting
ENCLOSURE: Voting Delegate Designation Form

The Annual Convention of the Alabama League of Municipalities will be held April 30 - May 3, 2011, in Huntsville, at the Von Braun Center. **The Annual Business Session will be held at 3:45 p.m. on Monday afternoon, May 2, at the Convention Center. Please note the date and time change from past years.**

The League Constitution contains the following provision pertaining to voting powers at the annual convention business session:

"Each member municipality shall have one vote in the Convention proceedings of the League, such vote to be cast by the delegate authorized by the governing body of such town or city. The League shall send to the mayor of each member municipality a form to be used by the municipal governing body to designate the municipality's voting delegate, first alternate voting delegate and second alternate voting delegate. In order for the municipality to be eligible to cast its vote during convention proceedings, the official delegate designation form must be returned to the League Headquarters not later than fifteen (15) days prior to the first day of the Annual Convention."

In accordance with the League Constitution, a copy of the official Voting Delegate Authorization Form, which should be used by your municipal governing body to designate the official voting delegate and alternates eligible to cast the municipality's vote during the business session of the convention, is being sent to each mayor. An additional copy is being sent to each clerk, but **only one completed form** should be returned by each League member municipality.

Please have the enclosed form completed and returned to the League by April 15, so that your city or town will be eligible to cast its vote at the convention.

We look forward to seeing a good delegation from your municipality in Mobile.

Serving Alabama's municipalities since 1935.

COPY

VOTING DELEGATE AUTHORIZATION FORM

This form must be returned to
THE ALABAMA LEAGUE OF MUNICIPALITIES NO LATER THAN APRIL 15, 2011,
in order for the municipality named below to be eligible to have its designee cast a vote at the
Official Business Session of the League on Monday Afternoon,
May 2, 2011 at 3:45 p.m., in the Von Braun Center in Huntsville.

The following person(s)* is authorized to cast the municipality's vote at the business session of the annual convention of the Alabama League of Municipalities on April 15, 2011:

Please print the requested information.

Voting Delegate:

Name/Title

**1st Alternate
Voting Delegate:**

Name/Title
(To vote only in absence of Voting Delegate)

**2nd Alternate
Voting Delegate:**

Name/Title
(To vote only in absence of Voting Delegate & 1st Alternate)

IMPORTANT NOTICE

**THE LEAGUE CONSTITUTION REQUIRES THAT VOTING
DELEGATES AND ALTERNATES BE
ELECTED MUNICIPAL OFFICIALS.**

Completed by:

(Please Print)

Title:

City/Town:

Date:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

**CITY COUNCIL MEETING
RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS**

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

CITY OF DAPHNE

RESOLUTION NO. 2011-20

Acceptance of YMCA Property

WHEREAS, the YMCA of South Alabama, Inc. Formerly Known As YMCA of Metropolitan Mobile, Inc., an Alabama Corporation, desires to grant, bargain, donate and convey to the City of Daphne, Alabama a certain parcel of real property for use as a Right of Way for a Public Road, and;

WHEREAS, the City of Daphne desires to accept the herein described real property, and;

WHEREAS, said property is located within the corporate limits of the City of Daphne, Baldwin County, Alabama and is more particularly described as follows:

Commencing at the Southwest Corner of Section 9, Township 5 South, Range 2 East; thence run N-0000'00"-W, 29.80 feet to a point; thence run S-9000'00"-E, 40.17 feet to a point on the East right-of-way line of Pollard Road, and the Point of Beginning; thence run N-0011'42"-E, along said East right-of-way line, 64.21 feet to a point; thence run S-5643'50"-E, leaving said East right-of-way line 117.97 feet to a point on the North right-of-way line of Whispering Pines Road; thence run N-8942'29"-W, along said North right-of-way line 98.85 feet to the Point of Beginning, lying in Section 9, Township 5 South, Range 2 East, containing 0.07 acres, more or less.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the above described property is hereby accepted by the City of Daphne, Alabama.

