

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
JUNE 1, 2009
BUSINESS MEETING
6:30 P.M.

- 1. CALL TO ORDER**
- 2. ROLL CALL/INVOCATION**
PLEDGE OF ALLEGIANCE

APPROVE MINUTES: Council meeting minutes / May 18, 2009
Special Called Council minutes / May 20, 2009
Special Called Council minutes / May 27, 2009

CERTIFICATE OF RECOGNITION: Tommie Brock Conaway

CERTIFICATE OF RECOGNITION: Russell Beason / D.A.R.E. Youth Advisory Board Member

PROCLAMATION: Alabama Firefighters and Emergency Medical Personnel

MOTION: Moratorium on Hiring City Employees & Directors until July 7, 2009

4. REPORT STANDING COMMITTEES:

- A. FINANCE COMMITTEE / Boulware**
- B. BUILDINGS & PROPERTY - Lake**
Review minutes / May 1st
- C. PUBLIC SAFETY - Burnam**
Review minutes / May 13th
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo**
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding**
Review Public Works minutes / April 24th
Review Beautification minutes / May 1st

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments – Jones**
Review minutes / February 5th
- B. Downtown Redevelopment Authority - Barnette**
- C. Industrial Development Board – Yelding**
- D. Library Board - Lake**
- E. Planning Commission – Barnette**
- F. Recreation Board - Burnam**
Review minutes / May 13th
- G. Utility Board - Scott**

6. REPORTS OF OFFICERS:

- A. Mayors Report**
 - a.) Letter to Daphne Utilities / Fire Hydrants
- B. City Attorney's Report**
- C. Department Head Comments**

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) May Day Park Public Boat Landing Area/Resolution 2009-50

ORDINANCES:

2ND READ

- a.) Appropriation: City Hall Building Maintenance...../Ordinance 2009-29

1ST READ

- b.) Ordinance for Election and Appointment of City Officers
and Council as Appointing Authority...../Ordinance 2009-32

9. COUNCIL COMMENTS

10. ADJOURN

TENTATIVE WORK SESSION ITEMS

- 1. PROPOSED TREE COMMITTEE
- 2. VISIONING PLAN
- 3. TECHNOLOGY INNOVATION CENTER / STEVE KOSER / JOE BULLOCK
- 4. 5 YEAR CAPTIAL PLAN FOR PUBLIC WORKS
- 5. GARBAGE: GO TO ONCE A WEEK OR INCREASE FEES / OR SOME OF BOTH
- 6. PROTOCOL FOR CHANGING SIGN ORDINANCE

**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

**MAY 18, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Reverend Timothy Deasy.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; Greg Burnam; Ron Scott; Derek Boulware; August Palumbo.

ABSENT: John Lake.

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Bill Eady, Public Works Director; David Carpenter, Police Chief; John Williams, Civic Center; James White, Fire Chief; David McKelroy, Recreation Director; Richard Merchant, Building Official; Sharon Cureton, Human Resource Director; Adrienne Jones, Planning Director; Kim Briley, Finance Director; Melvin McCarley, Public Works; Tracey Miller, Public Works, Solid Waste; Sandi Cushway, Public Works; Anna Morris, Library; Starke Irvine, DRA; Lon Johnson, Utility Board; Mickey Boykin, Daphne Museum; Helen Callaway, Daphne Museum; Melinda Immel, Volkert & Associates; Darrelyn Bender, Chamber of Commerce, Ray Moore, Chamber of Commerce; Joe Bullock, Chamber of Commerce.

Absent: Mayor Fred Small; Jay Ross, City Attorney; Tonja Young, Library Director;

3. APPROVE MINUTES:

MOTION BY Councilman Burnam to adopt the Council Work Session minutes meeting held April 16, 2009. *Seconded by Councilman Scott.*

AYE Scott, Boulware, Palumbo, Lake

ABSTAIN Yelding, Barnette, Burnam

MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt the Council meeting minutes meeting held May 4, 2009. *Seconded by Councilman Yelding.*

AYE Yelding, Barnette, Burnam, Scott, Boulware, Palumbo

NAY Lake

MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt the Council Work Session minutes meeting held May 11, 2009 with an amendment to the last page regarding electronic signs: amend from “Council felt that electronic signs” to read “Council discussed electronic signs”. *Seconded by Councilman Palumbo.*

AYE Barnette, Burnam, Scott, Boulware, Palumbo, Lake ABSTAIN Yelding

MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt the Special Called Council meeting minutes meeting held May 13, 2009. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

CERTIFICATE OF RECOGNITION: Reverend Timothy Deasy / Christ the King Church

Councilwoman Barnette read and presented the certificate to Reverend Deasy

PROCLAMATION: National Public Works Week / May 17-23, 2009

Councilman Yelding read and presented the proclamation to Mr. Eady, Melvin McCarley, Sandi Cushway and Tracey Miller.

PUBLIC HEARING: Highway 90 Sewer Assessment

Mrs. Melinda Immel, Volker & Associates, gave a presentation. The assessment is \$3,404.05 per acre, and there is approximately 380 total acreage in the project area. The assessment can be paid over a 10 year period, but if the property owner decides to sell the property the balance is due in full prior to the sale. The city has the option to charge interest, but the interest cannot exceed the interest on the bond issue which is 5.5%.

Council President Lake opened the Public Hearing at 6:49 p.m.

Mr. Trent Law – Owner of Malbis Yamaha/Suzuki – opposed the assessment. He assumed when he bought the property that this was done with the developer, because they paid a developed price for the property.

MAY 18, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

Mr. Terry Ogletree – Developer of the Renaissance Center – stated that the sewer assessment has been in all of the documents that have been recorded for all the developments all along Highway 90. He thinks the city has done a phenomenal job in the development of that. The developer of the Eastern Shore Park, and the developer of the Renaissance Center both paid for the sewer system facilities within those respective developments, and up to and including, the tie in with the sewer system. The city has paid for the main sewer system installation on Highway 90. He thinks all of that has been documented and in the record for some time. They appreciate the work of the city in this regard.

Council President Lake closed the Public Hearing at 6:53 p.m.

MOTION: Transfer \$300 to Council President Lake’s Training Account

MOTION BY Councilman Palumbo to transfer \$300 from any Council members training account that has funds remaining to Council President Lake’s training account. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

A. FINANCE COMMITTEE – Boulware

The minutes for the May 4th and May 11th meetings are in the packet.

Treasurers Report / April 30, 2009

MOTION BY Councilman Boulware to accept the Treasurers Report as of April 30, 2009 with an ending balance of \$21,223,138.16. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Summary of Revenues Over Expenditures / March 31, 2009

Revenues are currently over expenditures by \$505.498.

Sales & Use Tax Collections / March 31, 2009

Collections for March 2009 were \$863,536, and budgeted for March 2009 was \$998,616. Collections were \$135,080 under budget for March. Year-to-date collections are \$535,741 under budget.

Lodging Tax Collections / March 31, 2009

Collections for March 2009 were \$53,230.85

The next meeting will be June 8th at 4:00 p.m.

Councilwoman Barnette stated that Public Works has not had a chance to get their minutes in the packet, and in the Finance Committee May 4th meeting minutes it reflects that the Public Works Committee recommended to increase the rates, and actually they discussed going to once a week garbage service not increasing the rates yet. She asked that those minutes be modified to reflect that.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The museum lease has been finalized between the city attorney and the attorney for the church, and is on the agenda tonight. This will transfer ownership to the city for 99 years instead of the museum. It will be directly leased to the city since the city supports and maintains the museum. The next meeting will be the first Friday in June in the Executive Chambers.

Councilman Scott stated that the ad hoc committee appointed by Council President to look into the lease of the Nicholson Center met individually with Mr. Irvine regarding the Nicholson Center lease, and he thinks they have a lease everybody can live with. He asked that the BRAGG lease be on the June 1st agenda

C. PUBLIC SAFETY COMMITTEE – Burnam

No report.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

The committee met to discuss revisions to the MOT ordinance, and sent it to the city attorney, which is a housekeeping measure that will reduce all fines above \$200 back down to \$200. It was pointed out to them that all municipal judges by state law can only impose a fine of up to \$200, and there were several ordinances that imposed fines above that amount so the ordinance was sent to Mr. Bussey for revisions and to send it back to council.