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

**CATHY BARNETT
COUNCIL PRESIDENT**

**FRED SMALL
MAYOR**

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

**CITY OF DAPHNE
RESOLUTION NO. 2011-21**

ADOPTING THE 2010 BALDWIN COUNTY MULTI-HAZARD MITIGATION PLAN

WHEREAS, The Federal Disaster Mitigation Act of 2000 (DMA 2000), as administered by the Alabama Emergency Management Agency (AEMA) and the Federal Emergency Management Agency (FEMA) provides Federal assistance to local governments to alleviate suffering and damage from disasters, and broadens existing relief programs to encourage disaster preparedness plans and programs, coordination and responsiveness, insurance coverage, and hazard mitigation measures; and

WHEREAS, the DMA 2000 requirements for local mitigation plans are set forth in 44 C. F. R. Section 201.6 and the Local Multi-Hazard Mitigation Planning Guidance, FEMA, July 1, 2008 (Federal planning criteria); and

WHEREAS, as a prerequisite for Baldwin County and each Municipal jurisdiction to continue to qualify for FEMA mitigation grant assistance programs, the DMA 2000 requires the five year update of the Baldwin County, Alabama Natural Hazards Mitigation Plan, which was approved by FEMA on February 2, 2005; and

WHEREAS, the AEMA has awarded a planning grant funded through the FEMA Hazard Mitigation Grant Program (HMGP) to the Baldwin County EMA to fund 75% of the total cost of the five year plan update for all jurisdictions within Baldwin County; and

WHEREAS, the 2010 Baldwin County Multi-Hazard Mitigation Plan has been prepared in accordance with DMA 2000 requirements under the direction of the Baldwin County Hazard Mitigation Committee with the support of the Baldwin County EMA, on behalf of all the jurisdictions within Baldwin County; and

WHEREAS, said mitigation plan addresses all natural hazards deemed to threaten property and persons within the unincorporated and incorporated areas of Baldwin County; and

WHEREAS, the Federal planning criteria require formal adoption of the FEMA-approved plan update by each participating jurisdiction.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the 2010 Baldwin County Multi-Hazard Mitigation Plan is hereby adopted and immediately made effective.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____ 2011.

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**

Denise Penry

From: Leigh Anne Ryals <LRYALS@baldwincountyal.gov>
Sent: Thursday, February 03, 2011 8:47 AM
To: Al Thompson; Andy Bauer; Arthur Bourne; Ashley Campbell; Barry Fulford; Bert Campbell; Bob holk; Bridget M. Wilson; bruce renkert; Colette Boehm; David Wilson; Denise Penry; Doug Creighton; Ed Vaughn; hartly Brokenshaw; J.T. Abbott; James Davis; Jenni Guerry; Joey Darby; Joseph Bouzan; keith Martin; Kenny Mcilwain; Landon K. Smith; Marcus Flint; Mike Howell; Nancy Mackey; Phil Bryars; Rachel Keith; Randy Bishop; Raymond Lovell; Richard Carson; steve kirkpatrick; Steven Irvin; susan bozeman; Teddy King; Thomas Hudson; Neal T. Stuart; Wayne Dyess
Subject: Mitigation Plan Adoption
Attachments: _Certification_.txt

Dear Committee Members,

The Baldwin County Commission passed by resolution the adoption of the Baldwin County Hazard Mitigation Plan on Tuesday, February 1, 2011. Each Municipality must do the same in order to be eligible for FEMA Hazard Mitigation Funds. A copy of the plan can be found on the Baldwin County Commission web-site under the EMA sub-heading and clicking on the Hazard Mitigation link. Please let me know if you are unable to access the plan or need the plan provided to you on a disc. The sample resolution for adoption can be found in the Appendix section of the document.

I have been very fortunate to have worked with such wonderful people in completing this project! Thank you for all your hard work. Please let me know if you need my assistance in getting the document approved by your city council.