Mr. Bussey stated that the only one that needed changing was the one regarding the delinquent garbage bills.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The minutes are not in the packet, but they have some very important matters to take care of tonight in the form of ordinances in regards to mowing equipment and maintenance, and garbage and recycling vehicles. He said that he will discuss that when it comes up under ordinances. The meeting has been changed for this month from May 22nd to May 29th at 8:00 a.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Ms. Jones

The next meeting will be June 4th at 6:00 p.m.

B. Downtown Redevelopment Authority – Barnette

Mr. Starke Irvine stated that the Authority members have lost interest because of no funding. They cannot accomplish their goals without funding. He stated that the Authority can do things for the city and not affect the bond rating. Meanwhile, they have a problem in that the Authority contracted with Mrs.

Fran Neumann to sculpt the statue that is in the front of city hall, and they do not have the funds to pay. He requested council to look to see if the city has funds available to pay Mrs. Neumann. The amount due is \$14,000.

Councilman Scott asked that Mr. Irvine submit an invoice for the Finance Committee meeting.

C. Industrial Development Board – Yelding

The board did not have a quorum for the last meeting. The meeting for May will be rescheduled due to Memorial Day.

Councilwoman Barnette asked for information regarding what districts need representation on the board.

D. Library Board – Lake

No report.

E. Planning Commission – Barnette

The minutes for the March 25th meeting are in the packet. The site review meeting is Wednesday at 8:00 a.m., and the regular Planning Commission meeting will be May 28th at 6:00 p.m. The commission was pleased with the joint meeting. Mrs. Jones is looking for the surveys from council.

F. Recreation Board – Burnam

No report.

G. Utility Board – Scott

The minutes for the March 25th meeting are in the packet. The next meeting has been rescheduled for June 3rd.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

- a.) *Authorize the Mayor to enter into an agreement with the Alabama State Department of Conservation and Natural Resources/Marine Resources Division / May Day Boat Ramp and Parking Lot*
- b.) *Authorize the Mayor to enter into an agreement with Moore Engineering Company, Inc. / May Day Boat Ramp*
- c.) *Authorize the Mayor to enter into an agreement with Volkert & Associates / Slope Stabilization Repairs to County Road 13-Task No. 2*
- d.) *Authorize the Mayor to enter into an agreement with Volkert & Associates / Captain O'Neal Drive – Task No.4*
- e.) *Authorize the Mayor to enter into an agreement with Volkert & Associates / Captain O'Neal Drive – Task No. 5*
- f.) *Authorize the Mayor to enter into an agreement with Daphne United Methodist Church*

MOTION BY Councilman Scott to authorize the Mayor to enter into agreements A-F as stated in the council packet:

- a.) The Alabama State Department of Conservation and Natural Resources/Marine Resources Division for the May Day boat ramp and parking lot.**
- b.) Authorize the Mayor to enter into an agreement with Moore Engineering Company, Inc. / May Day Boat Ramp**
- c.) Authorize the Mayor to enter into an agreement with Volkert & Associates / Slope Stabilization Repairs to County Road 13-Task No. 2**
- d.) Authorize the Mayor to enter into an agreement with Volkert & Associates / Captain O’Neal Drive – Task No.4**
- e.) Authorize the Mayor to enter into an agreement with Volkert & Associates / Captain O’Neal Drive – Task No. 5**
- f.) Authorize the Mayor to enter into an agreement with Daphne United Methodist Church.**

Seconded by Councilman Palumbo.

Discussion

Council went with Moore Engineering, because Ack Moore has done the engineering on a similar boat ramp in Fairhope, and specifically, council felt like they needed his expertise on this project. Councilman Scott stated that he wanted assurance that Mr. Moore will still work on this project, and if not then he would say that they would have to open it up again.

David Cohen cautioned council against doing that, because he has sent plans from Ack Moore to the state, and the contract with the state is based on his plans. If council switches engineering firms it will definitely delay or end the project. There is a December 15, 2009 time line that the city is dealing with the state.

Mr. Micah Jones, representative from Thompson Engineering, stated that Mr. Moore will honor all his contracts on this project for the city.

Council discussed that since Moore Engineering has been bought out by Thompson Engineering that item “b” be modified to read “enter into a contract with Moore Engineering doing business as Thompson Engineering.”

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

g.) MOTION: Set a Public Hearing Date for July 6, 2009 / May Day Boat Ramp and Parking Lot

MOTION BY Councilman Burnam to set a Public Hearing date of July 6, 2009 to consider the May Day boat ramp and parking lot. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

h.) MOTION: Authorize Mayor to sign a letter authorizing Honeywell to perform a preliminary investigation to assess the feasibility of a performance contract

MOTION BY Councilman Scott to authorize Mayor to sign a letter authorizing Honeywell to perform a preliminary investigation to assess the feasibility of a performance contract. *Seconded by Councilman Palumbo.*

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

MOTION CARRIED

B. City Attorney Report

No report.

C. Department Head Comments

John Williams – Civic Center – stated that the Zydeco Festival was a success, and thanked the Recreation Department, Library, Police and Fire Departments for their help with the festival.

Anna Morris – Library – reported on the events going on at the Library.

7. PUBLIC PARTICIPATION

Mrs. Mickey Boykin – Daphne Museum – 207 Beal Lane – thanked Councilman Palumbo and Erick Bussey for their work on the new lease. She invited everyone to the Memorial Day celebration to honor World War II veterans. They are inviting those that participated in the Honor Flight project to tell what it meant to them to get to Washington to view the memorial. She invited the council to attend.

Mr. Joe Bullock – Eastern Shore Chamber of Commerce – thanked the council for their commitment to the chamber, and thanked them for their support of Blue Print for Tomorrow.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) Re-Appoint Board Member to Renaissance Improvement District. /Resolution 2009-39
- b.) Bid Award: Bay Front Park Pavilion Parking Lot & Landscape Improvements / Ammons & Blackmon Construction. /Resolution 2009-43
- c.) Bid Award: Inmate/Trustee Food Services / Dell’s Cafeteria & Catering. /Resolution 2009-44
- d.) Bid Award: Jail Food Service / Winn Dixie. /Resolution 2009-45
- e.) Blue Print for Tomorrow Contribution. /Resolution 2009-46
- f.) Chamber of Commerce Contribution. /Resolution 2009-47
- h.) Declaring Certain Property Surplus / Trash, Garbage & Recycling Trucks. /Resolution 2009-48
- i) Support for Federal Transportation Reauthorization Funding Request / BRATS. /Resolution 2009-49

MOTION BY Councilman Scott to waive the reading of Resolutions 2009-39, 2009-43, 2009-44, 2009-45, 2009-46, 2009-47, 2009-48 and 2009-49. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolutions 2009-39, 2009-43 and 2009-44. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION By Councilman Scott to adopt Resolution 2009-45. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolutions 2009-46 and 2009-47. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolutions 2009-48 and 2009-49. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY Lake on 2009-48 MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Appropriation: Atrium Furniture from General Fund. /Ordinance 2009-26
- b.) Impose a Temporary Moratorium on Any Rezoning Applications for R-4, High Density Multi-Family Residential and Multi-Use Zoning or Annexation Applications that Request Such Zoning. /Ordinance 2009-27
- c.) Extending Lodging Tax Ordinance. /Ordinance 2009-28

1ST READ

- d.) Appropriation: City Hall Building Maintenance. /Ordinance 2009-29
- e.) Appropriation: Mowing Equipment Maintenance. /Ordinance 2009-30
- f.) Appropriation: Garbage/Recycling/Solid Waste Vehicle Replacement. /Ordinance 2009-31

MOTION BY Councilman *Palumbo* to waive the reading of Ordinances 2009-26, 2009-27 and 2009-28. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE PPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Ordinance 2009-26. *Seconded by Councilman Scott.*

AYE Scott, Boulware, Palumbo, Lake

NAY Yelding, Barnette, Burnam

MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-27, *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-28. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilwoman Barnette to suspend the rules to consider Ordinances 2009-30 and 2009-31. *Seconded by Councilman Scott.*

ROLL CALL VOTE

Yelding Aye
Barnette Aye
Burnam Aye
Scott Aye

Boulware Aye
Palumbo Aye
Lake Aye

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Ordinances 2009-30 and 2009-31. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinances 2009-30 and 2009-31 with the caveat that there is a non-appropriation clause. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MAY 18, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

ORDINANCE 2009-29 WAS MADE 1ST READ

8. COUNCIL COMMENTS

Councilwoman Barnette congratulated all the graduates.

Councilman Scott thanked all the city worker that helped with the Zydeco Festival. People came from a long way to attend.

Councilman Boulware recognized Mr. Lawrence Adams who owned 60 Minutes Cleaners in Daphne who recently passed away. It is important to recognize local business owners and acknowledge what they do for us.

Councilman Palumbo thanked the Daphne Museum members for their work in getting the lease done and for starting the museum. It is an historical building, and an asset to the city. Councilman Palumbo pointed out to the chamber members that the mom and pop stores need their assistance, even if they do not belong to the chamber, because they are hurting. Small businesses do not have enough help. They need to keep them alive.

Council President Lake acknowledged a letter council received today, (*letter is spread out upon these minutes*) asking that council recognize Victor Guarisco’s 40 years of service to the city. Council President Lake recommended naming city hall after him. He congratulated the Civic Center for a successful Zydeco Festival.

MOTION BY Councilman Yelding to adjourn. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:15 P.M.

Respectfully submitted by,

Certification by Presiding Officer:

David L. Cohen,
City Clerk, MMC

John Lake
Council President
Date & Time Signed: _____

Walter J. Crimmins
44 Lake Shore Drive
Daphne, Alabama 36526
(251) 626-9506

May 15, 2009

Councilman John L. Lake
Daphne City Hall
P.O. BOX 400
Daphne, Alabama 36526

Dear Sir,

As you may recall, this past January Daphne lost a man who was a great leader and servant of this wonderful city, Augustine Victor Guarisco. The *Daphne Bulletin* chronicled his many achievements. His service as a city councilman for twenty-four years and mayor for sixteen deserve recognition.

Victor Guarisco was a Daphne native, a World War II veteran, and a politician whose primary concern was to make Daphne a good place to live. His life and service to his nation, his city, and his community is an example that Daphne should be proud of and willing to not only recognize, but to use as an example for others to imitate and follow.

It seems fitting to me that this city he loved and served would find an appropriate way to honor such an individual. It also appears that the tradition of honoring of good men as examples for others is much needed today.

It is with this in mind that I suggest that some facility, building or area be named after him and that a plaque containing his dates of service and positions be placed at that location. There are a number of options such as the new town hall or the complex containing the library, recreation center and the civic center. I leave the location to others and ask only that he, A. Victor Guarisco, be appropriately honored.

Thank you for your support and consideration.

Sincerely,


Walter J. Crimmins

**MAY 20, 2009
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

1. CALL TO ORDER

Council President Lake called the meeting to order at 6:00 p.m. and reconvened the Special Called Council meeting from May 13, 2009.

2. ROLL CALL

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

Also present: Mayor Small; David Cohen, City Clerk; Jay Ross, Attorney; Sharon Cureton, Human Resource Director; Erick Bussey, Attorney; Buzz Jordan; Amanda Jordan, Attorney; Brent Day, Attorney; Sandra Morse; Carol Cook, Court Reporter.

Personnel Hearing

MOTION BY Councilwoman Barnette to enter into Executive Session for a Quasi Judicial Hearing, and the meeting will last until 9:00 p.m. *Seconded by Councilman Boulware.*

The City Attorney certified that the stated reason is acceptable according to the Alabama Open Meetings Act.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council entered into Executive Session at 6:10 p.m.

Councilwoman Barnette came out of Executive Session to state that they will be a 30 minute extension of the session.

Council returned from Executive Session at 9:00 p.m.

MOTION BY Councilwoman Barnette to recess the Special Called Council meeting at 9:00 p.m., and reconvene the meeting for Sandra Morse on Wednesday, May 27, 2009 at 6:00 p.m. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Respectfully submitted by,

Certification of Presiding Officer:

David L. Cohen, City Clerk, MMC

John Lake, Council President

Date & Time Signed: _____

MAY 15, 2007
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 PM

**MAY 27, 2009
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

1. CALL TO ORDER

Council President Lake called the meeting to order at 6:20 p.m. and reconvened the Special Called Council meeting from May 20, 2009.

2. ROLL CALL

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

Also present: Mayor Small; David Cohen, City Clerk; Jay Ross, Attorney; Vickie Hinman, Human Resource Director; Erick Bussey, Attorney; Buzz Jordan; Brent Day, Attorney; Tom Harrison; Sandra Morse; Jan McElroy, Court Reporter.

Personnel Hearing

MOTION BY Councilwoman Barnette to enter into Executive Session for a Quasi Judicial Hearing, and the meeting will last until 9:00 p.m. Seconded by Councilman Burnam.

The City Attorney certified that the stated reason is acceptable according to the Alabama Open Meetings Act.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council entered into Executive Session at 6:10 p.m.

Mr. Ross came out of Executive Session at 9:00 p.m. to state that there will be a 30 minute extension of the session.

Mrs. Hinman came out of Executive Session at 9:30 p.m. to state that there will be a 45 minute extension of the session.

Council returned from Executive Session at 10:14 p.m.

MOTION BY Councilman Scott to recess the Special Called Council meeting at 9:00 p.m., and reconvene the meeting for Sandra Morse on Wednesday, June 3, 2009 at 6:00 p.m. Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 10:20 p.m.

Respectfully submitted by,

Certification of Presiding Officer:

David L. Cohen, City Clerk, MMC

John Lake, Council President

Date & Time Signed: _____

City of Daphne
Office of the Mayor

CERTIFICATE OF APPRECIATION

presented to

Tommie Brock Conaway

WHEREAS, in consideration of *Tommie Brock Conaway*, the City of Daphne would like to thank her for 36 years of service with the Alabama Education School system; and

WHEREAS, she has taught for 14 years – 2 years in Montgomery and 12 years in Baldwin County; and

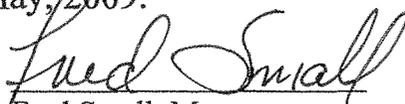
WHEREAS, *Mrs. Conaway* was administrative assistant at Fairhope Intermediate School; and

WHEREAS, she has been a Principal for 21 years in Foley (Aaronville), Daphne Intermediate and Daphne East; and

WHEREAS, the students, families and citizens have been blessed with her talent, hard work and dedication to Baldwin County and most recently the City of Daphne; and

NOW THEREFORE, the Mayor appreciates *Tommie Conaway* for the knowledge you have shared, the lessons you have taught, the positive impact you have made on both the past and present students, and I wish you success and happiness in all your future endeavors.

This Certificate of Appreciation is presented by the City of Daphne, Alabama on this 26th day of May, 2009.


Fred Small, Mayor
Mayor

City of Daphne
Office of the Mayor

CERTIFICATE OF RECOGNITION

presented to

Russell Beason
D.A.R.E. Youth Advisory Board Member

WHEREAS, millions of school children around the world benefit from D.A.R.E. (Drug Abuse Resistance Education), the highly acclaimed program that gives kids the skills they need to avoid involvement in drugs, gangs, and violence; and

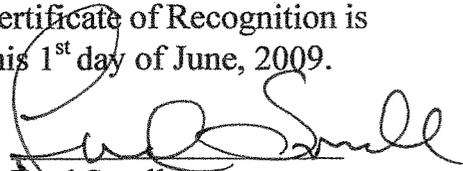
WHEREAS, D.A.R.E. is a police officer-led series of classroom lessons that teaches children from kindergarten through 12th grade how to resist peer pressure and live productive drug and violence-free lives; and

WHEREAS, Russell Beason, a Daphne High School student, has been selected to represent the State of Alabama by serving on the D.A.R.E. Youth Advisory Board. The Board is composed of 50 members, one student per State and gives them an opportunity to speak to issues impacting the national and worldwide D.A.R.E. program and to advise D.A.R.E. American and local programs, government and community leaders on drug and violence prevention strategies beneficial to our youth; and

WHEREAS, as a board member, Russell will be eligible for the \$20,000 D.A.R.E. scholarship upon his graduation from high school; and

WHEREAS, Russell also serves on the Daphne Library Teen Board and plans to attend college.

NOW THEREFORE, I, Fred Small, as Mayor and City Council recognize this impressive achievement and commend you on your interest and efforts with the D.A.R.E program and are privileged to have you represent the City of Daphne in this way. This Certificate of Recognition is presented by the City of Daphne, Alabama on this 1st day of June, 2009.