Thanks Again!
Leigh Anne Ryals
Baldwin County EMA

Community Action Programs 2010 Baldwin County Multi-Hazard Mitigation Plan

2.3 Daphne Community Action Program

Daphne Community Action Program						
#	Goal, Objectives and Mitigation Measures	Lead Responsibility for Carrying Out Measure	Priority	Timeline	Funding Source	Estimated Cost
1	<u>Goal for Prevention:</u> Manage the development of land and buildings to minimize risks of loss due to natural hazards.					
1.1	Comprehensive Plans and Smart Growth. Establish an active comprehensive planning program that is consistent with Smart Growth principles of sustainable community development.					
1.1.1	Maintain up-to-date comprehensive plans for all jurisdictions. Each plan should address natural hazards exposure and include long-term disaster resistance measures. The vulnerability and environmental suitability of lands for future development should be clearly addressed. Local plans should assess the vulnerability of designated hazard areas and encourage open space planning to create amenities for recreation and conservation of fragile resources.	Community Development Department	High	Short-Range	Local Funds	TBD
1.1.2	Integrate the findings and recommendations of this plan into comprehensive plan amendments for jurisdictions with active comprehensive planning programs.	Community Development Department	Medium	Mid-Range	Local Funds	TBD
1.1.3	Prepare a five-year capital improvements plan (CIP) to include capital projects that implements the natural hazards element of the community's comprehensive plan or projects identified in the Community Mitigation Action Program of this multi-hazard mitigation plan.	Mayor and City Council	Medium	Mid-Range	Local Funds	TBD

Daphne Community Action Program						
#	Goal, Objectives and Mitigation Measures	Lead Responsibility for Carrying Out Measure	Priority	Timeline	Funding Source	Estimated Cost
1.2	Geographic Information Systems (GIS). Maintain a comprehensive database of hazards locations, socio economic data, infrastructure, and critical facilities inventories.					
1.2.1	Maintain a centralized, countywide natural hazards and risk assessment database in GIS that is accessible to local planners and emergency management personnel, including such data as, flood zones, geohazards, major drainages structures, dams/levees, hurricane surge areas, tornado tracks, disaster events and their extents, and a comprehensive inventory of critical facilities within all jurisdictions.	Baldwin County EMA	High	Short-Range	HMA	TBD
1.2.4	Mark depths of flooding and storm surge immediately after each event. Enter and maintain these historical records in GIS.	Community Development Department	Medium	Mid-Range	Local Funds	TBD
1.3	Planning Studies. Conduct special studies, as needed, to identify hazard risks and mitigation measures.					
1.3.2	Identify existing culturally or socially significant structures and critical facilities within Baldwin County that have the most potential for losses from natural hazard events and identify needed structural upgrades.	Community Development Department	Medium	Mid-Range	Local Funds	TBD
1.3.3	Evaluate elevation and culvert sizing of existing roadways in flash flood-prone areas to ensure compliance with current standards for design year floods, and develop a program for construction upgrades as appropriate.	Community Development Department	Medium	Mid-Range	Local Funds	TBD

Daphne Community Action Program						
#	Goal, Objectives and Mitigation Measures	Lead Responsibility for Carrying Out Measure	Priority	Timeline	Funding Source	Estimated Cost
1.3.4	Inventory and map existing fire hydrants throughout the jurisdiction, and identify areas in need of new fire hydrants.	Community Development Department	Medium	Mid-Range	Local Funds	TBD
1.3.5	Identify problem drainage areas, conduct engineering studies, evaluate feasibility, and construct drainage improvements to reduce or eliminate localized flooding.	Community Development Department	Medium	Mid-Range/Ongoing	FEMA HMA Grant	TBD
1.4	Zoning. Establish effective zoning controls, where applicable, to vulnerable land areas to discourage environmentally incompatible land use and development.					
1.4.1	Consider large lot size restrictions on flood prone areas designated on Flood Insurance Rate Maps.	Community Development Department	Medium	Mid-Range	Local Funds	TBD
1.4.2	Evaluate additional land use restrictions within designated flood zones, such as prohibition of storage of buoyant materials, storage of hazardous materials, restrictive development of flood ways, among others.	Community Development Department	Medium	Mid-Range	Local Funds	TBD
1.4.3	Require delineation of flood plain fringe, floodways, and wetlands on all plans submitted with a permit for development within a flood plain.	Community Development Department	Medium	Mid-Range	Local Funds	TBD
1.4.4	Enact local ordinance that requires community storm shelters within sizeable mobile home parks and subdivisions.	Community Development Department	Medium	Mid-Range	Local Funds	TBD