Fred Small
Mayor

City of Daphne

Proclamation

Alabama Firefighters and Emergency Medical Personnel

WHEREAS, the Alabama Legislature, the Alabama Sports Festival, and the Governor's Commission on Physical Fitness take great pride in continuing the "Honoring Our Heros" program, a salute to all Alabama Firefighters and Emergency Medical Personnel who have served or continue to serve by saving lives and protecting the safety of Alabama citizens; and

WHEREAS, in a continuing effort to honor all Firefighters and Emergency Medical Personnel, the Alabama Legislature, the Alabama Sports Festival, and the Governor's Commission on Physical Fitness are partnering to express their profound appreciation and gratitude on Alabama Firefighters and Emergency Medical Personnel Day, June 19, 2009; this occasion coincides with the opening day of the 2009 Alabama Sports Festival XXVII, during which the event's Opening Ceremonies, including the momentous tribute to all Firefighters and Emergency Medical Personnel, will be televised live statewide from the Birmingham-Jefferson Civic Center Complex; and

WHEREAS, all Alabama Firefighters and Emergency Medical Personnel with a minimum of ten years of service and attends the Ceremonies on June 19, 2009 will receive the Medal of Service. The Medal of service is for active, volunteer, retired, disabled, or deceased Firefighters and Emergency Medical Personnel.

WHEREAS, it is appropriate that on June 19, 2009 all Alabamians recognize and commend the tremendous services performed by Firefighters and Emergency Medical Personnel by honoring those who save lives and property everyday for all residents of the state; now therefore,

BE IT RESOLVED BY THE DAPHNE CITY COUNCIL THEREOF CONCURRING, That on behalf of all citizens of our great city, we join the Alabama Legislature, the Alabama Sports Festival, and the Governor's Commission on Physical Fitness in recognizing and honoring all Alabamians who have served or continue to serve as Firefighters and Emergency Medical Personnel in Alabama.


Fred Small, Mayor

**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 and Property Committee Minutes

Friday, May 1, 2009

10:00 a.m.

City of Daphne

Mayor's Conference Room

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Richard Merchant, Buildings Inspector

Frank Barnett, Maintenance Supervisor

Minutes

A. Motion made by Gus Palumbo to approved the minutes from the April meeting, Fred Small seconded that motion.

B. United Methodist Church Museum Lease

Discussion status of lease. Eric Bussey, city attorney, talked on insurance for building and content insured for \$100,000. Mayor mentioned that there still is a possibility at some point the Methodist Church donating the property to city. This lease is a 99 year lease expiring in January 24, 2079. In the beginning there was a lease between the Old Daphne United Methodist Church and the Restoration Society. City signed a 10 year lease that expired 12/31/08. Which brings us to the present – the lease between the church and restoration society needs to be terminated via termination agreement Eric will prepare. There will be a new lease between the church and the city that will be executed. Please take out the “Old” in front of the Daphne United Methodist Church in the new lease and further referred to as Daphne Museum. Palumbo made a motion for the City Council to authorize Mayor to sign, upon termination of the Old Daphne Untied Methodist Church and the Restoration Society, to enter into lease agreement contained in minutes. Mayor Small seconded motion. Eric will prepare and submit all agreements to city clerk's office for execution and all parties will be required to sign.

C. Church of His Presence

The church sent a letter to the City of Daphne asking if the City had any interest in selling the Civic Center property to them. After much discussion Palumbo stated that first, the property was not for sale, and that he was opposed to any proposal to sell the Civic Center. It would not be a logical move for the city in particular

because the Recreation Department and the Library joined this property. Mr. Vaughn, attorney for the Church of His Presences, said that he would discuss this with his client. Mr. Vaughn then stated that his client would like to continue to lease the Civic Center and wants to go ahead and secure dates for 2010. The existing ordinance stands so approval to secure these dates was given.

D. Electronic Signage

The Mayor distributed examples of signage to be placed at the Civic Center and has talked with C & R Signs about his. The money has already been appropriated. Also, for consideration would be a small sign on Main Street at the back of the library. We don't have anything that marks the library from that side. Currently we are taking over certain banner locations for city events as our own sign ordinance does not allow for placing banner in front of civic center to promote even city events. This electronic signage would also help cut the advertising cost (i.e. Zydeco) on certain events if we had our own sign and it fits within the city ordinance. Palumbo said that this committee (Buildings & Property) should make recommendations of size and design – get prices, design and we can look at it at the next meeting.

E. Bayfront Facility

Richard Merchant presented the proposal for Bayfront upgrades at \$40,000, has identified some good contractors. This proposal includes stairs/railing, siding, paint, minor repairs to roof – no windows and doors. Inside is ADA compliant. Need to look at carpet. Palumbo stated that we should include outdoor bathroom facilities in this work. Mayor stated that we will have to go way up the hill to accommodate FEMA. We could purchase a portable unit and building something around it or they could go under the facility. Palumbo asked Richard to look into this have it come out of the same appropriation monies – then we will send council entire package of plans (2 projects – 1 appropriation). Richard said we will redo parking area after repairs are complete. Need to pull bid for parking lot off the Finance Agenda. Palumbo asked Richard to have information ready at the next B&P meeting. Richard did state that we need to do something about the pilings – he will get concrete bids.

Meeting adjourned.

Public Safety Committee

Wednesday, May 13, 2009

Councilman Greg Burnam, Chairman Councilman Gus Palumbo Councilman Derek Boulware Fire Chief James White PW Sup. Bill Eady	Police Chief David Carpenter Captain Scott Taylor Captain Daniel Bell Tracy Bishop - Secretary
--	---

Committee Members Attending:

Councilman Greg Burnam, Councilman Gus Palumbo, Chief James White, Mr. Bill Eady, Capt. Taylor, Chief Carpenter.

CALL TO ORDER

Councilman Burnam **convened** the meeting at 4:30 p.m. Mr. Boulware arrived at 4:57.

PUBLIC PARTICIPATION –

Larry Cook was present. He talked about burning in Lake Forest. The LFPOA President had not talked to Chief White yet, but had talked to some of the battalion chiefs'. The city has jurisdiction over Lake Forest subdivision, but Burnam told him that the city does not enforce Lake Forest covenants. Mr. Burnam suggested that LFPOA send out a letter stating the burning rules to the Lake Forest residents and the repercussions if they do burn. Mr. Palumbo suggested that they put it on their Lake Forest website to save the cost of postage. Henry Lawson was also in attendance and spoke on burning in Lake Forest and then expressed his concern about people parking in the medians, and also speeders.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from April 2009 Meeting

Mr. Palumbo made a motion to approve the minutes. The motion was seconded by Mr. Burnam. The motion passed.



FIRE DEPARTMENT

A. New Business

1. Statistics for March 2009 were reviewed. Chip Martin presented the changes in the burn ordinance (attached) for everyone's review. He read each one separately. Palumbo suggested sending the changes to council for approval after the city attorney looks it over. When he has it ready then we'll forward to the council for approval. It would also limit burn permits to once a month. Palumbo made a motion that the fire code changes be sent to city attorney for the language, then on to the city council. Burnam seconded.

B. Old Business

POLICE DEPARTMENT

A. New Business

1. Statistics for March 2009 were reviewed. Chief explained that we had an error on our report that Capt Taylor found but has been corrected.

Old Business

OTHER BUSINESS

ADJOURN

There being no further business to discuss, Mr. Burnam adjourned the meeting at 6:00 p.m. The next meeting will be Wednesday, June 10, 2009 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

Daphne Police Department		Monthly Report					March 2009			
Patrol Division		Detective Division:		JAIL:			Animal Control		Crimes Reported This Month:	
(Capt. Bell/Lt. Hempfleng)		(Capt. Bell/Lt. Beedy)		(Capt. Taylor/Lt. Yelding)			(Capt. Taylor/ Lt. Yelding)			
						YTD				
# Complaints	1,027	# New Cases Received:	55	Total Arrestees Received & Processed:	196	1,015			Arson	0
# Misd. Arrests	41	# Previous Unsolved Cases:	108	Arrestees by Agency:			#Complaints	52	Burglary – Commercial	2
# Felony Arrests	6	# Cases Solved:	27	Daphne PD	136	767	#Follow-ups	90	Burglary – Residence	3
DUI Arrests	15	Resulting in Total Arrests:	9	BCSO	8	25	#Citations	0	Burglary - Vehicle	4
Alias Warrant Arrests	37	Felonies:	8	Spanish Fort PD	42	164	#Warnings	12	Criminal Mischief	2
Citations	281	Misdemeanors:	1	Silverhill PD	9	51	#Felines Captured	37	Disorderly Conduct	1
Close Patrols	245	Houses Searched	0	Troopers	0	6	#Canines Captured	29	Domestic Disturbance	14
Warnings	115			INS	0	0	#Other Captured	10	False Info to Police	1
Motorist Assists	187			Other Agencies	1	2	#Returned to Owner	19	Felony Assault	0
Roadway Accidents	47	Warrants:					#Adopted Out	12	Felony Theft	8
Private Property Accidents	18	Bettner Served	80				#Euthanized	7	Harassment	9
Traffic Homicide	0	Agency Assists	22	Highest	47				Identity Theft	9
		Recalls (Pd Fines)	31	Lowest	23				Indecent Exposure	0
DRUG REPORT		Total Warrants Served	133						Kidnapping	0
ROUTINE PATROL/SPECIAL OPS				Meals Served	2,712	16,122			Menacing	0
		Sex Offender:		Medical Cost	\$1,546.49	\$9,446.04			Misdemeanor Assault	1
# Misd. Marijuana Arrest	4	New Registration:	1	Worker Inmate Hours	606	3,606			Misdemeanor Theft	10
# Felony Marijuana Arrest	0	Contact Verification	1						Murder	0
# Controlled Substance Arrest:	1	Total # registered in Daphne	3						Other Death Investigations	1
# Drug Paraphernalia Arrest	2	DARE:							Public Intoxication	1
Vehicles Searched	66	# Hours Report Writing:	2						Public Lewdness	0
		# Students Instructed SRO	430						Receiving Stolen Property	0
Drugs Seized:	3	# Students Instructed DARE	300						Reckless Endangerment	1
Type: marijuana		# Police Reports by SRO	1						Resisting Arrest	0
Money Seized	0	# Arrest by SRO	0						Robbery	4
Vehicles Seized	0								Sex Crime Investigations	1
		CODE ENFORCEMENT:							Suicide	0
Commercial Vehicle Inspections	7	Warnings:	17						Suicide, attempted	1
		Citations	6						Theft of Services	0
		Warning Compliance	34						Unauthorized Use of Services	1
		Follow – Up	24						Weapon Offenses	2
									White Collar Crimes	0
<i>Approved by:</i>		<i>David Carpenter, Chief of Police</i>								

**CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT**

Report Period: March 2009

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	6	9
11-Structure Fire/Commercial	1	1
11-Structure Fire/Residential	3	7
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	0	1
14-Natural Vegetation Fire	0	0
15-Outside Rubbish Fire	0	0
16-Special Outside Fire	0	0
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	121	326
4-Hazardous Conditions (No fire):	3	9
5-Service Call:	18	72
6-Good Intent Call:	10	30
7-False Alarm & False Call:	9	30
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	1	1
Total Emergency Calls:	162	467
Monthly Total Calls:	172	935
Response Time:		
Highest:	11	11
Lowest:	<1	<1
Average (Minutes/Seconds) :	1/11	1/11
Miscellaneous Reports:		
Training Hours	27	99
Property Loss - \$	\$48,500	\$759,500
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	83	207
Number of Patients Treated	127	333
Child Passenger Safety Seat Inspections/Installations	7	19
Classes		
Classes	1	8
Persons Attending	141	344
Plan Reviews		
Plan Reviews	6	13
Final/Certificate of Occupancy	0	3
General/Annual Inspections	128	294
General/Re-Inspections (Violation Follow-up - Annual)	3	22
Business Licenses	7	16
Consultations-	0	0
All Other/Misc. Activities	0	1
Total Activities:	142	347

Authorized by:

James White

Chief James White

There are more changes coming in August due to new legislation

(Change)

(Omit)

Addition

307.2.1 Authorization.

~~Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.~~

Open burning shall only be allowed once a calendar month per address/ location during the months that outdoor burning is allowed by the State Air Quality Agencies. A permit must be obtained before any burning starts and all provisions of the burn permit shall be followed.

307.4.1 Bonfires.

A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition. ***Bonfire permits shall only be issued to organizations (Churches, Schools, and other Civic Groups) not to private individuals.***

906.1 Where required.

Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I , M, R-1, R-2, R-4 and S occupancies.

~~Exception: In new and existing Group A, B and E occupancies equipped throughout with quick-response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6.~~

1007.6.3 Two-way communication.

Areas of refuge shall be provided with a two-way communication system between the area of refuge and a central control point. **If the central control point is not constantly attended,** the area of refuge shall also have controlled access to a public telephone system. Location of the central control point shall be approved by the fire department. The two-way communication system shall include both audible and visible signals.

508.5.5 Clear space around hydrants.

A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

508.5.6 Hydrant Outlet Location.

Hydrants shall be installed with the center of the outlet cap nut at least 18 inches above the adjoining final grade.

Section 506.1(as amended previously)

Key boxes. Key boxes shall be installed in all buildings having an automatic fire sprinkler system, **or** a fire alarm system, **or any alarm that generates a fire department response.** The Fire Code Official shall also have the authority to require a key box to be installed in an accessible location where access to or within a structure or area is difficult because of security. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Code Official.

Section 105.7.1.1
Fixed Fire Extinguishing Systems Installation

No person shall be issued a permit to install fixed fire extinguishing equipment who does not possess a manufacturers certification for installation and servicing for the type system being installed and have a Certificate of Insurance, General Liability for \$ 1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

Any modifications made to a fixed system including adding additional flow points will require an installation permit.

A complete plan/drawing of the system and the devices that are being protected shall be submitted before a permit is issued and a copy shall be placed in the control box.

The technician who actually performs the installation of the fixed fire extinguishing systems shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.

105.7.4.1 Fire Alarm Installation

Fire Alarm Control Units (FACU) will be located at the entrance of the building or provide an annunciator panel at the entrance and also indicate the location of the main panel.

905.3.1 Building height.

Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access. ***A class I, Manual Wet, standpipe system shall be installed in building where the floor level is of the highest story is located more than 20 feet above the lowest level of the fire department vehicle access.***

Separated Inspection and installation into two(2) permits

Section 105.7.5 shall be added to read as follows:

Fire Pumps Installation

~~Any person who installs, repairs or services fire pumps(hereinafter called in this Section 105.7.5 “installer”) must be a licensed Alabama sprinkler contractor and be certified by the State Fire Marshal’s office and approved by the Fire Code Official on an annual basis renewable.~~

~~No person shall install a fire pump without first obtaining a permit from the Bureau of Fire Prevention.~~

~~All testing of the fire pump shall comply with NFPA 25. The Fire Code Official may require certain operational test upon final inspection.~~

Any person who installs fire pumps must be licensed by the Alabama State Fire Marshal’s Office and approved by the Fire Code Official.

No person shall install a fire pump without first obtaining a permit from the Bureau of Fire Prevention.

Installer must possess a current City of Daphne business license and have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

Installer must have fire pump plans reviewed by the Fire Code Official before commencing installation.

The permit fee to install a fire pump shall be \$75.00.

Second part of the split

Section 105.7.5.1 shall be added to read as follows

Servicing Fire Pumps

Any person who services, test or inspects fire pumps must be licensed by the Alabama State Fire Marshal's Office and approved by the Fire Code Official.

No person shall service, test or inspect a fire pump without first obtaining a permit from the Bureau of Fire Prevention.

The Person/Business who obtains the permit must possess a current City of Daphne business license and have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder

The permit fee to service, test or inspect a fire pump shall be \$75.00.

503.2.5 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus ***per the provisions in accordance with Appendix D, Table D103.4. and figure D103.1.***

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING
Time: 8:00 AM on April 24, 2009
Location: City Hall Council Chambers

Councilman Bailey Yelding, District 1
Councilwoman Cathy Barnette, District 2
Councilman John Lake, District 3

I. CALL TO ORDER

The May meeting of the Public Works Committee was called to order at 8:00 a.m.