Community Action Programs 2010 Baldwin County Multi-Hazard Mitigation Plan

Daphne Community Action Program						
#	Goal, Objectives and Mitigation Measures	Lead Responsibility for Carrying Out Measure	Priority	Timeline	Funding Source	Estimated Cost
1.5	<u>Open Space Preservation.</u> Minimize disturbances of natural land features and increased storm water runoff through regulations that maintain critical natural features such as open space for parks, conservation areas, landscaping, and drainage.					
1.5.1	Examine regulatory options and feasibility of requiring open space areas for recreation, landscaping, and drainage control.	Community Development Department	Medium	Long-Range	Local Funds	TBD
1.6	<u>Flood Plain Management Regulations.</u> Effectively administer and enforce local floodplain management regulations.					
1.6.1	Train local flood plain managers through programs offered by the State Flood Plain Coordinator or FEMA's training center in Emmitsburg, Maryland.	Mayor and City Council	High	Short-Range	Local Funds	TBD
1.6.2	Maintain a library of technical assistance and guidance materials to support the local floodplain manager.	City Floodplain Manager	High	Short-Range	Local Funds	TBD
1.6.3	Promote the adoption of uniform flood hazard prevention ordinance among all NFIP communities. The ordinance standards should encourage flood plain management that maintains the natural and beneficial functions of flood plains by maximizing the credits that could be obtained for "Higher Regulatory Standards" under the Community Rating System (CRS) Program.	City Floodplain Manager	High	Short-Range	FEMA HMA Grant	TBD
1.6.4	Maintain membership for locally designated flood plain managers in the Association of State Flood Plain Managers and the Alabama Association Flood Plain Managers and encourage active participation.	City Floodplain Manager	High	Short-Range	Local Funds	TBD

Daphne Community Action Program						
#	Goal, Objectives and Mitigation Measures	Lead Responsibility for Carrying Out Measure	Priority	Timeline	Funding Source	Estimated Cost
1.6.5	Participate in the "Turn Around Don't Drown" program by purchasing and installing signs in known flash flood bridge overpass locations.	City Floodplain Manager	High	Short-Range	Local Funds	TBD
1.7	Building and Technical Codes. Review local codes for effectiveness of standards to protect buildings and infrastructure from natural hazard damages.					
1.7.1	Promote good construction practices and proper code enforcement to mitigate structural failures during natural hazard events.	Building Inspection Department	High	Ongoing	Local Funds	TBD
1.7.2	Evaluate and revise as appropriate, building codes for roof construction to maximize protection against wind damage from hurricanes, tornadoes, and windstorms; encourage installation of "hurricane clips."	Building Inspection Department	High	Ongoing	Local Funds	TBD
1.7.3	Relocate existing utility lines underground, where feasible and cost effective, and require, through local subdivision and land development regulations, the placement of all new utility lines underground for large residential subdivisions and commercial developments.	Community Development Department	High	Ongoing	Local Funds	TBD
1.7.4	Ensure fire safety ordinances properly regulate open burning, the use of liquid fuel and electric space heaters.	Building Inspection Department	High	Ongoing	Local Funds	TBD
1.7.5	Establish and enforce minimum property maintenance standards that reduce or eliminate unsafe structures.	Building Inspection Department	High	Ongoing	Local Funds	TBD

Community Action Programs 2010 Baldwin County Multi-Hazard Mitigation Plan

Daphne Community Action Program						
#	Goal, Objectives and Mitigation Measures	Lead Responsibility for Carrying Out Measure	Priority	Timeline	Funding Source	Estimated Cost
1.8	Landscaping Ordinances. Establish minimum standards for planting areas for trees and vegetation to reduce storm water runoff and improve urban aesthetics.					
1.8.1	Review and revise as necessary, landscaping standards for parking lots that reduce the size of impervious surfaces and encourage natural infiltration of rainwater.	Community Development Department	Medium	Long-Range	Local Funds	TBD
1.8.2	Establish ordinances to help mitigate fire hazards related to fuel buildup due to recent hurricanes, by raising tree canopies close to homes, thinning forests near urban areas, and removing trees that are too close to homes.	Community Development Department	Medium	Long-Range	Local Funds	TBD
1.8.3	Establish ordinance for the planting of new urban forests or replacement of hurricane damaged urban forests using hurricane resistant tree species to mitigate wind and erosion problems, help beautify and promote healthy urban environments and reduce heating, cooling and storm runoff costs.	Community Development Department	Medium	Long-Range	Local Funds	TBD
1.9	Storm Water Management. Manage the impacts of land development on storm water runoff rates and to natural drainage systems.					
1.9.1	Promote the adoption/enforcement of storm water management regulations that maintain pre-development runoff rates.	Community Development Department	Medium	Ongoing	Existing	TBD
1.9.2	Develop, adopt and implement subdivision regulations that require proper storm water infrastructure design and construction.	Community Development Department	Medium	Ongoing	Existing	TBD
1.11	Community Rating System Program (CRS). Increase participation of NFIP member communities in the CRS Program.					