Present: Mayor Small, Councilman Bailey Yelding, Councilwoman Cathy Barnette, Bill Eady – Public Works Director, Melvin McCarley – PW Superintendent, Sandi Cushway – PW Administrative Assistant, Councilman Greg Burnham, Scott Hutchinson – HMR, Dorothy Morrison – Daphne Beautification Committee, Robert Ciani – Tiawasse Trace

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. Work Request Report – March 2009 reviewed.
- B. Vehicle/Equipment Maintenance Report – March 2009.
- C. Correspondence – None
- D. Public Participation – None

III. OLD BUSINESS

- A. **Minutes** – March 27, 2009 meeting
- B. **Mosquito Reports** – None. Councilwoman Barnette asked when we were going to start spraying for mosquitoes. Sandi stated that she spoke with Margie just yesterday and that they were going to start up on Monday (April 27th). Mayor Small commented that we received the check from the county and that we need to start spraying.

IV. NEW BUSINESS

- A. Tiawasse Turn Lane off CR13 – Greg Burnham and Robert Ciani. Mr. Ciani spoke about The subdivision, Tiawasse Trace. It contains 52 houses built by builder, Gary McKnight. Tiawasse trace paid for a turn lane going north on CR13 into Tiawasse Trace. Now, they feel that a right turn lane is needed going southbound. He stated that this is a safety issue due to the traffic and school buses that come through there. There was previously discussion of a split payment between the Builder, POA and City. The cost estimate is \$30,000. Now they would like to request that the City pay it all. The new church that is under construction is going to bring even more traffic. Councilman Burnham asked if traffic studies have been done. Mr. Eady responded that a traffic study has not been requested. Councilman Burnham stated that he feels that the POA should pay half and that he was not sure where this issue sits on the priority list within the City’s five year plan for street improvements. Councilwoman Barnette questioned whether we put up “slow” signs. Mr. Eady said it was probably brought up in the December Safety Committee meeting and at that time it was cost prohibitive. It also came up that all of CR13 should be reduced to 35 MPH, but that didn’t pass approval. Mr. Eady commented that the turn lane would need to be long and the ditch and poles would have to be replaced. The City might also be required to acquire additional right-of-way. Mr. Ciani said that he would speak with Daryl to get a full breakdown on the costs. Mr. Eady said that he would like to see the plans. It needs to go before the Planning Committee. Mr. Ciani will communicate further with Mr. Eady on this issue. Councilwoman Barnette stated that there is no reason why we can’t proceed with signage. Mayor Small stated that he would like to see CR13 at

35 MPH through the heavy traffic areas and that Sehoj is in much worse condition and at risk for an accident. Should be 35 MPH from Whispering Pines to Lawson Road. Mr. Ciani would like to see "Warning Right Turn Ahead" signs at the very least. **Councilwoman Barnette made a motion to add signage and possible road painting and recommended that the issue go back before the Safety Committee. Motion seconded by Councilman Yelding.**

- B. Councilwoman Barnette brought a list of concerns for Mr. Eady. Concerns about drainage impact by March rains. Wharf Street. Second Street. Captain O'Neal 1500 block. Mayor Small commented that the engineers are working on this one. Washout along south side of Church Street with pavement damage. Dunford Hill and Beale.
- C. Mayor Small stated that we need to have engineers evaluate Perry Oaks for NRCS.
- D. Mayor Small commented on a great job done at Sehoj by Thompson. Need to do a compaction test. The house was built 5' in our drainage easement. Shouldn't have been built there.
- E. Mr. Eady reported that we would no longer use or allow use of plastic pipe. Going to have to put in ordinance that anything that the City maintains will be concrete pipe.
- F. Councilwoman Barnette would like to see 25 MPH signs posted on Old County Road. Need to remove 30 MPH signs. Mayor Small stated that he felt that 20 MPH would be better. Has already been approved by the council.

V. **DIRECTOR'S REPORT**

- A. Equipment Maintenance. The cost to replace the arm on the knuckleboom truck would be \$40,000. The arm broke off and had to be welded back on and it has broken again. Mayor Small said that he wanted to take a look at it and see if it can be repaired. Mr. Eady commented that the two automated knuckleboom trucks were purchased in 2005 and 2007.
- B. Mr. Eady stated that a car ran into the back of a recycling truck last week. The truck was stopped when it was rear-ended. The car was trying to pass the truck and was totaled. The stabilizer on the truck was bent, but can be repaired. All of the lights and strobes are still working.

VI. SOLID WASTE AUTHORITY

- A. **Solid Waste Trucks** - Mayor Small stated that he has the information on leasing garbage trucks and engines in three (3) mowers. Now we need engines in three additional mowers. He stated that he feels it would be best to lease this type of equipment and that we need to budget for this. We need 4 garbage trucks, 3 trash trucks, 2 recycling trucks and 3 lawn mowers. He doesn't want to purchase replacements when we can lease them. The backhoe we have is being leased. Also need to get vans for the Janitorial Department or pick-ups so they have room to haul their supplies. The street sweeper is leased. This is already in the budget. The three trash loaders are completely worn out. The pack rat is automated. Mayor Small asked what size the packrat was. Melvin McCarley stated that it was about 1/3 the size of a regular garbage truck. Mayor Small commented that the bed is basically gone on the packrat and that it is parked in the yard. Melvin added that they are going to redo the packrat and convert it into a flatbed truck. Mayor Small stated that the leases for everything on the list comes to \$680,000. The difference in savings is about \$132,000 per year and \$4,148,000 over five years. Mr. Eady and the Mayor need to get together on the immediate needs of the department and send to the Finance Committee. Councilwoman Barnette doesn't want the transfer station issue to delay the immediate needs of the department. \$430,000 including garbage carts that would be required for once weekly service. **Motion made by Councilwoman Barnette to send to the Finance Committee. Motion seconded by Councilman Yelding.**
- B. **Service** - Mayor Small stated that we have preliminary numbers on once weekly garbage service. Would be \$350,000 per year savings. Currently, we are charging \$13.90 for twice weekly service. He added that most cities only offer only one day service and don't offer curb-side recycling pick up. We need to consider increasing our rates. Working on coming up with operational costs. He asked if perhaps we should be charging separately for garbage and recycling or should we simply increase the rate to \$18.00 per month. He feels that we should increase the rate first, then later go to once weekly garbage pickup. Mayor Small noted that the numbers do not factor in a transfer station.

VII. MUSEUM COMMITTEE

- A. Minutes - April 13, 2009

VIII. BEAUTIFICATION COMMITTEE

- A. Minutes - April 3, 2009
- B. Daphne Beautification - Gator Alley articles in the paper on Wednesday and Thursday. New flowers planted at centennial Park to continue up to Mancini's. Need an additional \$30,000 to complete intersections. Mayor Small commented that the City would be putting plantings around the Crepe Myrtles. Dorothy reported that the banners were up through September. The committee is going to need new banner holders before Christmas.

IX. ENGINEER REPORT

- A. NRCS - Currently have five (5) projects out for bid. Also have bids pending approval by council. Will move forward on next council meeting. Whiting Court and D'Olive proposal - report from Metcalf.

V. FUTURE BUSINESS

- A. Next Meeting - May 29, 2009 @ 8:00 a.m.

XI. ADJOURNMENT

Councilman Bailey Yelding motioned to adjourn. Motion seconded by Councilwoman Cathy Barnette. The meeting adjourned at 9:20 AM.

Daphne Beautification Committee
May General Meeting Minutes
May 1, 2009

Attendees:

Marjorie Bellue, Bill Eady, Pat Wilden, Dorothy Morrison, Joan Martin, Carolyn Coleman, Patty Kearney, Tomasina Werner, Whitney Wingbermuehle, Elaine Maxime, Selena Vaughn, and one guest, Faye Earnest

The meeting was called to order at 10 AM.

The March meeting minutes were approved.

Treasurer's report gave a current balance of \$15,720.15 noting an outstanding purchase order to John Deere landscapes for \$660. There was a discussion about creating a revised budget for the remainder of the year. It was agreed that requests by all the sub-committees would be ready by the June meeting.

Marjorie Bellue gave the Public Works Report:

Replacing Lott Park shrubs along Main Street with Indian Hawthornes to match others on Main Street will cost approximately \$860. If Lee Avenue area is also planted with Indian Hawthornes it will cost an additional \$180. A motion was passed to plant the Indian Hawthornes for approximately \$1,000.

Planting junipers in the medians around the base of the Crape Myrtles along 98 will be about \$30,000 total. Just doing 2 sections of the total 80 for now will cost about \$2500. We currently have 3 areas where irrigation already exists near Gable, Johnson and 64 so these would be the first areas to be planted. This is tabled.

Shrubbery replantings at guard rails on 98 and North Main Street and one new rail near the shopping center will cost roughly \$2700. This is tabled.

Marjorie will pull together estimated expenses for Christmas light replacements using LED verses traditional lights.

The DBC requested Mr. Eady consider preparing in future budgets to complete the side walk from May Day Park to Bayside academy on the west side of Captain O'Neil. Also a sidewalk would be nice on Main Street from Daphne Avenue heading north to Lott Park.

A request was made to have the electrical boxes at Centennial Park check as decorative lights are unable to stay lit during holidays and events.

Pat Wilden discussed the possibility of Public Works working with City Hall to get the dedication plaque installed. Pat will work with Mr. Eady and Mayor Small on where and how it will be installed.

Sub-Committee Reports:

Seasonal Decorations met and had another organizing and cleaning day at the shed. No new decorations need to be purchased except for Christmas and some banner brackets estimated at \$1300 requested by Marshall Parsons for the Christmas banners. An estimate for Christmas will be coming soon. Pat Wilden is working toward getting local 6th graders to create decorations for our City Hall lobby tree which will be in the Jubilee City theme. Patterns of jubilee themed ornaments for students to use should be brought to the June meeting.

Gator Alley – Is in good shape. New growth is appearing on the recently cleared fence so just needs maintenance to keep it from growing back. A request needs to go to Parks Department to repaint the rusting yellow bollards on the entry sidewalk along Main Street.

Open Business:

Whitney Wingbermuhle reported that the sample survey about a proposed Daphne Tree Board was sent to 10,000 citizens via the Daphne Utilities bill. 500 responses came back and a report on these will be given to the City Council at an upcoming council work session. It was noted that if formed, a Tree Board would stand on its own and not be part of DBC. The role of the DBC on the proposed Tree Board was financing the survey.

New Business:

Guest Faye Earnest presented her plans for creating and donating 2 large paintings for the atrium of City Hall.

Announcements:

Community Day will be at May 16th at the Civic Center / Recreation Department.

Meeting adjourned at 11:00.

**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:

THIS IS A SUMMARIZATION OF THE MINUTES DUE TO TAPE BEING UNAUDIBLE.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF FEBRUARY 5, 2009 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

The Chairman stated the number of members present constituted a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m. Let us have a roll call.

Call of Roll:

Members Present:

Jeri Hargiss, Secretary
Frank Lamb
Glen Swaney
Willie Robison, Chairman
Billy Mayhand
Jim Moss

Member Absent:

Barry Taylor

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Houston, Recording Secretary
Tony Hoffman, BZA Attorney

The Chairman stated the next item on the agenda is the approval of the August 7th minutes. Has everyone read the minutes? The Chair will entertain a motion to approve the minutes as written.

Approval of Minutes:

The minutes of the August 7, 2008 meeting were considered for approval.

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Mr. Swaney** to **approve the minutes as written.**

Upon roll call vote, **the Motion carried, unanimously.**

Mr. Swaney	Aye
Ms. Hargiss	Aye
Mr. Lamb	Aye
Mr. Robison	Aye
Mr. Mayhand	Aye
Mr. Moss	Abstained

New Business:

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF FEBRUARY 5, 2009 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Appeal #2009-01 - Andrew Gearhart

The Chairman stated the first item on the agenda is Appeal #2009-01, Andrew Gearhart, a variance to allow the existing attached carport located at 1618 Sixth Street, a residence, to remain and continue as an encroachment to the side setback line by three point eighty eight-feet on the northeast corner and three point eighty-feet on the northwest corner. Is there anyone here representing this appeal? If so, would you please step up to the microphone and state your name and address.

Ms. Gearhart stated my name is Lori Gearhart. I live in Monroeville, Alabama. I am the wife of the owner and I have his Power of Attorney. My mother-in-law lived in this house for years and she passed away. Since we do not live here in town we are trying to sell the house. When they surveyed it they realized this problem with the line and so we are asking for this to be corrected in order to be able to sell the home.

The Chairman stated have you ever heard the old expression putting the cart before the horse? Well, that is kind of what I have done tonight. It has been a long time since we have had a meeting. If you do not mind we need Ms. Jones to walk us through the aspects of this variance first and then we may need you again.

Ms. Jones stated actually I need to make the applicant aware of my findings because we have discovered information that you may not have knowledge of, which are, there are several other encroachments on the property. On the survey I show the area highlighted in yellow to the north is where the carport is extended over the property line. Also if you look closer at the setback lines you will see that the front porch is over the setback line by one point seventy one feet, and the storage shed is over the side yard setback line of ten-feet. This is a corner lot and the side setbacks are twenty-feet.

Ms. Gearhart stated I have a question to ask. Are you saying that when the company built the house those restrictions were in place? Fifty years ago.

Ms. Jones stated I am not sure, but the current setback requirements are for R-2, thirty-five on the front and rear, twenty-feet on the corner side of the lot and ten-feet on the other. The structure is grandfathered in as it currently exists. However, if for any reason this structure is destroyed by fifty percent it cannot be built back as is. It would have to adhere to the R-2 setback requirements, and it loses grandfather status.

Mr. Swaney stated I noticed the deed was dated 2003. Was the property survey at that time?

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF FEBRUARY 5, 2009 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Ms. Gearhart stated no, we did not have a survey. That was what I understood.

Mr. Rudicell stated my name is Pat Rudicell, and my house is next door to this house. The same person that built her house built my house. So if you lived there longer than thirty years you knew the couple. They were a pretty nice couple. The thing is back then it did not matter and that is why I believe your mother-in-law did not need the variance. My concern when you brought this up is that my letter does not state this situation. Should we have gotten an additional letter, so we could have been prepared?

Ms. Jones stated no, I can only advertise and send out what is requested, according to the information given to me in the application.

Ms. Gearhart stated was this new information obtained by you measuring by the new updated rules. I mean because we did not see that on our survey.

Ms. Jones stated when the City of Daphne adopted the Land Use Ordinance all property within the city limits fell under these regulations. The minimum setback requirement for an R-2 zone is as such.

The Chairman stated how would this property ever be sold as is if they are not allowed the variance?

Ms. Jones stated I am not in real estate and I have no idea how they would do it, but what I do know is that it is grandfathered as it is and once you change anything on this property it loses grandfather status, and also if it is ever destroyed more than fifty percent it loses grandfather status.

Ms. Gearhart stated I can understand that, but what I am more concerned about is the fact that this home was built before all of these restrictions were put in place, that is my understanding. Is that correct?

Ms. Jones stated correct, it is grandfathered as is.

Ms Gearhart stated okay. Then these restrictions are put in place by the City and the home is right in the middle of these restrictions. I mean what is the general protocol?

Mr. Pat Rudicell spoke in favor of the variance as an adjacent property owner. He stated he was very interested because in a manner

THIS IS A SUMMARIZATION OF THE MINUTES DUE TO TAPE BEING UNAUDIBLE.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF FEBRUARY 5, 2009 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

of speaking his property will probably need the same type variance if he ever decided to sell.

The Chairman explained to Ms. Gearhart that the Board could not give away City property and that she needed to contact the City about purchasing a small amount of property from them to become compliant. He told Ms. Gearhart that if they voted on her appeal tonight and it was denied she could not come before the Board again for one year, but if she withdrew it and purchased the land needed then she would be able to come back for a variance, if needed, when the land had been purchased from the City.

Ms. Gearhart stated to the Board that she wished to withdraw her appeal.

The Chairman instructed Ms. Gearhart to go speak with the Council and Mayor concerning the purchase of the property.

Mr. Lamb asked the attorney if he had researched the issue of penalizing builders for building over the setback line on residential structure.

Mr. Hoffman stated that he indeed had found that such penalty is already included in our Land Use Ordinance.

Mr. Swaney asked Ms. Jones if she had any further information on the drug treatment center.

Ms. Jones advised Mr. Swaney that she did not and that the matter was out of her hands.

There being no other business the meeting was adjourned.

Adjournment:

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Ms. Hargiss** to adjourn.

The Motion carried unanimously.

There being no further business the meeting was adjourned at 6:49 p.m.