Community Action Programs 2010 Baldwin County Multi-Hazard Mitigation Plan

Daphne Community Action Program						
#	Goal, Objectives and Mitigation Measures	Lead Responsibility for Carrying Out Measure	Priority	Timeline	Funding Source	Estimated Cost
1.11.1	Apply for/maintain membership in the CRS Program; continue to upgrade rating.	City Floodplain Manager	Medium	Long-Range	Local Funds	TBD
1.12	Critical Facilities Assessments. Perform assessments of critical facilities (hospitals, schools, fire and police stations, emergency operation centers, special needs housing, and others) to address building and site vulnerabilities to hazards, identify damage control and retrofit measures to reduce vulnerability to damage and disruption of operations during severe weather and disaster events.					
1.12.1	Perform vulnerability assessments of critical facilities to identify retrofit projects to improve the safety of occupants and mitigate damages from hazards.	Community Development Department	Medium	Long-Range	FEMA HMA Grant	TBD
2	Goal for Property Protection. Protect structures and their occupants and contents from the damaging effects of natural hazards.					
2.1	Building Relocation. Relocate buildings out of hazardous flood areas to safeguard against damages and establish permanent open space.					
2.1.1	Pursue FEMA grant funds to relocate buildings and infrastructure out of hazardous flood areas, with emphasis on pre-FIRM residential buildings, where deemed more cost effective than property acquisition or building elevation.	Building Inspection Department	High	Short-Range	FEMA HMA Grant	TBD
2.2	Acquisition. Acquire flood prone buildings and properties and establish permanent open space.					
2.2.1	Pursue grant funds to acquire and demolish flood prone or substantially damaged structures and replace with permanent open space.	Building Inspection Department	High	Short-Range	FEMA HMA Grant	TBD

Daphne Community Action Program						
#	Goal, Objectives and Mitigation Measures	Lead Responsibility for Carrying Out Measure	Priority	Timeline	Funding Source	Estimated Cost
2.2.2	Utilize the recent NFIP repetitive loss property list, and other appropriate sources, to create and maintain a prioritized list of acquisition mitigation projects based on claims paid.	Building Inspection Department	High	Short-Range	FEMA HMA Grant	TBD
2.3	<u>Building Elevation.</u> Elevate buildings in hazardous flood areas to safeguard against damages.					
2.3.1	Pursue grant funds to subsidize the elevation of certain buildings in flood prone areas where acquisition or relocation is not feasible, with emphasis on Pre-FIRM buildings; where feasible, elevation is preferable to flood proofing.	Building Inspection Department	High	Short-Range	FEMA HMA Grant	TBD
2.3.2	Pursue grant funds to repair, elevate and weatherize existing homes for low- to moderate-income families.	Building Inspection Department	High	Short-Range	FEMA HMA Grant	TBD
2.4	<u>Flood Proofing.</u> Encourage flood proofing of buildings in hazardous flood areas to safeguard against damages.					
2.4.1	Pursue FEMA grant funds for flood proofing pre-FIRM non-residential buildings, where feasible.	Building Inspection Department	High	Short-Range	FEMA HMA Grant	TBD
2.5	<u>Building Retrofits.</u> Retrofit vulnerable buildings to protect against natural hazards damages, including flooding, high winds, tornadoes, hurricanes, severe storms, and earthquakes.					

Daphne Community Action Program						
#	Goal, Objectives and Mitigation Measures	Lead Responsibility for Carrying Out Measure	Priority	Timeline	Funding Source	Estimated Cost
2.5.1	Pursue FEMA grant funds to retrofit existing buildings, critical facilities, and infrastructure against potential damages from natural and manmade hazards.	City Floodplain Manager	Medium	Ongoing	FEMA HMA Grant	TBD
2.5.2	Provide technical advisory assistance to building owners on available building retrofits to protect against natural hazards damages.	City Floodplain Manager	Medium	Ongoing	Local Funds	TBD
2.6	Hazard Insurance Awareness. Increase public awareness of flood insurance and special riders that may be required for earthquake, landslide, sinkhole, and other damages typically not covered by standard property protection policies.					
2.6.1	Promote the purchase of insurance coverage by property owners and renters for flood damages in high-risk areas.	City Floodplain Manager	Medium	Ongoing	Local Funds	TBD
2.7	Critical Facilities Protection. Protect critical facilities from potential damages and occupants from harm in the event of hazards through retrofits or relocations of existing facilities located in high-risk zones or construction of new facilities for maximum protection from all hazards.					
2.7.1	Install lightning and/or surge protection on existing critical facilities.	Building Inspection Department	High	Ongoing	Local Funds	TBD
2.8	Back Up Power: Assure uninterrupted power supplies during emergency events.					
2.8.1	Pursue grant funding for the installation of back up power generators for critical facilities.	Community Development Department	Medium	Ongoing	FEMA HMA Grant	TBD
3	Goal for Public Education and Outreach. Educate and inform the public about the risks of hazards and the techniques available to reduce threats to life and property.					

Daphne Community Action Program						
#	Goal, Objectives and Mitigation Measures	Lead Responsibility for Carrying Out Measure	Priority	Timeline	Funding Source	Estimated Cost
3.2	Outreach Projects. Conduct regular public events to inform the public of hazards and mitigation measures.					
3.2.1	Continue to participate in environmental awareness events to provide the public information on hazard exposure and mitigation measures, such as City/County Day, Hurricane Awareness Week, and Severe Weather Week.	Community Development Department	Medium	Ongoing	Local Funds	TBD
3.2.2	Conduct materials distribution, via the internet and other media, and other outreach activities and workshops to encourage families and individuals to implement hazard mitigation measures in their homes.	Community Development Department	Medium	Mid-Range	Local Funds	TBD
3.2.4	Distribute outreach materials to citizens, builders and business owners inquiring about a flood problem, a building permit or other natural hazard related questions.	Local Floodplain Manger	Medium	Ongoing	Local Funds	TBD
3.3	Real Estate Disclosure. Encourage real estate agents to disclose flood plain location for property listings.					
3.3.2	Consider the enactment of a local ordinance or state law to require floodplain location disclosure when a property is listed for sale.	Local Floodplain Manger	Medium	Long-Range	Local Funds	TBD
3.6	Community Hazard Mitigation Plan Distribution. Distribute the hazard mitigation plan to elected officials, interested agencies and organizations, businesses, and residents, using all available means of publication and distribution.					
3.6.1	Distribute the 2010 plan to local officials, stakeholders, and interested individuals through internet download.	Baldwin County EMA	High	Short-Range	Existing	TBD
3.7	Technical Assistance. Make qualified local government staff available to advise property owners on various hazard risks and mitigation alternatives.					

Community Action Programs

2010 Baldwin County Multi-Hazard Mitigation Plan

Daphne Community Action Program						
#	Goal, Objectives and Mitigation Measures	Lead Responsibility for Carrying Out Measure	Priority	Timeline	Funding Source	Estimated Cost
3.7.1	Provide technical assistance to homeowners, builders, and developers on flood protection alternatives.	Local Floodplain Manger	High	Ongoing	Local Funds	TBD
3.8	Mass Media Relations. Utilize all available mass media, such as, newspapers, radio, TV, cable access, internet blogs, podcasts, video sharing, and on-line social networking to increase public awareness and distribute public information on hazard mitigation topics.					
3.8.1	Maintain appropriate media relationships to ensure the public is informed of hazard threats and means to mitigate property damages and loss of life.	Mayor and City Council	Medium	Ongoing	Local Funds	TBD
3.9	Weather Radios. Improve public access to weather alerts.					
3.9.3	Pursue grant funding to distribute weather radios and emergency response instructions to municipal residents.	Mayor and City Council	High	Short-Range	Existing	TBD
4	Goal for Natural Resources Protection. Preserve and restore the beneficial functions of the natural environment to promote sustainable community development that balances the constraints of nature with the social and economic demands of the community.					
4.2	River/Stream Corridor Restoration and Protection. Restore and protect river and stream corridors within areas.					
4.2.1	Keep builders and developers informed of Federal wetlands permitting requirements of the Corps of Engineers.	Community Development Department	Medium	Mid-Range	Local Funds	TBD
4.2.2	Adopt and/or enforce regulations prohibiting dumping and littering within river and stream corridors.	Community Development Department	Medium	Long-Range	Local Funds	TBD
4.4	Beach and Dune Protection/Renourishment. Protect beaches and dunes from coastal and man-made erosion and renourish.					

Community Action Programs 2010 Baldwin County Multi-Hazard Mitigation Plan

Daphne Community Action Program						
#	Goal, Objectives and Mitigation Measures	Lead Responsibility for Carrying Out Measure	Priority	Timeline	Funding Source	Estimated Cost
4.4.1	Restore and protect wetlands to enhance stormwater drainage.	Community Development Department	Medium	Long-Range	Local Funds	TBD
4.5	Water Resources Conservation Programs. Protect water quantity and quality through water conservation programs to mitigate the effects of droughts and assure uninterrupted potable water supplies.					
4.5.1	Enforce water use restrictions during periods of drought to conserve existing water supplies.	Community Development Department	High	Short-Range	Local Funds	TBD
5	Goal for Structural Projects. Apply engineered structural modifications to natural systems and public infrastructure to reduce the potentially damaging impacts of hazards, where feasible, cost effective, and environmentally suitable.					
5.1	Drainage System Maintenance. Improve maintenance programs for streams and drainage ways.					
5.1.1	Prepare and implement standard operating procedures and guidelines for drainage system maintenance.	Building Inspection Department	Medium	Long-Range	Local Funds	TBD
5.2	Reservoirs and Drainage System Improvements. Control flooding through reservoirs and other structural improvements, where deemed cost effective and feasible, such as levees/floodwalls, diversions, channel modifications, dredging, drainage modifications, and storm sewers.					
5.2.1	Construct drainage improvements to reduce or eliminate localized flooding in identified problem drainage areas.	Community Development Department	High	Short-Range	FEMA HMA Grant	TBD
5.3	Community Shelters and Safe Rooms: Provide shelters from natural hazards for the safety of community residents.					

Community Action Programs

2010 Baldwin County Multi-Hazard Mitigation Plan

Daphne Community Action Program						
#	Goal, Objectives and Mitigation Measures	Lead Responsibility for Carrying Out Measure	Priority	Timeline	Funding Source	Estimated Cost
5.3.1	Ensure the inclusion of storm shelters and/or safe rooms in public buildings such as schools and multi-purpose community centers.	Community Development Department	High	Short-Range	FEMA HMA Grant	TBD
5.3.2	Pursue grant funds to establish a program for subsidizing safe room and storm shelter construction in appropriate locations and facilities.	Community Development Department	High	Short-Range	FEMA HMA Grant	TBD

RESOLUTION 2011-22

City of Daphne Commending the Daphne High School and Spanish Fort Varsity Football Teams As the 2010 Class 6A and 5A State Champions

WHEREAS, with utmost admiration, the City of Daphne recognizes the Daphne High School and Spanish Fort High School Varsity Football Teams who on December 2, 2010 and December 3, 2010 at Jordan-Hare Stadium in Auburn won the 2010 Alabama High School Class 6A and 5A State Football Championship title; and

WHEREAS, the Daphne High School Varsity Football Team record was 15-0 and Spanish Fort High School Varsity Football Team record was 13-2; and

WHEREAS, upon such accomplishments, the Daphne High School and Spanish Fort Varsity Football Teams are the pride of Daphne, Alabama; and

WHEREAS, these extraordinary teams were coached by Glenn Vickery and Bryant Vincent; with their measured leadership instilled in these young men equal parts confidence, commitment, composure and class; their players were often complimented for their outstanding conduct and good manners; certainly, these fine young men are a bright reflection of their exceptional coaches; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Daphne commends the Daphne High School and Spanish Fort Varsity Football Teams upon their earned achievements of winning the 2010 Alabama High School Class 6A and 5A State Football Championship title; and

BE IT FURTHER RESOLVED, that the uniqueness of two sister city's high school varsity football teams which are both located on the Eastern Shore of Mobile Bay winning their respective division in the Alabama State Championship in the same year shall be noted and celebrated by both cities.

APPROVED AND ADOPTED ON THE ____ DAY OF _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2011-13

AN ORDINANCE ADOPTING APPROVAL FOR HIRING FREEZE EXCEPTIONS

WHEREAS, Ordinance 2010-71 approved and adopted the Fiscal Year 2011 Budget on December 20, 2010; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2011 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2011 budget; and

WHEREAS, as of the date of the adoption, a hiring freeze was enacted whereby authorized positions vacated, for any reason, may only be advertised and filled upon express approval by the City Council; and

WHEREAS, the City's procedures requires changes to the adopted budget by Ordinance; and

WHEREAS, department requests has been submitted and approved by the Mayor to fill the vacant position listed below:

Recreation

- 1) Recreation Athletic Coordinator - \$34,275 - \$37,252/annual salary

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that the Fiscal Year 2011 budget be amended to authorize the filling of the following vacant position for a total FY11 cost of \$18,626:

- Recreation Athletics Coordinator

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2011-15
SURFACING MATERIAL FOR PLAYGROUND SAFETY USE AREAS

WHEREAS, the Fiscal Year 2011 Budget is being considered by the City Council;
and

WHEREAS, prior to the adoption of the Fiscal Year 2011 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2011 budget; and

WHEREAS, the National Playground Safety Institute issues standards and guidelines for Playground use areas; and

WHEREAS, after an evaluation of City parks additions surfacing material was found to be needed for safety purposes; and

WHEREAS, a cost for the surfacing material and borders is \$52,000 .

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the Fiscal Year 2011 Budget is hereby amended to include a General Fund appropriation in the amount of \$52,000 for the purchase of additional surfacing material for the various City Parks.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____ , 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2011-16

Parks Vehicle Replacement Appropriation

WHEREAS, Ordinance 2010-71 approved and adopted the Fiscal Year 2011 Budget on December 20, 2010; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2011 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2011 budget; and

WHEREAS, Parks vehicle #50, a 1999 Ford F-150, has a blown engine that requires \$4,900 to repair; and

WHEREAS, the repair cost exceeds the value of the vehicle; and

WHEREAS such vehicle is used daily in park operations throughout the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2011 Budget is hereby amended to include a General Fund appropriation in the amount of \$18,688 for the replacement of the 1999 Ford F150.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2011-19

AN ORDINANCE ADOPTING APPROVAL FOR HIRING FREEZE EXCEPTIONS

WHEREAS, Ordinance 2010-71 approved and adopted the Fiscal Year 2011 Budget on December 20, 2010; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2011 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2011 budget; and

WHEREAS, as of the date of the adoption, a hiring freeze was enacted whereby authorized positions vacated, for any reason, may only be advertised and filled upon express approval by the City Council; and

WHEREAS, the City's procedures requires changes to the adopted budget by Ordinance; and

WHEREAS, department requests has been submitted and approved by the Mayor to fill the vacant position listed below:

Recreation

- 1) Recreation Programs Coordinator- \$33,259 – \$36,159/annual salary

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Daphne, Alabama, that the Fiscal Year 2011 budget be amended to authorize the filling of the following vacant positions for a total FY11 cost of \$18,080:

- Recreation Programs Coordinator

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2011-20**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 27, 2011 , favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2005-42, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48 and Ordinance 2008-56, Ordinance 2009-19, Ordinance 2009-60, Ordinance 2010-66; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2002-22, Ordinance 2003-06, Ordinance 2005-11, Ordinance 2005-42, Ordinance 2006-24, Ordinance 2006-73, Ordinance 2007-15, Ordinance 2007-48, Ordinance 2008-56, Ordinance 2009-19 and Ordinance 2009-60, 2010-66; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 7, 2011; and

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

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit "A" of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2002-22 and its amendments.

SECTION II: REPEALER

Ordinances Nos. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2005-42, 2006-24, 2006-73, 2007-15, 2007-48, 2008-56, 2009-19, 2009-60 and 2010-66 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA ON THE ___ DAY OF _____, 2011.**

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**FRED SMALL,
MAYOR**

ATTEST:

**DAVID L. COHEN,
CITY CLERK, MMC**