Respectfully submitted by:

THIS IS A SUMMARIZATION OF THE MINUTES DUE TO TAPE BEING UNAUDIBLE.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 6, 2006 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Pat Houston, Recording Secretary

APPROVED: May 7, 2009

Willie Robison, Chairman

/ph

City of Daphne Recreation Board Minutes
2605 Hwy 98
Daphne, AL. 36526
May 13, 2009
6:30 pm

Members Present: Chairman Ed Nelson, Matt Cunningham, Eric Smith, Kit Smith and Lynne Thompson-Yates

Members Absent: Rick Cleveland and John Peterson

Advisory Staff Present: David McKelroy, Parks and Recreation Director, Councilman Greg Burnam and Coach Glenn Vickery

Call to Order

The meeting was called to order by Chairman Ed Nelson at 6:30pm.

Review and approval of Minutes

Motion was made by Lynne Thompson-Yates and seconded by Matt Cunningham to approve the April 8, 2009 minutes. Motion passed.

Program Reports

Information was provided by Athletics, Community Activities, Senior and Fitness about current programs, upcoming programs and participation.

Old / New Business

1. Trione Sports Complex Update Jaye Robertson with HMR updates the board on the progress and Trione. Paving of the parking lots should be completed this week. Irrigation is being done now and sod should be completed in about three weeks.
2. Joe Patrick Lewis Park restroom The concrete slab for the restroom has been completed with utilities installed.
3. Coaches Background Checks Jane Bahr with ESS gave a presentation on background check for volunteer coaches. It was recommended by the Daphne Recreation Board to proceed with background checks. First option would be to see if the Daphne Police Department could do these checks. The Recreation Boards second option is for the city's current screening service, ESS, to provide these services. The Director will contact ESS and arrange policies and procedures for the background check and keep the board informed on the progress.

Comments from the Director

Members of the Recreation Board were invited to attend Community Day Volunteer Recognition on Saturday, May 16, at 10:00am.

A list of the term expiration dates for the Recreation Board was handed out.

Comments from Advisors

Matt Cunningham inquired about the smoking policy in city parks. Councilman Greg Burnam stated that the Smoking Ordinance had provisions for parks and athletic fields. The Director will check the ordinance and inform the board.

Rick Cleveland by way of Coach Vickery inquired about nets on the basketball goals in city parks. The director stated that the nets have been ordered.

Adjourn

The meeting was adjourned at 7:22pm.

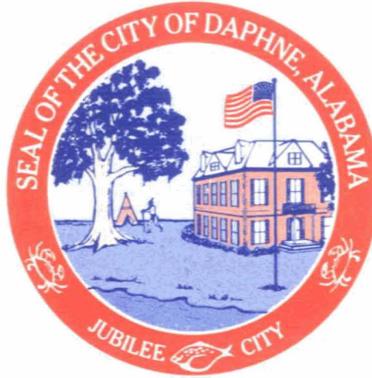
FRED SMALL
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

DAVID CARPENTER II
CHIEF OF POLICE

JAMES "BO" WHITE
FIRE CHIEF



COUNCIL MEMBERS
BAILEY YELDING, JR.
DISTRICT 1
CATHY BARNETTE
DISTRICT 2
JOHN L. LAKE
DISTRICT 3
GREG BURNAM
DISTRICT 4
RON SCOTT
DISTRICT 5
DEREK BOULWARE
DISTRICT 6
AUGUST A. PALUMBO
DISTRICT 7

May 22, 2009

Mr. Rob McElroy
Daphne Utilities
P.O. Box 2550
900 Daphne Avenue
Daphne, AL 36526

Re: Maintenance of fire hydrants

Dear Rob,

The city council discussed the maintenance of fire hydrants while working on the budget, and decided not include this appropriation in the budget. When Daphne Utilities first became a separate entity from the city, the city paid for the maintenance of the hydrants as a way of putting money back into the utilities to help get them on their feet. At this time, in view of the good standing of the finances of Daphne Utilities, the council feels that the city should no longer pay for the maintenance of the fire hydrants. We feel that it is the responsibility of Daphne Utilities.

We always want to maintain a good working relationship with the Utility Board in order to give the citizens of Daphne the best quality of life possible. In keeping with that relationship, if you or any member of the board has any questions, please feel free to approach council.

Yours truly,

John Lake,
Council President
City of Daphne

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

Resolution 2009-50

May Day Park Public Boat Landing Area

WHEREAS, the City of Daphne commits to construct a boat ramp and parking lot at May Day Park to provide for the health and well being of the general public and be ADA compliant; and

WHEREAS, the Department of Conservation and Natural Resources/Marine Resources Division of the State of Alabama maintains a program for the Development of Public boat landing areas throughout the State of Alabama; and

WHEREAS, the City of Daphne, Alabama, desires to improve an existing boat ramp facility for its area; and

WHEREAS, the said City of Daphne has properties which are ideal for development as a public boat ramp and parking lot, and which land the City of Daphne is willing to continue to use for said projects; and

WHEREAS, the city accepts the offer of financial assistance from Alabama Department of Conservation and Natural Resources / Marine Resources Division in the lease amount of \$445,000 ; and

WHEREAS, said programs are limited to funding a maximum of seventy-five percent (\$445,000) of the project cost estimates at (\$593,333) which will be used to construct the boat ramp and parking area.

NOW THEREFORE BE IT RESOLVED, that the City of Daphne commit to twenty-five percent (\$148,333) of the proposed project cost for the purpose of matching the Alabama Department of Conservation and Natural Resources / Marine Resources Division Lease Agreement, and

BE IT FURTHER RESOLVED, the City of Daphne City Council authorizes the mayor to sign the lease agreement and other assurances to comply with all applicable Federal and State laws, rules and regulations.

**APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF DAPHNE,
ALABAMA, this _____ day of _____, 2009.**

John Lake,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk, MMC

ORDINANCE 2009-29

FY 2009 City Hall Building Maintenance Appropriation

WHEREAS, Ordinance 2008-57 approved and adopted the Fiscal Year 2009 Budget on December 15, 2008; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2009 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2009 budget; and

WHEREAS, additional monies are required to maintain the City Hall Building.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include General Fund appropriations in the amount of \$11,000 to provide funding for continued maintenance of the City Hall Building.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this ____ day of _____, 2009.

John Lake,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC

CITY OF DAPHNE

ORDINANCE NO. 2009-32

AN ORDINANCE FOR ELECTION AND APPOINTMENT OF CITY OFFICERS AND COUNCIL AS APPOINTING AUTHORITY

WHEREAS, the City Council of the City of Daphne, heretofore, adopted various resolutions and ordinances vesting within the Mayor power of appointment for certain city employees, and to set the term of service, and;

WHEREAS, the City Council of the City of Daphne, believes it to be in the best interest of the City to amend said resolutions and ordinances to remove the appointing authority from the Mayor for certain employment positions and place it within the discretion of the City Council:

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

SECTION I: APPOINTING AUTHORITY

Pursuant to the authority granted to the City Council by laws of the State of Alabama and pursuant to and in furtherance of the procedures as established by the Personnel Handbook as originally established by Resolution 1994-39 and as amended by Resolution 1995-13, Resolution 1999-24, Resolution 1999-63, Ordinance 1997-31, Ordinance 1998-10, Ordinance 1999-08, Ordinance 2000-04, Ordinance 2009-11 and such other resolutions and ordinances that relate to the Personnel Policy and Procedures, it is hereby established that the City Council does exercise its appointing authority by electing to fulfill certain offices and setting terms of services, not to exceed the term of the Mayor. As appointing authority, the City Council, reserves the right to any hiring, firing and/or disciplinary action(s) and that all references made or referred to the Office of the Mayor in the Personnel Policy and Procedures manual, as amended, shall be amended to reflect that the Council shall exercise such authority. Such officers shall include City Clerk; Treasurer/Finance Director; Chief of Police; Fire Chief; Municipal Judge; City Prosecutor; City Attorney; Code Enforcement Officer; Planning Director; Public Works Director; Human Resource Director; Library Director; Recreation Director; Building Official; and Civic Center Director.

SECTION II: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof pertaining to the election and appointment of officers thereof, shall remain in full force and effect.

SECTION III: REPEALER

Any Resolution(s) or Ordinance(s) or parts of any Resolution(s) or Ordinance(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION IV: EFFECTIVE DATE

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this _____ day of _____, 2009.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC