

**CITY COUNCIL BUSINESS MEETING AGENDA
BUSINESS MEETING
1705 MAIN STREET, DAPHNE, AL
JUNE 4, 2012
6:30 P.M.**

- 1. CALL TO ORDER**
- 2. ROLL CALL/INVOCATION / PLEDGE OF ALLEGIANCE**
- 3. APPROVE MINUTES:** Council meeting minutes / May 21, 2012

PUBLIC HEARINGS: 2012 International Building Codes / *Ordinance 2012-40*
2012 International Fire Codes / *Ordinance 2012-41*

PUBLIC HEARING: Amend Land Use and Development Ordinance:
a.) Landscape Provisions / 19-8(b)
b.) Communications Tower Provisions / Add Section 32-3(d)(3)(i)
Ordinance 2012-42

- 4. REPORT STANDING COMMITTEES:**
 - A. FINANCE COMMITTEE / Boulware**
 - B. BUILDINGS & PROPERTY COMMITTEE - Lake**
 - C. PUBLIC SAFETY COMMITTEE – Boulware**
 - D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Reese**
 - E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Conaway**

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments – Jones**
- B. Downtown Redevelopment Authority – Barnette**
Review minutes / May 30th

C. Industrial Development Board – Conaway

D. Library Board – Lake

E. Planning Commission – Barnette
Review minutes / April 26th

F. Recreation Board – Reese

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

- A. Mayor's Report**
- B. City Attorney's Report**
- C. Department Head Comments**

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Bid Award: Well Road Extension to Hwy 13 /Asphalt Services, Inc. /Resolution 2012-35**

ORDINANCES:

2nd READ

- a.) **Appropriation of Funds: Well Road Extension to Hwy 13. /Ordinance 2012-33**
- b.) **Amend Employee Handbook / Holiday Pay. /Ordinance 2012-34**
- c.) **Amend Ordinance 2003-32 / Noise Ordinance. /Ordinance 2012-35**
- d.) **Appropriation of Funds: Personnel & Capital Appropriations. /Ordinance 2012-36**
- e.) **Appropriation of Funds: Website Integration for Animal Shelter & Library Donations. /Ordinance 2012-37**
- f.) **Appropriation of Funds: Library Roof Water Test & Repairs. /Ordinance 2012-38**
- g.) **Appropriation of Funds: Douglas Road Resurfacing to Hwy 13. /Ordinance 2012-39**

1ST READ

- h.) **Adopting the 2012 International Building Codes. /Ordinance 2012-40**
- i.) **Adopting the 2012 International Fire Codes. /Ordinance 2012-41**
- j.) **Amendment to the Land Use & Development Ordinance / Landscape Provisions / 19-8(b) / Communications Tower Provisions / Add Section 32-3(d)(3)(i). /Ordinance 2012-42**
- k.) **Fixing Speed & Establishing Speed Limits in the City of Daphne. /Ordinance 2012-43**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILWOMAN CONAWAY	PRESENT__	ABSENT__	__
COUNCILWOMAN BARNETTE	PRESENT__	ABSENT__	
COUNCILMAN LAKE	PRESENT__	ABSENT__	__
COUNCILMAN REESE	PRESENT__	ABSENT__	__
COUNCILMAN SCOTT	PRESENT__	ABSENT__	__
COUNCILMAN BOULWARE	PRESENT__	ABSENT__	__
COUNCILMAN PALUMBO	PRESENT__	ABSENT__	__

MAYOR

MAYOR YELDING	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 21, 2012
REGULAR 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:

The invocation was given by Councilman Boulware.

COUNCIL MEMBERS PRESENT: Tommie Conaway; Cathy Barnette, Kelly Reese, arrived at 7:00 p.m.; Ron Scott; Derek Boulware.

ABSENT: John Lake, August Palumbo.

ALSO PRESENT: Rebecca Hayes, Assistant City Clerk; Erick Bussey, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; Christine Ciancetta, Deputy Finance Director; David McKelroy, Recreation Director; Captain Scott Taylor, Police Department; Richard Johnson, Public Works Director; Vickie Hinman, Human Resources Director; Tonja Young, Library Director; Danny Dillard, Site Containment Inspector; Sandi Cushway, Public Works Administrative Assistant; Denise Penry, Public Works Accountant/EMA Assistant; Scott Hutchinson, City Engineer; Willie Robison, BZA; Larry Cooke, BZA; Dorothy Morrison, Beautification Committee; Bob Segalla, Utility Board.

ABSENT: Mayor Yelding; David Carpenter, Police Chief; Kim Briley, Finance Director; David Cohen, City Clerk.

Council President Barnette announced that the Mayor would not be present as he is attending his granddaughter's graduation, Mr. Lake is attending the Alabama League Convention and Mr. Palumbo is sick.

3. APPROVE MINUTES:

MOTION BY Councilwoman Conaway to adopt the May 7, 2012 council meeting minutes. Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to adopt the May 14, 2012 council work session minutes. Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PROCLAMATION: Public Works Week / May 21-25, 2012

**MAY 21, 2012
REGULAR CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Councilwoman Conaway read and presented the proclamation to the Public Works Director, Richard Johnson.

Mr. Johnson invited everyone to come out for Public Works Day at Lott Park on Wednesday, May 23rd.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE – Boulware

The minutes for the May 14th meeting are in the packet.

MOTION BY Councilman Boulware to accept the Treasurers report as of April 30, 2012, in the amount of \$19,534,218.50. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Sales & Use Tax Collections / March 31, 2012

Sales and Use Tax Collected for March 2012 - \$1,013,135
Sales and Use Tax Budgeted for March 2012 - \$ 996,615
Over Budget (for March) - \$ 16,520

YTD Budget Collections Variance – Over Budget - \$63,493

Lodging Tax Collections, March 31, 2012

The Lodging Tax Collections report shows \$70,058.33 collected for March 2012.

Summary Report: Revenues, Expenditures, & Changes in Fund Balance - September 30, 2011

The pre-close Statement of Revenues, Expenditures & Changes in Fund Balance at September 30, 2011 was presented showing expenditures over revenues for FY 2011 of (\$758,296), and an unreserved fund balance of \$11,429,899.

Summary Report: Revenues, Expenditures, & Changes in Fund Balance – March 31, 2012

The Summary Statement of Revenues, Expenditures, & Changes in Fund Balance at March 31, 2012 was presented showing expenditures over revenues of (\$1,148,127), and an unreserved fund balance of \$10,281,772. It was discussed that with the approved budget adjustments not yet spent, the unreserved fund balance will be reduced to \$8,793,978.

**MAY 21, 2012
REGULAR CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Schedule of FY 12 Budget Adjustments

A schedule of General Fund FY 12 budget adjustments made to date totaling \$2,679,923 was presented.

The next meeting will be June 11th at 4:00 p.m. in the Executive Conference Room.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake
No report.

C. PUBLIC SAFETY COMMITTEE – Boulware
The minutes for the May 9th meeting are in the packet. No report.

D. CODE ENFORCEMENT / ORDINANCE COMMITTEE – Boulware
The minutes for the May 9th meeting are in the packet. No report.

E. PUBLIC WORKS / SOLID WASTE AUTHORITY – Conaway
The minutes for the April 16th meeting are in the packet. The committee met this afternoon before the council meeting, and Mr. Johnson said that he should hear this week if the city will receive the ATRIP grant.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones
There were 20 pages of minutes so Mrs. Jones did a summary of the meeting for the packet.

B. Downtown Redevelopment Authority – Barnette
The Authority will meet next Wednesday at 5:30 p.m.

C. Industrial Development Board – Conaway
No report.

D. Library Board – Lake
No report.

E. Planning Commission – Barnette
The Planning Commission will meet Thursday at 5:00 in the Council Chambers.

F. Recreation Board – Reese
No report.

**MAY 21, 2012
REGULAR CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

G. Utility Board – Scott

The next meeting will be the last Wednesday of the month. They had a special meeting to discuss the mid-year budget last week. They reviewed the capital improvement plan, and it shows that they need to invest roughly \$3 million a year over the next 10 years. A lot of it is mandatory from the standpoint of ADEM and the EPA. They are on line to make all those projects happen.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

a.) Special Events Permit / S.E.E.D.S. / Mama Mia Cook Off / November 12, 2012

MOTION BY Councilman Boulware to approve the Special Events Permit / S.E.E.D.S. / Mama Mia Cook Off / November 12, 2012. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) Parade Permit / 9th Annual Classic Rock 5K and 1 Mile Fun Run

MOTION BY Councilman Boulware to approve the Parade Permit / 9th Annual Classic Rock 5K and 1 Mile Fun Run. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. *City Attorney Report*

There is currently pending in the circuit court of Baldwin County an appeal from Daphne Municipal Court wherein the city's Noise Ordinance is being challenged. After numerous conversations with Jim Scroggins, the City Prosecutor, Mr. Ross is analyzing the current Noise Ordinance as it reads now, there are some changes that have been recommended, and they were forwarded to the Ordinance Committee, and it is his understanding the committee recommended it to be forwarded to council for approval. Hopefully, tomorrow he will forward a synopsis to council of the changes made to the ordinance.

Councilman Scott asked if council approves the changes to the Noise Ordinance will that settle the lawsuit.

Mr. Bussey said it is understanding that will be a part of the recommended settlement.

**MAY 21, 2012
REGULAR CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

C. Department Head Comments

James Whites – Fire Chief - Firefighters injured in Apartment fire are ok and back at work. They will be an extension training site for the Fire College, Mobile and Orange Beach Fire Depts. were giving Regional Training distinctions.

Tonja Young – Library Director - The library had a lot of fun activities planned for children and teens at the library this summer. All the activities are free and we have things geared to the enjoyment of each age group. They have also purchased new materials for everyone's summer enjoyment and we hope everyone will come out and use the library this summer. Councilman Palumbo's book signing the previous week had been a great success. The kickoff for the summer reading program will be June 4th at 10:00 at the Civic Center.

Vickie Hinman – Human Resources Director – said that employee training sessions are currently being held on FMLA and short-term disability.

Richard Johnson – Public Works Director – announced that the dedication program for the Patriots Point Memorial will be Friday, May 25th, which is located in front of the Civic Center Complex. The program will honor all those who have served, who are serving and who will serve in the armed forces. He invited all to come out.

7. PUBLIC PARTICIPATION:

Mr. Kevin Spriggs – Owner Eastern Shore Motel – spoke regarding Resolution 2012-39 which is in reference to the work on directional turn lanes on US Hwy 98 in front of the Shell station and the Exxon station. He is concerned that the State has not addressed the traffic which would be harmful to businesses that are along the right-of-way. He said there is no directional signage planned to direct tourist back to I-10. The intersection by Zaxsby's will be handling all the return traffic to I-10, and there are no improvements on the drawings to that intersection. Already at that site the turn lane does not meet highway department specifications, and if they do it is barely. Also, the turn lane does not have the stacking capacity that it needs to service all the traffic, because it will be handling all the traffic from the Hampton Inn, Burger King, Shell station, Wendy's and Zaxsby's which now all traffic will be returning to I-to through that intersection, and there are absolutely no improvements according to the drawings in the packet. He asked council to table the resolution until they can address some of these problems with the highway department.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS:

RESOLUTIONS:
RESOLUTIONS:

a.) **ALDOT: Construction of Directional Turn Lanes /Resolution 2012-39**

MAY 21, 2012
 REGULAR CITY COUNCIL MEETING
 1705 MAIN STREET
 DAPHNE, AL
 6:30 P.M.

- b.) ALDOT: Resurfacing I-10/Resolution 2012-40
- c.) Approve Participation in the State of Alabama Severe Weather Preparedness Tax Holiday for the Year 2012...../Resolution 2012-41
- d.) Declare Certain Personal Property Surplus/Resolution 2012-42
- f.) Bid Award: Sod & Hay / Woerner Turf...../Resolution 2012-43

MOTION BY Councilman Scott to waive the reading of Resolutions 2012-39, 2012-40, 2012-41, 2012-42 and 2012-43. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

NOTE: Councilman Reese arrived at 7:00 p.m.

MOTION BY Councilman Boulware to table Resolution 2012-39 until further consideration of the issues raised by Mr. Spriggs. *Seconded by Councilwoman Conaway.*

Mr. Richard Johnson, Public Works Director, stated that all the resolution is doing is saying that during construction there will be no parking within the right-of-way. It has nothing to do with the project. The project is done. They have gone through the process over two (2) year ago, and it was vetted through the Planning Commission, and it was designed by Volkert through the guidance of ALDOT's input, and they met with Mr. Spriggs, and there are improvements to the turn lane, although, they are not structural, but they are in the form of marking. He asked council to please understand that the resolution is a procedural thing required by ALDOT for them to move this project forward. He said council could table, but he told them they will lose a free \$150,000 safety improvement project. This project has been on the books for over two years. He wanted to reiterate that all the resolution is doing is stating that there will be no parking on the right-of-way during construction.

AYE Boulware NAY Conaway, Scott, Palumbo ABSTAIN Reese

MOTION FAILED

MOTION BY Councilman Scott to adopt Resolution 2012-39. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MAY 21, 2012
REGULAR CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

MOTION BY Councilman Scott to adopt Resolution 2012-40. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2012-41. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to adopt Resolution 2012-42. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to adopt Resolution 2010-43. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

1ST READ

- a.) Amend Employee Handbook / Holiday Pay/Ordinance 2012-34
- b.) Amend Ordinance 2003-32 / Noise Ordinance/Ordinance 2012-35
- c.) Appropriation of Funds: Personnel & Capital Appropriations/Ordinance 2012-36
- d.) Appropriation of Funds: Website Integration for Animal Shelter & Library Donations/Ordinance 2012-37
- e.) Appropriation of Funds: Library Roof Water Test & Repairs/Ordinance 2012-38
- g.) Appropriation of Funds: Douglas Road Resurfacing to Hwy 13. /Ordinance 2012-39

MAY 21, 2012
REGULAR CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

ORDINANCES 2012-34, 2012-35, 2012-36, 2012-37, 2012-38 AND 2012-39
WERE MADE 1ST READ.

9. COUNCIL COMMENTS:
No council comments.

10. ADJOURN:

MOTION BY Councilman Scott to adjourn. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 7:10 p.m.

PUBLIC HEARING

JUNE 4, 2012

- 1.) Adopting the 2012 International Building Codes
2. Adopting the 2012 International Fire Codes
- 3.) Amending the Land Use and Development Ordinance
 - a.) Landscape Provisions / 19-8(b)
 - b.) Communications Tower Provisions / Add Section 32-3(d)(3)(i)

Recommendation: Unanimous Favorable

**CITY OF DAPHNE
ORDINANCE NO: 2012-40**

AN ORDINANCE PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2007-23; PROVIDING FOR THE ADOPTION OF CERTAIN TECHNICAL CODES BY REFERENCE AND 2006-55 RELATING TO BUILDING PERMIT AND RE-INSPECTION FEES

WHEAREAS, THE City Council of the City of Daphne desires to promote the health, safety and welfare of the citizens of the City of Daphne By establishing uniform rules and regulations for the building, constructing and all other related activities within the City of Daphne; and

WHEREAS, the City Council of the City of Daphne recognizes that the procedures set forth hereafter will protect both the City of Daphne and its citizens and the owners of properties coming under the jurisdiction of this ordinance and made the subject of these procedures, and

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

Ordinance No. 2007-23 is hereby repealed in its entirety and replaced by the following ordinance:

SECTION 1: TECHNICAL CODES ADOPTED BY REFERENCE

- (a) For the purposes of establishing uniform rules and regulations, the Council hereby adopts by reference the following codes and subsequent amendments issued thereto:
 - 1.) International Building Code 2012 edition
 - 2.) International Fuel Gas Code 2012 edition
 - 3.) International Plumbing Code, 2012 edition
 - 4.) International Mechanical Code 2012 edition
 - 5.) International Residential Code 2012 edition
 - 6.) International Residential Code Appendix G 2012 edition
Copyrights 2012 by the International Code Council Incorporated,
 - 7.) National Electrical Code, 2011
Copyrights 2010 by the National Fire Prevention Association Incorporated;
 - 8.) City of Daphne supplemental Code for Residential Structures in addition to the International Residential Code 2012. (attached)

- (b) International Building Code, 2012 Edition, International Fuel Gas Code, 2012 Edition, International Mechanical Code, 2012 Edition, International Plumbing Code, 2012 Edition, International Residential Code, 2012 Edition, and the National Electrical Code, 2012 Edition are hereby adopted and incorporated as if fully set out in this section, with additions, deletions and changes to the International Residential Code, 2012 Edition as prescribed in subsections (c) and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction or alteration, or alteration, or repair of all building and other structures therein contained within the corporate limits of the City of Daphne.

- (c) The following section of the International Residential Code 2012 Edition is hereby revised in its entirety to read as follows:

R.106.1 **Submittal documents.** Construction documents, special inspection and structural observation programs and other data shall be submitted in two sets with each application for a permit the prepared by a registered design professional for all new residential homes and for additions exceeding 750 sq ft. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

EXCEPTION: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared b a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

SECTION II: BUILDING PERMIT FEE SCHEDULE & RE-INSPECTION FEES

(a) New Residential

Building Valuation figured at \$60.00/sq. ft. (heated & cooled), \$30/sq. ft. (garages & porches)

Permits will be \$20.00 for the 1st \$1000.00 of the contract amount & \$5.00 for each additional \$1000.00 thereafter. Permit holder will also be charged a plan review and Land Disturbance Permit fee.

Plan Review	\$25.00
Land Disturbance	\$50.00
Mechanical	\$110.00 flat fee
Plumbing	\$110.00 flat fee
Electrical	\$110.00 flat fee

Miscellaneous Permits

(Additions, Remodels, Repairs, Carports, Garages, Pools, Decks, Fences, Sunrooms, etc.)

Building	\$20 for 1st \$1000 of contract amount, \$5 for each additional \$1000 thereafter
Electrical	\$20 for 1st \$1000 of contract amount, \$5 for each additional \$1000 thereafter
Mechanical	\$20 for 1st \$1000 of contract amount, \$5 for each additional \$1000 thereafter
Plumbing	\$20 for 1st \$1000 of contract amount, \$5 for each additional \$1000 thereafter
Well Permit	\$50.00 flat fee

(\$20.00 minimum fee for all permits)

Commercial Permits

Building \$6.00 per \$1000.00 of total contract amount. Permit holder will also be charged a Plan Review Fee and must provide proof of site fee payment from City of Daphne Community Development office.

Plan Review	\$100.00
Mechanical	1.5% of subcontractors total contract amount

Plumbing	1.5% of subcontractors total contract amount
Electrical	1.5% of subcontractors total contract amount
Well Permit	\$50.00 flat fee

(Commercial Mechanical, Plumbing, and/or Electrical Permits will have a minimum fee of \$75.00)

Re-Inspection Fees

Fees will only be applied to items on original list. Any new items will not be considered a re-inspection at the time of the next inspection. All re-inspection fees must be paid prior to the re-inspection.

1st Re-inspection	No Charge
2nd Re-inspection	\$50.00
3rd Re-inspection	\$100.00
4th Re-inspection	\$200.00

Stop Work Fee

Any Stop Work Order issued will be charged \$100.00 for a re-inspection.

(b) The above referenced technical codes are hereby adopted as the International Building Codes of the City of Daphne.

(d) Copies of the above referenced codes are on file in the office of the City Clerk.

SECTION III: REPEALER

That any Ordinance heretofore adopted by the council, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION IV: EFFECT OF REPEAL

- (a) The repeal of Ordinance No. 2007-23 and 2006-55 does not revive any previously repealed ordinance.
- (b) The repeal of Ordinance No. 2007-23 and 2006-55 does not effect any punishment or penalty incurred before the repeal took effect, nor does such repeal effect any suit, prosecution or proceeding pending at the time of the repeal.

SECTION VI: SEVERABILITY

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

SECTION VII: EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne and publication as required by law.

APPROVED AND ADOPTED THIS ____ DAY OF _____, 2012.

**CATHY BARNETTE
COUNCIL PRESIDENT**

**BAILEY YELDING,
MAYOR**

ATTEST:

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

**CITY OF DAPHNE
ORDINANCE NO. 2012-41**

FIRE PREVENTION CODE FOR THE CITY OF DAPHE

**AN ORDINANCE TO REPEAL ORDINANCE NO. 2009-37 AND TO ADOPT
THE 2012 INTERNATIONAL FIRE CODE WITH AMENDMENTS THERETO
FOR THE CITY OF DAPHNE, ALABAMA.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA THAT:**

The 2012 edition of the International Fire Code, copyrighted by the International Code Council, with amendments thereto, has heretofore been on file in the Office of the City Clerk of the City of Daphne, Alabama, pursuant to Resolution No. 2012-37 adopted by the City Council of Daphne, Alabama, on the 7th day of May, 2012.

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

1. That a public hearing shall be held on June 4, 2012 concerning the adoption of an ordinance for the 2012 Edition of the International Fire Code and all amendments thereto.
2. Said Ordinance shall provide for the amendment, deletion, and changes to the International Fire Code, Edition 2012 as follows:
3. The following section of the International Fire Code, Edition 2012, is hereby revised in its entirety to read as follows:

A.

Section 101.1 of the International Fire Code shall be repealed in its entirety and a new section 101.1 shall be added to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of Daphne, hereinafter referred to as “this code.”

B.

Section 103.1 of the International Fire Code shall be repealed in its entirety and a new section 103.1 shall be added to read as follows:

103.1 General. Bureau of Fire Prevention. There is hereby established a department to be called the Bureau of Fire Prevention and the person in charge shall be known in this Code as the Fire Code Official, who shall be the Fire Marshal of the City of Daphne. The function of the department shall be the implementation, administration and enforcement of the provisions of this code and amendments.

C.

Section 103.2 Appointment. Of the International Fire Code shall be removed in its entirety.

D.

Section 105.6.30 of the International Fire Code shall be repealed in its entirety and a new section 105.6.30 shall be added to read as follows.

Open Burning

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization.

No waste materials, rubbish, trees, bushes or brush cleared for construction or demolition of buildings or structures shall be disposed of by burning on the premises or in the immediate vicinity by the owner, the contractor, or any other person, unless a permit or other proper authorization has been obtained to burn said waste materials in an approved waste burner/incinerator.

The permit for each approved waste burner/incinerator shall be \$75.00.

E.

Section 105.7.1 of the International Fire Code shall be repealed in its entirety and a new section 105.7.1 shall be added to read as follows:

Fixed Fire Extinguishing Systems Installation

No person shall engage in the business of installing fixed fire extinguishing systems without obtaining a permit from the Bureau of Fire Prevention.

No person shall install a fixed fire extinguishing system without obtaining a current City of Daphne business license.

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.

The Fire Code Official shall require certain operational tests upon final inspection.

The permit fee for each fire extinguisher system installation shall be \$75.00.

Section 105.7.1.1

Servicing Fixed Fire Extinguishing Systems

No person shall engage in the business of servicing or inspecting fixed fire extinguishing systems without obtaining a permit from the Bureau of Fire Prevention. The permit is good only for that calendar year of which it is issued.

No person shall service or inspect a fixed fire extinguishing system without obtaining a current City of Daphne business license.

No person shall be issued a permit to service or inspect 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 work of servicing or inspecting 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.

A permit is not required for follow up inspection or service, if a permit was received for that system in the same year. However a report shall be furnished to the Bureau of Fire Prevention upon completion of work being done.

The permit fee for servicing a fixed fire extinguisher system shall be \$75.00.

F.

Section 105.7.6 of the International Fire Code shall be repealed in its entirety and a new section 105.7.6 shall read as follows:

Section 105.7.6

Fire Alarm System Installation

No person shall install a fire alarm system without having the plans reviewed by the Fire Code Official before commencing any part of the work. No person shall commence working on a fire alarm system without first obtaining a permit from the Bureau of Fire Prevention.

There is excepted from the requirements of this Section 105.7.4.1 installations in any building with single station detectors only.

Installer must possess a State Fire Alarm Permit issued by the State Fire Marshals office.

Any person or entity who designs fire alarm systems must possess a State Fire Alarm Permit issued by the State Fire Marshals office.

Licensed electricians may pull wire, mount ancillary equipment, and connect the main power to the control panel after a permit has been issued; but no one other than a qualified fire alarm installer shall be allowed to make any other connections inside the control panel.

A certified fire sprinkler installer may install devices integral to the operation of the fire sprinkler system, but shall not make and connections to the fire alarm system.

Upon final inspection, the NFPA Fire Alarm System Record of Completion form must be properly filled out and submitted to the Fire Code Official and a fire alarm system test must be performed in the presence of the Fire Code Official.

All fire alarm circuit disconnecting means shall have a red marking and shall be identified as "Fire Alarm".

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.

The permit fee for installing a fire alarm system shall be \$75.00.

Section 105.7.6.1

Servicing Fire Alarm Systems

No person shall engage in the business of servicing fire alarm systems without obtaining a permit from the Fire Code Official. The permit is good

only for that calendar year of which it is issued. There is excepted from the requirements of Section 105.7.4 installations of the following types:

- (1) One and two family dwellings
- (2) Any buildings with single station detectors only.
- (3) Owners of buildings may maintain their own systems as long as their maintenance person is certified by the manufacturer of the installed equipment or has National Institute for Certification in Engineering Technologies (NICET) level II in fire alarms.

No person shall be issued a permit to modify, repair, test or service fire alarm systems who does not possess a State of Alabama Fire Alarm Permit issued by the State Fire Marshals office.

A service tag or sticker shall be required to be installed by the permitted alarm servicing individual or company at the control panel of each fire alarm system, stating the company's name, address, phone number, name of the technician performing the service, date and the type of service performed.

The permit fee to service a fire alarm system shall be \$75.00.

G.

Section 105.7.7 of the International Fire Code shall be repealed in its entirety and a new section 105.7.7 shall be added to read as follows:

Fire Pumps Installation

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.

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

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

Section 105.7.7.1 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.

H.

Section 105.7.17 shall be added to read as follows:

Portable Fire Extinguisher Service

No person shall engage in the business of servicing portable fire extinguishers without obtaining a permit from the Bureau of Fire Prevention. The permit is good only for that calendar year of which it is issued.

No person shall service portable fire extinguishers without obtaining a current City of Daphne business license.

No person shall be issued a permit to service a portable fire extinguisher that does not posses a manufactures service manual for the type of extinguisher being serviced, and have the proper training. They shall 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 technician who actually performs the work of servicing the portable fire extinguishers shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.

The annual permit fee for portable fire extinguisher service shall be \$75.00.

I.

Section 105.7.18 shall be added to read as follows:

Install Automatic Fire Sprinkler Systems

No person shall install, modify or repair an automatic fire sprinkler system without obtaining a permit from the Bureau of Fire Prevention.

Any person who installs or maintains fire sprinkler systems (hereinafter called in Section 402.35 "installer") must be certified by the Alabama State Fire Marshal's Office, 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 possess a current City of Daphne business license.

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

Upon final inspection, the National Fire Protection Association (NFPA) Contractor's Material and Test Certificate for Aboveground Piping must be properly completed and submitted to the Bureau of Fire Prevention.

The Fire Code Official shall be present during the final inspection of the sprinkler system.

Relocating more than three (3) sprinkler heads in an existing fire sprinkler system shall require a permit from the Bureau of Fire Prevention.

The permit fee for each automatic fire sprinkler system installation shall be \$75.00.

Section 105.7.18.1 shall be added to read as follows:

Servicing Fire Sprinkler Systems

No person shall service or inspect an automatic fire sprinkler system without obtaining a permit from the Bureau of Fire Prevention.

Any person who services or maintains fire sprinkler systems must be certified by the Alabama State Fire Marshal's Office, 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.

No person shall perform maintenance or testing on fire sprinkler systems unless that person is certified by the Alabama State Fire Marshal's office and approved by the Fire Code Official.

Installer must possess a current City of Daphne business license.

The permit fee for servicing a fire sprinkler system shall be \$75.00.

The permit is good only for that calendar year of which it is issued.

J.

Section 105.7.19 shall be added to read as follows:

Additional Permits

Where work for which a permit is required by this code commences prior to obtaining said permit, the permit fee herein specified shall be doubled.

It shall be required that a copy of all annual or semi-annual inspection reports be submitted to the Bureau of Fire Prevention with any and all deficiencies clearly noted.

All checks and money orders shall be made out to the City of Daphne.

All certifications whether they are manufacture or NICET must be current and not have expired.

General requirements for a permit are as followed:

1. Current city of Daphne Business license.
2. Current one million dollar (\$1,000,000) general liability insurance policy with the City of Daphne listed as a certificate holder, P.O. Box 400 Daphne AL 36526.
3. Approved by the Fire Code Official.
4. Current Training certificates.
5. Permit fee of \$75.00

K.

Section 109.4 Violation penalties.

Persons who shall violate a provision of this code, or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a violation of the 2012 Edition of the International Fire Code, as amended, which is punishable by a fine of not more than Two Hundred (\$200) dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

L.

Section 307.2.1 of the International Fire Code shall be repealed in its entirety and a new section 307.2.1 shall read as follows:

Authorization.

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.

M.

Section 307.4.1 of the International Fire Code shall be repealed in its entirety and a new section 307.4.1 shall read as follows:

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.

N.

Section 503.2.5 of the International Fire Code shall be repealed in its entirety and a new section 503.2.5 shall read as follows:

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.

O.

Section 505.1 of the International Fire Code that reads “Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches” shall be repealed and shall read “numbers shall be a minimum of 5 inches high with a minimum stroke of 0.5 inches”.

P.

Section 506.1 of the International Fire Code shall be repealed in its entirety and a new section 506.1 shall read as follows:

Key boxes. Key boxes shall be installed in all buildings having an automatic fire sprinkler system, 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.

Q.

Section 507.5.1.1 of the International Fire Code shall be repealed in its entirety and a new section 507.5.1.1 shall read as follows.

Hydrant for Fire Sprinkler Systems and Standpipe Systems. Building equipped with a standpipe or fire sprinkler system installed in accordance with Section 903 and 905 shall have a fire hydrant within 100 feet of the FDC (fire department connection).

R.

508.5.7 Hydrant Outlet Location shall be added to read as follows:

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

S.

Section 905.3.1 of the International Fire Code shall be repealed in its entirety and a new section 905.3.1 shall read as follows:

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 of the highest story is located more than 20 feet above the lowest level of the fire department vehicle access.

SECTION 3: ORDINANCES REPEALED

Ordinance 2009-37 shall be repealed in its entirety, replaced with the provisions of this Ordinance. All other ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECETION 4: SEVERABILITY

If any provision of this Ordinance is held to be invalid or unenforceable for any reason, such holding shall not in any way effect the remaining portions hereof, which shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE

This Ordinance shall be in full force and 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.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE THIS ____ DAY OF _____ 2012.

Cathy Barnette,
Council President

Bailey Yelding,
Mayor

ATTEST:

David L. Cohen,
City Clerk, MMC

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones, 
Community Development Director

Subject: 1st Amendment to Ordinance 2011-54, Land Use and Development Ordinance, Article 19, the Landscape and Tree Protection, Section 8 and 2nd Amendment to Ordinance 2011-54, Land Use and Development Ordinance, Article 32, the Telecommunication Tower Provision, Section 3(d)(3)(i)

Date: April 30, 2012

At the April 26, 2012, regular meeting of the City of Daphne Planning Commission, six members were present. The motion carried unanimously for a **favorable recommendation** of the above-mentioned revision to the Land Use and Development Ordinance.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, May 7, 2012 City Council agenda to set the public hearing for Monday, June 18, 2012.

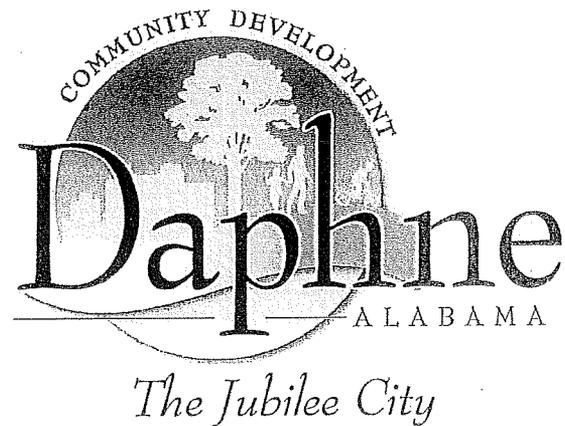
Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Report

Planning Commission



PUBLIC HEARING PROPOSED 1ST & 2ND AMENDMENT TO ORDINANCE #2011-54 LAND USE & DEVELOPMENT ORDINANCE

April 2012 Planning Report

COMMUNITY DEVELOPMENT

Amendment #1: An amendment to the Landscape provisions of the LUDO

Rationale: The general purpose of landscaping goes beyond that of aesthetics, but rather it is intended to lessen the impact of incompatible or inharmonious land uses. Planned commercial or business park lots are likely to be compatible and in harmony to one another, therefore the addition of landscaping in perimeter areas of property zoned B-2 or C/I where adjoining other property with like-zoning would be excessive.

19-8(b) Perimeter area requirements (side and rear property lines) shall apply except ~~DELETE where provided herein.~~ ADD in a planned business and/or commercial park zoned B-2 General Business or C/I Commercial/Industrial where side yards and/or rear yards abut other property zoned C/I or B/2.

Amendment #2: An amendment to the Communications Tower provisions of the LUDO

Rationale: In an effort to comply with a new federal law regarding telecommunications towers the following amendment is proposed for Article 32-3 Telecommunications Tower.

ADD: 32-3(d)(3)(i):

- (i) Any request for modification of an existing wireless tower and/or base station shall be approved unless the same shall increase the physical dimensions of the tower or base station by thirty percent (30%) or more.

**CITY OF DAPHNE
ORDINANCE NO. 2012 ____**

**AN ORDINANCE ADDING/AMENDING THE CITY OF DAPHNE, ALABAMA
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, as ADOPTED by the CITY
COUNCIL ON JULY 18, 2011**

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

WHEREAS, The City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 26th day of April, 2012, and has made a favorable recommendation for adoption to the City Council; and

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public Hearing was held before the City Council on June 4, 2012.

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

SECTION I: AMENDMENT

That Article XIX entitled "*Landscape and Tree Protection*", denoted as section 19-8(b), and is hereby deleted in its entirety and is replaced as follows:

19-8(b) the following apply:

(b) Perimeter area requirements (side and rear property lines) shall apply except in a planned business and/or commercial park zoned B-2, General Business or C/I, Commercial/Industrial where side yards and/or rear yards abut other property zoned C/I or B-2.

- i. Either overstory or understory trees shall be planted for every fifty (50) feet of the perimeter property lines. Perimeter areas are side and rear property line landscape setbacks.
- ii. Side and rear property lines shall have a six (6) feet greenbelt.

SECTION II: AMENDMENT

That Article XXXII entitled "*Telecommunication Towers and Facilities Provisions*", denoted as section 32-3(d) 3, shall include a new subscription (i) which shall provide as follows:

- (i) Any request for modification of an existing wireless tower and/or base station shall be approved unless the same shall increase the physical dimensions of the tower or base station by thirty percent (30%) or more.

SECTION III: CONFLICT WITH OTHER ORDINANCES

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

SECTION IV. SEVERABILITY

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

SECTION 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 the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2012.

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

**DAVID 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

**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
MAY 30, 2012
5:30 P.M.**

1. CALL TO ORDER/ROLLCALL

There was not a quorum of members present.

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

ABSENT: Mary Beth Mantiply; Doug Bailey; Dayna Oldham.

Also present: Cathy Barnette, Council Liaison Rebecca Hayes, recording secretary; Karen Nady, Olde Towne Daphne West Association.

The members present discussed:

- 1.) A proposal presented by Mr. David Calametti with Alabama Coastal Magazine.
- 2.) The Olde Towne map
- 3.) Mini-Grant form
- 4.) Bank Account

The meeting adjourned at 7:05 p.m.

Respectfully submitted,

Downtown Redevelopment Authority

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

CALL TO ORDER:

The number of members present constitutes a quorum. The regular meeting of the City of Daphne Planning Commission was called to order at 5:04 p.m.

CALL OF ROLL:

Members Present:

Don Terry, Secretary
Dan Gibson
Larry Chason, Vice Chairman
Bailey Yelding, Jr., Mayor
Cathy Barnette, Councilwoman
Chief James "Bo" White

Members Absent:

Joe Lemoine
Ed Kirby, Chairman
Victoria Phelps

Staff Present:

Adrienne Jones, Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Manager
Jay Ross, Attorney

Staff Absent:

Richard Johnson, Public Works Director
Misty Gray, Attorney
Erick Bussey, Associate Attorney
Ashley Campbell, Environmental Programs Manager
Lonnie Jones, Code Enforcement Officer

Others Absent:

Rob McElroy, General Manager/Utilities Board of the City of Daphne
Danny Lyndall, Operations Manager/Utilities Board of the City of Daphne
Rex Rentz, Code Enforcement Officer/Utilities Board of the City of Daphne

The first order of business is the call to order.

Vice Chairman: Please let the record reflect that Mr. Kirby, Mr. Lemoine and Ms. Phelps are not present.

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

APPROVAL OF MINUTES:

The minutes of the March 22, 2012 regular meeting were considered for approval.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Vice Chairman: A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Mayor Yelding and **Seconded** by Ms. Barnette to **approve the minutes of the March 22, 2012 regular meeting as submitted. The Motion carried unanimously.**

NEW BUSINESS:

The next order of business is a public hearing for a revision to the Land Use and Development Ordinance, Article 19, the Landscape and Tree Ordinance.

PUBLIC HEARING:

1st amendment to Ordinance 2011-54, Land Use and Development Ordinance, a revision to Article 19, Landscape and Tree Protection, Section 8 (b) perimeter area requirements (side and rear property lines) shall apply except, (delete where provided herein), and add in a planned business and/or a commercial park zoned B-2, General Business, or C/I, Commercial/Industrial, where side yards and/or rear yards abut other property zoned B/2 or C/I.

Vice Chairman: Proposed amendment read allow for the public. Do any of the Commissioners have any questions or comments? The Chair opened the floor to public participation. With no adjacent property owners present, the Chair closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Terry and **Seconded** by Ms. Barnette **for the affirmative recommendation by the Planning Commission to the City Council of Daphne the adoption of the 1st Amendment, a revision to Ordinance 2011-54, of the Land Use and Development Ordinance, Article 19, the Landscape and Tree Protection, Section 8 (b), as read. The Motion carried unanimously.**

PUBLIC HEARING:

The next order of business is a public hearing for a revision to the Land Use and Development Ordinance, Article 32, the Telecommunication Tower Provision.

2nd amendment to Ordinance 2011-54, Land Use and Development Ordinance, a revision to Article 32, the Telecommunication Tower Provision, Section 3(d)(3)(I): "Any request for modification of an existing wireless tower and/or base station shall be approved unless the same shall increase the physical dimensions of the tower or base station by thirty percent (30%) or more."

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Vice Chairman: Proposed amendment read allow for the public. Do any of the Commissioners have any questions or comments? The Chair opened the floor to public participation. With no adjacent property owners present, the Chair closed public participation. If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Mayor Yelding *for the affirmative recommendation by the Planning Commission to the City Council of Daphne the adoption of 2nd Amendment, a revision to Ordinance 2011-54, of the Land Use and Development Ordinance, to Article 32, the Telecommunication Tower Provision, Section 3(d)(3)(I), as read. The Motion carried unanimously.*

The first order of business is a subdivision preliminary plat extension review for Paradiso Subdivision.

SUBDIVISION PRELIMINARY EXTENSION:

File SDPE12-02:

Presentation to be given by Mr. Jay Dickson, representing Volkert & Associates, requesting an extension of time for the approval of the preliminary plat review for Paradiso Subdivision. The preliminary plat was approved by the Planning Commission on January 22, 2009. One year extension was granted on December 17, 2010 and January 27, 2011.

Vice Chairman: Mr. Dickson.

Ms. Jones: Ms. Pierce is here for the project.

An introductory presentation was given by Ms. Beth Pierce, representing Herndon Oil, requesting an extension of time for the approval of the preliminary plat for Paradiso Subdivision. I am not sure where Mr. Dickson is. We are asking for an extension of the approval of the preliminary plat review for Paradiso due to the status of the economy because this is a very valuable piece of property, and we have invested a lot of money into it.

Vice Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: I just wanted to say for the record that I do not think the preliminary plat met the Ordinance when it was initially approved. For that reason, I am going to oppose granting the extension.

Mr. Gibson: If we grant the extension, does it have to meet the "New" Ordinance? Has her engineer looked at the new regulations to see which ones would apply or is it grandfathered?

Ms. Jones: At this point, it is grandfathered.

Vice Chairman: If the extension is granted, then it would be grandfathered.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Ross: That is right. If they are denied, they would have to comply with the new regulations.

Vice Chairman: We have had several people come in and ask for extensions, and they have been granted. You are asking for a one year extension, but realistically, do you think you will begin construction in one year?

Ms. Pierce: It is possible.

Vice Chairman: How close is this project to being able to comply with the "New" Ordinance?

Ms. Jones: I have not evaluated that. We can ask their engineer to look at their preliminary plat plans and the Ordinance and to give us a report.

Mayor Yelding: Do we have anything in place to determine the numbers of extensions we can give?

Ms. Barnette: In the "New" Ordinance.

Ms. Jones: Not in the "Old" one.

Mr. Gibson: Can we have Mr. Johnson review the plan to see if it meets the Ordinance and postpone this until the next meeting?

Ms. Barnette: Technically, the preliminary plat approval has expired already.

Ms. Jones: They wanted to apply for an extension in January before it expired, but they did not have a representative which was able to come to the meetings. I told them to wait until you can have someone here formally so do not hold that against them.

Ms. Barnette: I was just saying that another month will not matter. It expired in January, anyway.

Vice Chairman: Mr. Ross, I told you that I would have a legal question for you. If it takes a super majority to approve the preliminary plat, then wouldn't an extension and/or renewal be the reaffirmation of the plat? Granting an extension is tantamount to approving the plat all over again, is it not?

Mr. Ross: Just off the top here, I think it is a continuation of the preliminary plat. I think if the plat was approved with a super majority, and we are just extending the time line here, there would be a distinction between the two. My response, initially, would be no. The hard work has already been done. We are not re-evaluating the preliminary plat to see if it meets the requirements, we assumed it did at the time we passed it. We would be essentially just extending the time line for that, which would be different. I think it is arguable either way, but I think that it would be different.

Vice Chairman: I welcome anyone else on the Planning Commission to express their comments about this. Are you one of the owners?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Pierce: Yes.

Vice Chairman: Being perfectly honest with you, I am sure you remember, my problem with it when it came up the first time. I felt we were trying to get too many lots on this parcel in order to make the numbers work. I am never opposed to something if it meets the density requirements and the regulations. In this case, what I thought was a problem is, maybe it would help if I give lot numbers.

Mr. Terry: It is lot 9. I remember it well.

Ms. Barnette: It was a couple of lots.

Mr. Chason: It was lot 8 and 9 which are essentially on the bluff. When you go out there, there is a substantial fall. It goes down quite a bit. Houses built on those lots would basically have to interfere with that bluff. You would have to stabilize the bluff and construct a retaining wall. We would not have anything to say about that. That would be dealt with in a residential site plan. We would not have anything to say about it. The City would have to send Ms. Campbell or Mr. Johnson out there, to deal with whatever problem might occur. From my prospective, I am not inclined to want to grant the extension. I might feel differently if it was going to be done in the next year, and if you did not have those two lots into the bluff.

Ms. Pierce: I do not know what you mean by into the bluff? They are sitting on top of the bluff.

Vice Chairman: In our regulations, we specify minimum lot size and setbacks assuming the land is flat. In that, this is one hundred feet from front to back, if that, and there is fifteen or twenty feet of fall. I do not think our regulations contemplated that. If it had, we would have had a greater requirement and a prohibition about disturbing the bluff area. I think we all know how the bluff line got there. It was from the erosion below the bluff from the wave action and hurricanes that have moved the elevation back to that point. If great care is not taken, the two houses would get built on that bluff and could get severely damaged in a storm. We have a situation all up and down the bay in which houses are getting closer and closer to the edge of the water. When they constructed the homes, the edge of the bluff used to be way out there, but now it has moved back. I have to agree with Ms. Barnette. I was in the minority in the first go around. I feel that if you brought this back with a lower density, I would support it, but that would be essentially redoing it. We are back to square one. I always have felt that if you are not going to approve something you have to give rational.

Ms. Jones: To address the point of redoing it, this is a preliminary plat. The only thing they would have approval to do is the infrastructure for the development. They do not have to have this number of lots in the development. They can also lose some of the lots and still be consistent with the preliminary plat. You have the ability to revise a preliminary plat.

Ms. Barnette: We have gone back before and revised a preliminary plat which was not acceptable as submitted.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Vice Chairman: What I am saying is I do not think I like the idea of putting lots on that bluff. In the case of lot 9 you see the setback line, and you see the bluff area. She said the owners are not going to build on the bluff area, but you have a buildable area there that is almost impossible to build on. That was my problem then, and that is my problem today.

Ms. Jones: What you are saying is lot 8 and 9 are the two that you have the most of an issue with because they are on the bluff?

Ms. Barnette: I have the same issue because those are the ones that have been identified as being below the bluff line. In the initial presentation, I did not think the preliminary plat satisfactorily met the Ordinance because of the bluff, and the stabilization which would need to occur during construction even with the plan layout which was presented with the orientation of the setbacks of the homes on the lots.

Ms. Jones: I am not sure if Ms. Pierce is able to answer your questions tonight or not. Would you consider not laying lot 8 and 9 out as buildable lots?

Ms. Pierce: No. We had to do some rearranging to make them close to the bluff. Those are the prettiest lots in the subdivision.

Ms. Barnette: In spite of that, this is still the problem that I have with the bluff line.

Ms. Jones: Let me rephrase the question. It sounds like if you do not make the modification tonight, you are going to have to come back with a new preliminary plat application based on the current regulations. Either way, you are going to have to come back.

Ms. Pierce: I cannot answer the Planning Commission members' questions so we are going to have to come back.

Ms. Barnette: Does that mean you would come back with the extension tabled or with a preliminary plat consistent with the "New" Ordinance?

Vice Chairman: What I am going to say is what we have on this agenda is a request for an extension of this plat. We have take action on that. We can table that, but we have to take an action on that request. If there is a motion to deny it and it passes, then it is denied. If there is a motion made to table it and it passes, then it is tabled. If there is a motion to approve it and it passes, then it is approved.

Ms. Jones: I do not think those are your only options. You can approve it with modifications to the preliminary plat.

Mr. Ross: You can approve it with conditions.

Ms. Barnette: I am not going to approve it conditionally without knowing as well what does not meet the "New" Ordinance.

Vice Chairman: I agree that it is going to take six affirmative votes to do that.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Vice Chairman: When you start making modifications to the plan, it is essential a new deal, and it takes six affirmative votes to that.

Ms. Jones: I disagree with that. If you are adding lots, then I would say yes. If you are taking away lots, then I do not think so.

Vice Chairman: I would say at best that it does unless Mr. Ross would like to address that.

Mayor Yelding: As far as the modification, Ms. Pierce has already indicated that lot 8 and 9 are the two best lots there, and she would not be willing to give up those lots.

Vice Chairman: Well, she does not have to. I think what she is saying is a house sitting on the bluff would have an excellent view. That does not mean she could not eliminate the two lots behind it and extend the property line back. She would still have a lot on the bluff, but the house would have to sit farther back.

Mayor Yelding: Then we could table it until we can talk to someone who knows more than she does.

Vice Chairman: Can you grant an extension of time to grant an extension?

Mr. Ross: Based on the wording of our Ordinance, I think so. Based on the fact that she did not submit it on time for whatever reason, it has gotten to this point. Therefore, I think that you can table it.

Vice Chairman: Then in my opinion, that is the best option.

Mr. Ross: If Ms. Pierce agrees, then I think it is even easier. I do not see why not as long as she agrees to waive the thirty-day rule.

Vice Chairman: The procedure here is, you will ask for it to be tabled. You have heard the comments, and you know what the problems are. What you need to do prior to next month's meeting is to sit down with Ms. Jones and Mr. Johnson and decide what you want to bring back to the Planning Commission. At the next meeting, we will act to extend or to deny that modification. There are no guarantees, but given the circumstances, I think that is your best bet.

Ms. Barnette: Again, I think we need an evaluation of the preliminary plat as to the differences in the present and past Ordinance. There may be no differences or a substantial difference. That would be good information to have. I would like to see that information before the next meeting.

Mr. Ross: Also, I think before the next meeting I could give an opinion, or we need to come to a consensus as to whether or not a modification requires six affirmative votes. As I sit here right now, I think it does. If the Chair would like, I will look at it and give a legal opinion. I think whatever the change is, it is a change whether or not you are under the old or the new rules. If you are going to change it now, then you will have a "New" preliminary plat. I think that it takes six votes. I could be wrong.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Vice Chairman: There will be two issues to be considered. The first will be if lowering the density meets a favorable approval of the Planning Commission. The second is how close is the preliminary plat as it stands today to meeting the new requirements. This could have a bearing on it as well. I think those are the two factors. If we get that information, then we should be able to make a decision. Do the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

Chief White: Are we tabling their request?

Ms. Barnette: We are tabling their request and give them clear direction as to what they need to bring back to us.

Mr. Ross: That is what you do. She can bring it back, and we can figure out what to do. We can by six affirmative or by a majority vote, vote to change it depending on how far off the mark it gets. I think if it gets off the mark at all you have a "New" preliminary plat. That should really be a new set of rules to go by. I will look at it. I will get with Adrienne, and we will come up with something.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Terry *to table the one year extension of time of the approval of the preliminary plat for Paradiso Subdivision, contingent upon the acceptance of possible modifications from the project engineer, a comparison of the past and present Ordinance, and exploring if it possible to reconfigure the preliminary plat to reduce the numbers of lots. The Motion carried unanimously.*

The next order of business is site plan review for Waffle House.

SITE PLAN REVIEW:

File S12-03:

Site: Waffle House

Zoning(s): B-2, General Business

Location: Southwest of the intersection of U. S. Highway 181 and County Road 31 on Mill Lane

Area: 0.49 Acres \pm

Owner: Baldwin AL., L.L.C. - Wayne Cave

Agent: W. H. Capital, L.L.C. - Russ Holland

Engineer: Rowe Surveying & Engineering - Don Rowe

An introductory presentation was given by Mr. Don Rowe, representing Rowe Surveying & Engineering, requesting site plan review of a restaurant facility located southwest of the intersection of U. S. Highway 181 and County Road 31 on Mill Lane. Waffle House will be located on a lot in the TimberCreek Village Subdivision, Phase Two commercial area. All of the comments by the departments have been addressed. I will be happy to answer any questions you may have.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Vice Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: If I am correct, I saw a memorandum from Mr. Johnson stating that all of his comments have been addressed.

Vice Chairman: That is true. At the work session, a lot of the discussion revolved around the fact that the ownership for the detention pond for the storm water drainage had been transferred. Essentially, what we were trying to do as we have with any development is to obtain a maintenance agreement with a responsible party on the document. We were told that TimberCreek Land Company, Inc. has sold the sales office to Rance Reehl, Coldwell Banker Real Estate. At that point, I raised the question does he know he owns the detention pond and would be responsible for the maintenance.

Mr. Ross: I would think if he was not aware of it that he would need to be aware. Didn't Ms. Gray give us an opinion?

Mr. Ross: The detention pond turned out to belong to the TimberCreek Property Owners' Association.

Vice Chairman: I think we are going to have to contact them to ask them to execute the maintenance agreement on behalf of the TimberCreek Property Owners' Association. The second question that came up is the Property Owners' Association is primarily comprised of residential property owners, and the real estate representative for Waffle House, Mr. Holland, said no one had said anything to him about being part of the Property Owners' Association or contributing any money toward the maintenance of the pond. Essentially, the residential POA owns and controls the pond and all of the commercial businesses along Alabama Highway 181 are directing their storm water into it.

Ms. Barnette: During the presentation of the last development, Mr. Joel Coleman, Rester & Coleman Engineers, told us the commercial developments had to go before the architectural review board. We have since been told they do not, but they are still directing the storm water to them.

Mayor Yelding: At the last meeting, we requested that you get that information for us, didn't we?

Mr. Holland: You did. I met with the tile agent, Allan Lusk. He has given me proof that the ownership of the common area/detention pond was transferred to the POA. Also, the architectural review process was transferred to Baldwin Alabama Development and specifically calls out Tom Mitchell as the approval authority. The document says anyone that is going to build in TimberCreek Village Subdivision has to get approval from the grantor. It also says the developer is to install all of the storm water infrastructure on his commercial property and to direct it to this detention pond.

Mr. Gibson: Who is it?

Mr. Holland: Baldwin Alabama Development, L.L.C.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Barnette: They were responsible for installing the infrastructure to carry your storm water drainage to the Property Owners' Association detention pond? Is there an agreement in place for you to maintain that basin?

Mr. Holland: Not at this time. We have not come across any documentation that says that. The only documentation I have says the developer of TimberCreek Village Subdivision is responsible for the maintenance of the infrastructure to get the storm water from their site to the detention facility.

Mr. Ross: Do you need the consent of the TimberCreek Property Owners' Association to put the storm water in there?

Ms. Barnette: That is the problem. The POA does not get any review.

Mr. Holland: The review process and approval of commercial developments were conveyed from TimberCreek Land Company to the City of Daphne and Baldwin Alabama Development.

Mr. Chason: Obviously, this thing is not the way it is supposed to be. What we want to know who is going to fix the detention pond if it breaks.

Mayor Yelding: We wanted to know who was in charge of the detention pond.

Ms. Barnette: Now we know that it is the TimberCreek Property Owners' Association. The problem is the Property Owners' Association does not have any say in it because Baldwin Alabama Development is providing the infrastructure to get the water there. I do not think we can hold it up. I do think in our approval process we could utilize some type of encouragement to say that Baldwin Alabama Development needs to work with the Property Owners' Association on a plan for maintenance of the detention pond. It is going to become more difficult to continue to allow the development of the addition parcels in the subdivision.

Vice Chairman: Let me paint this picture, Mr. Holland. You build a building and a big rain comes and blows out the detention pond. The City calls the TimberCreek Property Owners' Association to ask them to repair it. They are not going to do anything because it was storm water from Walgreens and Waffle House, and that at the time of approval of the site plan, we did not review the plans or approve them; therefore, we are not going to spend a dime to fix it. This storm water is going into the D'Olive watershed which is a watershed that is being looked into by the State. I am not trying to make this your problem because we are going to go ahead and act on the site plan. I just think you need to make them aware that this situation is not the way it needs to be. No one really knows who is responsible, and who is going to pay. I know Mr. Mitchell, and he has an impeccable reputation for making things right. I do not think that he has thought this all the way through.

Mr. Holland: There may be additional documentation. We are just researching on a very limited basis with the title company.

Mr. Holland: Frankly, we would want to be protected from liability.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Holland: I think that it would be very difficult to prove that it was the storm water from a less than one-half acre commercial site as compared to a much larger residential development.

Vice Chairman: I am going to suggest that you and the other commercial property owners in TimberCreek Village Subdivision approach the Property Owners' Association to become a member in order to have a say and responsibility for the maintenance of the detention pond.

Mr. Gibson: When all of those roads were built and the storm water drainage was installed it belonged to the City of Daphne. So wouldn't the storm drain belong to the City? I am just asking because it makes sense to me.

Vice Chairman: When the City and other cities, like Fairhope and Baldwin County, wrote their regulations, they required you to install and maintain the infrastructure. It is not clear, and we are not going to hold you up. I think the City is incumbent to not wait for another application to come in. The City needs to write a letter to call to the TimberCreek Property Owners' Association's attention to express our concerns prior to us having an issue.

Ms. Barnette: I have an idea. I do not know if it is good one. It is a little unconventional. Would it be possible to grant the site plan approval with some type of preliminary condition for them to report back on working with the TimberCreek Property Owners' Association and Homeowners' component as to how it is going to be resolved?

Vice Chairman: The problem I have is that I do not want to put that responsibility on Waffle House.

Mayor Yelding: Is that written in the Land Use Ordinance?

Ms. Barnette: I said it was unconventional. I asked if there is a way to do it? I am not asking to hold him up.

Ms. Jones: Here is one good thing. Mr. Mitchell has established dialogue with us and posed the question of who is responsible for it. I will follow up with him via email.

Vice Chairman: I think he needs to hear that part of the disconnect is the TimberCreek Property Owners' Association has control over who directs storm water into the detention pond. Also, the sites that are distributing storm water to the detention pond have no responsibility to pay anything for the maintenance, and that needs to be looked at. I think what the TimberCreek Property Owners' Association needs to do it to get the names of the businesses and ask them to participate in the property owners' association. Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

Ms. Barnette: I just wanted to say that I appreciate Waffle House presenting the monument sign in this neighborhood.

Mr. Holland: I think you will be very happy with the architecture of this building, as well.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Vice Chairman: I think the TimberCreek Property Owners' Association and Baldwin Alabama Development need to come up with some type of agreement and make us aware of what that is.

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Yelding to **approve the site plan for Waffle House, as submitted. The Motion carried unanimously.**

Ms. Barnette: Also, if we can ask Ms. Jones to contact the POA and the developer of TimberCreek Village Subdivision and report back to us next month in order to keep it on the table until it is addressed.

Vice Chairman: Let's just put it on the agenda until it is dealt with.

Ms. Jones: The thing is there are undeveloped lots that are going to have to come to you anyway so it would be in their best interest to have this resolved before another client comes forth.

The next order of business is site plan review for Daphne Utilities Central Water Treatment Plant.

File S12-04:

Site: Daphne Utilities Central Water Treatment Plant

Zoning(s): R-1, Low Density Single Family Residential

Location: Northeast of the intersection of Well and Pollard Road

Area: 0.75 Acres ±

Owner: Utilities Board of the City of Daphne - Danny Lyndall

Engineer: Volkert Engineering - Melinda Immel

An introductory presentation was given by Ms. Melinda Immel, representing Volkert Engineering, requesting site plan review of an upgrade to the Central Water Treatment Plant located west of the Central Services Facility for the Utilities Board of the City of Daphne on Well Road where we have just added the new well. The plant will serve as the treatment facility for the new well at the Central Services Facility, the well on this site, the well on Public Works Drive, and the one on County Road 13. In order to accommodate the capacity the treatment plant needs to be expanded twenty feet. We are upgrading the facade because we do not want it to look like a treatment plant for security purposes. At the time of the submittal of the site plan, we also submitted an application to the Board of Zoning Adjustments for review. When I first looked at the map, I thought this property was annexed into the City of Daphne with B-2, General Business, zoning.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Immel: After review, it seems that the application had been reviewed to ask that the property be annexed into the City of Daphne with R-1, Low Density Single Family Residential, zoning which changed the setbacks on the site plan and variance request for the Board of Zoning Adjustments. Also, thirty-feet of the front of the property was needed for the improvement and expansion of Well Road. Since this is the central water treatment plant, it is imperative for us to have the facility constructed and online by next Spring at the height of the demand season. This facility is unmanned. That is why there is no parking provided. The Water Quality Department visited the site twice daily to obtain water samples. I will be happy to answer any questions you may have.

Vice Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: So we are going to approve the site plan, subject to approval by the Board of Zoning Adjustment?

Vice Chairman: What if the Board of Zoning Adjustments does not approve the variance?

Ms. Jones: Then they will have to apply for a zoning amendment to B-2 zoning or revise the site plan for the building.

Vice Chairman: Do the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Terry **to approve the site plan for Daphne Utilities Central Water Treatment Plan, contingent upon the approval of the variance request by the Board of Zoning Adjustment.**

The next order of business is Planning Commission Discussion.

PC DISCUSSION - Low Impact Development Questionnaire:

Vice Chairman: I have not read it. What is this?

Ms. Jones: She opened the discussion regarding the Low Impact Development questionnaire. If you are not prepared to discuss the information, you need to read it and complete the questionnaire. I need you to understand the language. You are going to have to help propose the Ordinance which will go to the City Council and hopefully be adopted. You will also be getting site plans which use these methods. Please read the material and familiarize yourself with it.

Vice Chairman: Is this an effort to streamline and simplify low impact development?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Jones: This is an effort to identify methods you want to see used and is necessary to provide incentives for developers to use low impact designs in their projects.

Mr. Gibson: This a State program which is designed to get storm water back into the ground and to decide what is the best way to do that. They list all kinds of options. You have to read all of it and decide what is the best ideas. They list different categories.

Ms. Barnette: I just want to make sure everyone understands that the State is establishing this to add structures, in some cases, design practices and low impact design criteria to the State handbook. We are trying to not get ahead of the curve, but to follow along. They are actually going to require an enhanced BMP-IMPAIRED watershed to be registered and submitted to the State. They are taking it very seriously. We do not know how or how many they are going to do, but we are trying to find out how we can encourage some of the designs. If we want to provide incentives, then how do we do it, and what is a good idea.

Ms. Jones: We are using a grant to pay the consultant, and we have to produce a product. We are hoping to have an amendment to the Land Use Ordinance which is going to have to go through the public hearing process prior to going to the City Council. When you give me the questionnaire, I will give it to Mr. Jinright to process, present to me the findings or a summarization for you to review, and then you will make a recommendation.

The next order of business is public participation.

PUBLIC PARTICIPATION:

Vice Chairman: Is there anyone who would like to address the Planning Commission?

Mr. Ouellette: During the presentation of Waffle House, I did not understand why the TimberCreek Property Owners' Association would be responsible for the storm water directed into their detention pond from others. We have a similar situation where someone directs storm water into our detention pond. Why would anyone that would develop now be able to direct storm water into our detention pond and the property owners' association would be responsible for the maintenance?

Vice Chairman: This is a totally different scenario from Madison Place Subdivision Property Owners' Association. For the commercial development along Highway 31 and Alabama Highway 181, the infrastructure was designed to direct its storm water into the detention pond at the main entrance to TimberCreek Subdivision. All of those that are involved in the common detention need to be responsible for the maintenance of the pond.

Mr. Ouellette: Someone directs storm water into our detention pond.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Vice Chairman: Who?

Mr. Ouellette: Pinas' Trailer Park.

Vice Chairman: That is because they were there first. This is a different situation from yours.

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

ATTORNEY'S REPORT:

Mr. Ross: No report.

The next order of business is commissioner comments.

COMMISSIONER'S COMMENTS:

Vice Chairman: Do any of the Commissioners have any questions or comments?

Chief White: Questioned the discussion relative to the detention pond at TimberCreek Subdivision, Walgreens and Waffle House.

Vice Chairman: We were trying to address maintenance of the detention facility at the entrance of TimberCreek Subdivision for all of the commercial development along Highway 31 and Alabama Highway 181.

Ms. Barnette: The problem is researching it and being able to use a strong arm to avoid being further scrutinized.

Mayor Yelding: We need to amend the Ordinance to address this so we can avoid lengthy discussions in the future.

Ms. Jones: I think we need to require them to implement low impact development.

The next order of business is director's comments.

DIRECTOR'S COMMENTS:

Ms. Jones: Winn Dixie has invited everyone to come to their grand opening tonight from 5:30 to 7:00 p.m.

ADJOURNMENT:

Vice Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion to adjourn.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

There being no further business, the meeting was adjourned at 6:16 p.m.

Respectfully submitted by:

Jan Dickson

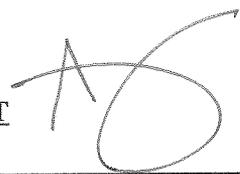
Jan Dickson, Planning Coordinator

APPROVED: May 24, 2012

Larry Chason

Larry Chason, Vice Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 24, 2012 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.



-
1. **CALL TO ORDER** **DATE OF REPORT: MAY 25, 2012**

 2. **CALL OF ROLL** **DAN GIBSON, LARRY CHASON, CATHY BARNETTE,
DON TERRY, VICTORIA PHELPS, AND ED KIRBY**

 3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of April 26, 2012. (APPROVED AS SUBMITTED)

 4. **OLD BUSINESS:**

A. **SUBDIVISION PRELIMINARY EXTENSION:**

File SDPE12-02: (TABLED UNTIL JUNE 28, 2012)

Presentation to be given by Mr. Jay Dickson, representing Volkert & Associates, requesting an extension of time for the approval of the preliminary plat for Paradiso Subdivision. The preliminary plat was approved by the Planning Commission on January 22, 2009. One year extension was granted on December 17, 2010 and January 27, 2011. Tabled by Planning Commission on April 26, 2012.

 5. **NEW BUSINESS:**

A. **SITE PLAN EXTENSION:**

**File SPE12-02: (APPROVED, WITHOUT INFERRED APPROVAL OF THE
FUTURE OFFICE SHOWN ON THE SITE PLAN)**

Presentation to be given by Mr. Dane Haygood, representing H-Properties, requesting an extension of time for the approval of the site plan for Malbis Ventures Retail Shops. The site plan was approved by the Planning Commission on April 28, 2011.

B. **SUBDIVISION REPLAT REVIEW:**

1. **File SRP12-08: (APPROVED)**

**Subdivision: Lot 1, Simmons Subdivision, a replat of a portion of Lots 1 &
2, Magnolia Hill Subdivision**

Zoning(s): R-2, Medium Density Single Family Residential

Location: Southeast of the intersection of 6th Street and Magnolia Avenue
Area: 0.23 Acres ±
Owner: John M. Powell
Agent: Wachter & Company - Chason Wachter

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 24, 2012 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

C. OLDFIELD SUBDIVISION, PHASE ONE:

1. MASTER PLAN REVISION:

MPR12-02: (APPROVED)

Presentation to be given by Mr. David Diehl, representing Preble-Rish, requesting a master plan revision for Oldfield Subdivision.

2. PRELIMINARY/FINAL PLAT REVIEW:

File SDPF12-04: (APPROVED, CONTINGENT UPON ADDING TO THE PLAT THE FOLLOWING NOTE: THE LOTS PLATTED HEREWITH SHALL BE RESTRICTED TO SINGLE FAMILY RESIDENTIAL USE AND/OR USES ASSOCIATED WITH THE COMMON USE OF THE RESIDENTS OF OLDFIELD SUCH AS COMMUNITY POOLS, PLAYGROUNDS, ETC. HOWEVER, LOT 142A SHALL BE PERMITTED TO BE UTILIZED AS A SALES OFFICE FOR D. R. HORTON, INC. UNTIL JUNE 1, 2015)

Subdivision: Oldfield Resubdivision, the Resubdivision of Common Area 1, Common Area 2, Lot 77, and Lot 142 of Oldfield Subdivision, Phase One

Zoning(s): *B-1, Local Business, R-1, Low Density Single Family Residential, and R-3, High Density Multi-Family Residential*

Location: South on Alabama Highway 181, at the intersection of Camberwell Drive and Devonfield Lane

Area: 5.36 Acres \pm , (2) lots

Owner: D. R. Horton - Pete Ferrari

Engineer: Preble Rish - David Diehl

3. SITE PLAN REVIEW:

File S12-05: (APPROVED)

Site: Oldfield Community Pool

Zoning(s): *B-1, Local Business*

Location: South on Alabama Highway 181, at the intersection of Camberwell Drive and Devonfield Lane

Area: 1.59 Acres \pm

Owner: D.R. Horton - Pete Ferrari

Engineer: Preble Rish - David Diehl

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 24, 2012 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

6. PUBLIC PARTICIPATION
7. ATTORNEY'S REPORT
8. COMMISSIONER'S COMMENTS - Discussion by Councilwoman, Cathy Barnette, regarding Historic Preservation & the Certified Local Process. (NO ACTION TAKEN)
9. DIRECTOR'S COMMENTS
10. ADJOURNMENT

**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 2012-35
2012-I-WELL ROAD EXTENSION TO HIGHWAY 13**

WHEREAS, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$ 50,000; and

WHEREAS, the City of Daphne acknowledges that WELL ROAD EXTENSION TO HIGHWAY 13 will exceed \$50,000; and

WHEREAS, the City of Daphne did receive and review bids for the WELL ROAD EXTENSION TO HIGHWAY 13 and has determined that the bid as presented is reasonable; and

WHEREAS, staff recommends the bid for WELL ROAD EXTENSION TO HIGHWAY 13 be awarded to Asphalt Services, Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid from Asphalt Services, Inc. in the amount of \$207,028.50 as specified in BID SPECIFICATION NO. 2012-I-WELL ROAD EXTENSION TO HIGHWAY 13.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2012.

Cathy S. Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2012-33

Well Road Extension to Highway 13

WHEREAS, Ordinance 2011-81 approved and adopted the Fiscal Year 2012 Budget on November 21, 2011; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

WHEREAS, Well Road needs to be extended from Public Works Road to County Road 13 (.265 miles) and the project was bid; and

WHEREAS, the City Council has determined it to be in the best interest of the City to obtain bids for this project and \$21,930 was previously approved for design engineering services; and

WHEREAS, the project was bid and the cost for construction is \$207,028.50 and additional engineering & testing is \$30,400 (*Total Project cost is \$259,359.50*).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$237,429.50 (*includes additional engineering + bid cost*) from the General Fund are appropriated to be transferred to Capital Reserve made a part of the Fiscal Year 2012 budget for the Well Road Extension project.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2012.

Cathy S. Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

**CITY OF DAPHNE
ORDINANCE NO.: 2012-34**

**AN ORDINANCE TO AMEND SECTIONS 9.3.3 AND 9.4.4.2 OF THE CITY'S
EMPLOYEE HANDBOOK**

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

WHEREAS, said revisions to the Employee Handbook will enable the City to more easily facilitate and administer provisions of the Employee Handbook in order to benefit the health, safety, and welfare of its employees;

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

SECTION I: REVISION TO SECTION 9.3.3

That Section 9.3.3 of the Employee Handbook, be and is hereby deleted in its entirety and is replaced as follows:

9.3.3 Holiday Pay. All eligible employees will receive holiday pay in lieu of their regular pay for all city holidays. The amount of holiday pay paid to each employee will be based upon an eight (8) hour work day. If an employee is a twelve (12) or twenty four (24) hours shift employee and takes the holiday off, the employee will be paid eight (8) hour holiday with the remaining hours as vacation, sick, or leave without pay, whichever is applicable. If a non-exempt employee is required to work the holiday, he will receive both holiday pay and pay for the hours he actually works. The pay that he receives for the hours worked will be calculated at his regular rate of pay. An exempt employee will not be paid for the hours he works on a holiday, since he is paid a salary for accomplishing his assigned job. However, he may take time off at a later date, with the concurrence of his supervisor.

SECTION II: REVISION TO SECTION 9.4.4.2

That Section 9.4.4.2 of the Employee Handbook, be and is hereby deleted in its entirety and is replaced as follows:

9.4.4.2. Bereavement. Bereavement leave is intended to provide an eligible employee

time off with pay for purposes of attending to personal matters associated with the death of a close family member and/or for attending a family member’s funeral. Up to twenty four (24) hours of bereavement leave will be granted an employee who has a death in his immediate family. Immediate family is defined as follows: Spouse, children, parents, grandparents, grandchildren, brothers, sisters, or the equivalent relations of the employee’s spouse. Included within the definition of family are those persons who live with the family as a member of the family whether related or not. If additional time off is required beyond the bereavement leave days authorized, an employee may request vacation leave or leave without pay.

SECTION III: REPEALER

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

SECTION IV: SEVERABILITY

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

SECTION V: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ___ DAY OF _____, 2012.

**CATHY BARNETTE,
CITY COUNCIL PRESIDENT**

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**

**CITY OF DAPHNE
ORDINANCE 2012 – 35**

ORDINANCE TO AMEND ORDINANCE 2003-32 REGULATING NOISE

WHEREAS, Ordinance 2003-32 was approved and adopted December 15, 2003, to establish standards to eliminate and reduce unnecessary and excessive noises detrimental to individuals and the community in the enjoyment of life, property, and the conduct of business; and

WHEREAS, the City Council for the City of Daphne, Alabama, has determined that various sections of Ordinance 2003-32 should be amended to eliminate any vagueness and ambiguity, and to further promote the enforcement of the aforementioned Ordinance; and

WHEREAS, the City Council for the City of Daphne, Alabama, has deemed it to be within the health, safety, and welfare of the citizens of Daphne, Alabama, to amend Ordinance 2003-32;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama that Section I of Ordinance 2003-32 is hereby deleted in its entirety and replaced as the following:

**SECTION I: ILLEGAL NOISES-LOUD, DISTURBING OR UNNECESSARY,
PROHIBITED**

A. No person shall make, continue or cause to be made or continued any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the City. It shall also be unlawful and a nuisance for any person to permit any such noise to be made in any house or upon any premises owned or possessed by him or under his management or control.

B. The following acts, and the causing thereof, are declared to be in violation of this section, but such enumeration shall not be deemed to be exclusive:

- 1.) Horns, signaling, devices, etc.
 - a.) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger warning when and as required by ordinances of the City of Daphne or by the Code of Alabama; or
 - b.) The sounding of such signaling device for any period of time exceeding that in which the warned person or persons are alerted thereto; or

- c) The use of any such signaling device when traffic is held up for any reason; or
- d) The use of any horn, whistle or other device operated by engine exhaust.

2.) Animals, birds, etc.

The keeping of any animal or bird which causes repeated noise which is plainly audible to any person inside a commercial, residential, multifamily dwelling or public place between the hours of 10:00 p.m. and 7:00 a.m.

3.) Stationary non-emergency, signaling devices.

- a) The sounding or permitting the sounding of any signal from any stationary bell, chime, siren, whistle or similar device intended primarily for non-emergency purposes, from any place, for more than one minute in any hourly period.
- b) Any such bell, chime and similar device used in conjunction with places of religious worship shall be exempt from the operation of this provision.

4.) Exhausts

The discharge into the open air of the exhaust of any steam engine or internal combustion engine of any motor boat or motor vehicle except through a muffler or other in good working order and in constant operation. The sound therefrom such shall not be plainly audible outside a radius of fifty (50) feet.

5.) Fireworks

The explosion of firecrackers, skyrocket, roman candles, pinwheels or any other form of fireworks, except the display of fireworks in public parks or other open places within the City under a permit issued by the fire marshal pursuant to the fire prevention code of the City or as provided in Ordinance No. 1994-09.

6.) Loudspeakers, amplifiers, etc. for commercial advertising purpose.

The use, operation or permitting the use or operation of any drum, bell, horn, musical instrument, stereo, loud speaker, amplifier, public address system or other instrument or device or the production or reproduction of sound which casts sound upon the public streets for the purpose of commercial advertising or intending to attract attention to any building, structure, performance, show, sale or display of merchandise, or for any other commercial advertising purposes.

7.) Radios, stereos, television sets, musical instruments, etc.

- a) The operating, playing or permitting the operation or playing of any device, radio, television, stereo, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create any sound or noise which exceed 60 dB [during the hours of 10:00 p.m. until 7:00 a.m.] at any property line within a residential district or upon any public street of right-of-way within, or bordering upon any residential district within the corporate limits of the City of Daphne; or
 - b) The operating, playing or permitting the operation or playing of any device, radio, television, stereo, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to be plainly audible outside a radius of twenty-five (25) feet to any person inside a commercial, residential, multifamily dwelling or public place [during the hours of 10:00 p.m. until 7:00 a.m.]. This includes, but is not limited to, any low level rhythmic base component of music sufficient to constitute a violation thereof; or
 - c) The operation of any device, radio, television, personal stereo, cassette player, compact disc player, digitally stored audio or video player, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound by a passenger on a common carrier or by a pedestrian on the street without the use of an external ear plug speaker in such a manner as to be plainly audible to any person other than the player or operator of the device at a distance of twenty-five (25) feet.
- 8.) Unreasonable sound amplification from a vehicle.
- a) The operation or permitting of the operation of any sound amplification system which is plainly audible outside a radius of twenty-five (25) feet when the vehicle is on a public highway or on premises open to the public, unless that system is being operated to request assistance or warn of a hazardous situation.
 - b) This section does not apply to:
 - i. Emergency vehicles
 - ii. Vehicles operated by utilities
 - iii. Sound systems of vehicles used for advertising in parades, political or other, special events or when properly permitted by the City Council.

9.) Defect in vehicle or load.

The use or operation of any automobile, motorcycle or other vehicle which by its physical state of repair, physical state of disrepair or by the manner in which it is loaded creates any grating, grinding, rattling or other noise which is plainly audible outside a radius of fifty (50) feet when the vehicle is on a public highway or on premises open to the public.

10.) Emergency signaling devices.

Sounding or permitting the sounding of any exterior burglar alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within fifteen minutes of activation unless there has been an attempted or actual entry of the premises or vehicle.

11.) Domestic power equipment.

a) The operating or permitting the operation out of doors in a residential area or area adjacent to a residential area, of any mechanically powered saw, sander, drill, grinder, lawn and garden equipment, or similar device, between the hour of 10:00 p.m. and 7:00 a.m. so as to cause a noise disturbance across a residential property boundary.

b) For the purposes of this subsection (B)(11), lawn and garden equipment shall be defined as any gas or electric powered mower, edger, blower, trimmer, tiller, or other, whether commercial or homeowner grade.

12.) Construction

a) Any and all activity incidental to the erection, demolition, assembling, altering, repairing, installing, or equipping of buildings, structures, roads, or appurtenances thereto, including land clearing, grading, excavating and filling between the hours of 10:00 p.m. and 7:00 a.m. in a residential area, or area adjacent to a residential area, so as to cause a noise disturbance across a residential property boundary.

b) Emergency repair or maintenance of public roads and highways parks, sewers, water, electric, gas or telephone systems at any time or any such private construction necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from eminent exposure to danger shall be exempt from the operation of this provision.

13.) Noises near schools, courts, churches or hospitals.

The creation of any noise on any street adjacent to any school, institution of learning, church or court which the same is in use, or adjacent to any hospital,

nursing home or similar facility which is plainly audible within said school, institution of learning, church or court which the same is in use, or any hospital, nursing home or similar facility, provided that construction signs are displayed in such street indication that the same is a school, hospital church or court street and specifying the hours and days of which such regulation is to be effective.

C. The provisions of Section I heretofore shall not apply to:

- 1.) Any bell or chime from any clock, school or church.
- 2.) Any siren, whistle, horn or bell used by emergency vehicles or any other alarm systems used in case of fire, collision, civil defense, burglary, police activity, except as otherwise provided herein.
- 3.) Any construction equipment utilized in the activities described in Section I (B)(12)(a) of this Ordinance and operated upon residential, commercial, industrial or public premises during the time period between 7:00 a.m. and 10:00 p.m.; provided however, that operation of construction equipment between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed a sound level of 80 dB when measured at a minimum of fifty (50) feet from the noise source, and further provide that such equipment shall be equipped with a properly installed muffler in good working order.
- 4.) Any domestic power equipment operated upon any residential, commercial, industrial or public premises during the time period between 7:00 a.m. and 10:00 p.m., provided that such equipment does not exceed a sound level of 80 dB when measured at a minimum of Fifty (50) feet from the noise source.
- 5.) Licensed refuse collection vehicles operating during the time period between 6:00 a.m. and 9:00 p.m., provided, however, sound emitted from license refuse collection vehicles operated upon or within 150 feet of any residential premises between the hours of 9:00 p.m. and 6:00 a.m. shall not be plainly audible outside a radius of fifty (50) feet when the vehicle is on a public highway or on premises open to the public.
- 6.) The emission of sound for the purpose of alarming persons to the existence of an emergency; or
- 7.) The emission of sound in the performance of emergency work.

D. Except as provided, the Mayor shall have the right to waive any or all of the requirements of Section I in cases of emergency where the welfare of persons or property may be jeopardized by their strict enforcement or on such special occasions as the governing body may determine. Exemptions from the requirements of Section I (b)(7)(a) relating to the time periods during which

radios, phonographs, television sets, musical instruments, etc. may be operated and may only be granted:

- 1) During weekends, legal holidays (or eve thereof), or school vacations; and,
- 2) After due consideration of the factors set forth in Section I (B)(5).

SECTION II: REAFFIRMATION

That all other provisions ordinance 2003-32 shall remain in full force and effect.

SECTION III. SEVERABILITY

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

SECTION 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 the City of Daphne and publication as required by law.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2012.

Cathy Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2012 - 36

Fiscal 2012: Personnel & Capital Appropriations

WHEREAS, Ordinance 2011-81 approved and adopted the Fiscal Year 2012 Budget on November 21, 2011; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2012 budget, the Mayor and City Council have reviewed the financial position of the City and considered certain personnel and capital needs not otherwise approved with the adoption of the 2012 budget; and

WHEREAS, such items are necessary for the City's operations.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$ 792,288 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget for purposes outlined by the Mayor and reviewed by the City Council. (Personnel: 174,356; Capital 617,932)

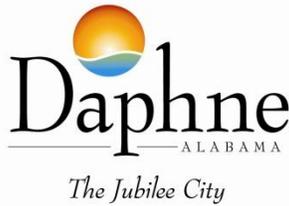
APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this ____ day of _____, 2012.

Cathy S. Barnette, Council President

Bailey Yelding, Jr. , Mayor

ATTEST:

David L. Cohen, City Clerk, MMC



Available Capital \$793,979

Proposal for Funds

Item	Cost	Department Head
Personnel – IT Position	\$ 52,611	Mayor
Personnel – Firefighters	\$121,745	Chief White
Fire Truck	\$200,000	Chief White
Dump Truck		
Asphalt Roller		
Hotbox Claimer	\$125,998	Richard Johnson
Library Floor	\$125,000	Tonja Young
Civic Center Carpet		
Bayfront Decking/Ceiling	\$100,434	Margaret Thigpen
F450 Truck	\$ 32,000	David McKelroy
Intercom System/ Council Chambers	\$ 14,500	David Cohen
Animal Clinic Repairs	\$ 20,000	Chief Carpenter (Ric Yelding)
TOTAL	\$792,288	

CITY OF DAPHNE

ORDINANCE 2012-37

APROPRIATION: WEBSITE INTEGRATION FOR ANIMAL SHELTER AND LIBRARY DONATIONS

WHEREAS, Ordinance 2011-81 approved and adopted the Fiscal Year 2012 Budget on November 21, 2011; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2012 Budget, the City Council has determined that certain appropriations are required and should be approved and made part of the Fiscal Year 2012 Budget; and

WHEREAS, the Animal Shelter and Library accept donations and believe they will receive more donations if they have the capability of accepting online credit card donations; and

WHEREAS, in order for the websites to accept online credit card donations, website integration is required; and

WHEREAS, the City Council has determined it to be in the best interest of the City to accept credit card donations; and

WHEREAS, an upfront, one-time fee of \$ 1,970 is required to modify the websites for the acceptance of donations via credit card.

NOW, THEREFORE, BE IT ORDAINED by the City Council (the “Council”) of Daphne, Alabama (the “City”), that funds in the amount of \$1,970 (Animal Shelter \$985 & Library \$985); from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 Budget for website integration to accept Animal Shelter and Library credit card donations. Furthermore, the Finance Department is hereby authorized to open a separate bank account for the receipting and processing of such online donations.

APPROVED AND ADOPTED BY THE MAYOR & CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2012.

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

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

ALPHA & OMEGA PROCESSING
 9599 Pleasant Road
 Daphne, AL 36526
 (866) 242-4325
 www.aopsales.com

City of Daphne's Animal Shelter & Library - Ability to accept on-line credit card donations

Part 1 - Website Integration

Merchant Identification (MID)	Hourly Rate	Est. # of Labor hours	Cost
Animal Shelter	\$82.08	12	\$985
Library	\$82.08	12	\$985
Combined Cost :			\$1,970

Part 2 - Credit Card Processing per MID

Interchange Cost (IC) + 0.35% of monthly volume + \$0.15 per transaction + \$35 Monthly Fee

The combined total monthly cost for IC, Volume, per transaction fees and the monthly service charge averages to approximately 3% of each month's volume.

**** Alpha & Omega Processing agreed to WAIVE the monthly service fee for both the Animal Shelter and the Library since they are being created specifically to accept donations which will save the City \$420 per year for each MID.****

Definitions & Explanation of Fees and Charges

Interchange Cost

Interchange(IC) is the actual cost from Visa, Master Card, and Discover. It includes both % and per transaction costs. IC includes thousands of categories, can fluctuate, and is the same for each like business in the nation. Master Card and Visa meet twice a year to discuss IC rate increases/decreases as they see fit and it is non-negotiable. *IC averages around 1.8% of a merchant's volume.*

Volume

Volume refers to the total amount of money processed through the credit card terminal for all transaction on a **MONTHLY** basis.

Transaction Fee

Cost of \$0.15 per credit card transaction

Monthly Service Fee

\$35 per month (WAIVED by Alpha & Omega for donations)

ANNUAL CREDIT CARD PROCESSING FEE ESTIMATES

Animal Shelter Donations

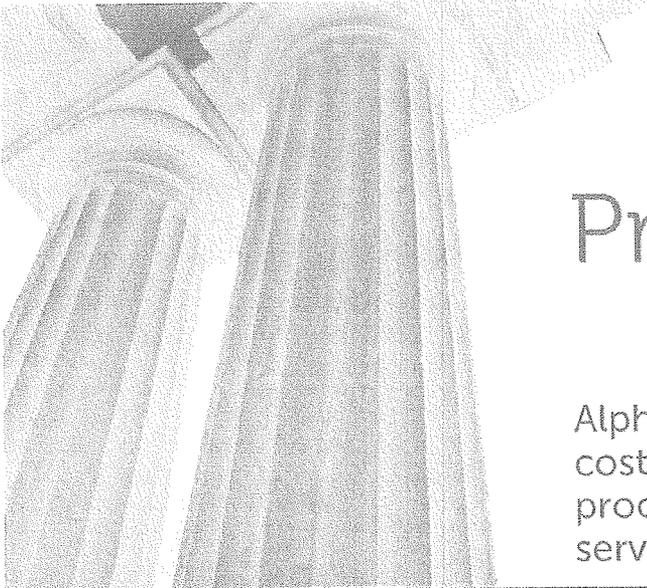
FY 2011 (pre-close)	\$1,250
Estimated # of transactions	125
Estimated # of transaction/month	10.4
Estimated Volume per month	\$104

	IC (approx. 1.8%/month)	Volume (0.35% monthly)	Transaction Fee (\$0.15 each)	Security Charge Fee	TOTAL
October	\$1.88	\$0.36	\$1.56	\$0.00	\$3.80
November	\$1.88	\$0.36	\$1.56	\$0.00	\$3.80
December	\$1.88	\$0.36	\$1.56	\$0.00	\$3.80
January	\$1.88	\$0.36	\$1.56	\$0.00	\$3.80
February	\$1.88	\$0.36	\$1.56	\$0.00	\$3.80
March	\$1.88	\$0.36	\$1.56	\$0.00	\$3.80
April	\$1.88	\$0.36	\$1.56	\$0.00	\$3.80
May	\$1.88	\$0.36	\$1.56	\$0.00	\$3.80
June	\$1.88	\$0.36	\$1.56	\$0.00	\$3.80
July	\$1.88	\$0.36	\$1.56	\$0.00	\$3.80
August	\$1.88	\$0.36	\$1.56	\$0.00	\$3.80
September	\$1.88	\$0.36	\$1.56	\$0.00	\$3.80
ESTIMATED TOTAL PROCESING FEES (ANNUALLY) :					\$45.63

Library Donations

FY 2011 (pre-close)	\$3,000
Estimated # of transactions	300
Estimated # of transaction/month	25.0
Estimated Volume per month	\$250

	IC (approx. 1.8%/month)	Volume (0.35% monthly)	Transaction Fee (\$0.15 each)	Security Charge Fee	TOTAL
October	\$4.50	\$0.88	\$3.75	\$0.00	\$9.13
November	\$4.50	\$0.88	\$3.75	\$0.00	\$9.13
December	\$4.50	\$0.88	\$3.75	\$0.00	\$9.13
January	\$4.50	\$0.88	\$3.75	\$0.00	\$9.13
February	\$4.50	\$0.88	\$3.75	\$0.00	\$9.13
March	\$4.50	\$0.88	\$3.75	\$0.00	\$9.13
April	\$4.50	\$0.88	\$3.75	\$0.00	\$9.13
May	\$4.50	\$0.88	\$3.75	\$0.00	\$9.13
June	\$4.50	\$0.88	\$3.75	\$0.00	\$9.13
July	\$4.50	\$0.88	\$3.75	\$0.00	\$9.13
August	\$4.50	\$0.88	\$3.75	\$0.00	\$9.13
September	\$4.50	\$0.88	\$3.75	\$0.00	\$9.13
ESTIMATED TOTAL PROCESING FEES (ANNUALLY) :					\$109.50



Now You Can Provide What Your Public Desires.

Alpha & Omega Processing provides efficient, cost-effective and convenient fee and payment processing. When it comes to government services, it's a win for you and your citizens.



Raising the bar for Merchant Services Providers Everywhere.

To learn more visit www.AOPsales.com
or call 866-242-4325

CONVENIENCE FEE PROCESSING

- Available for Swiped and Web Based Transactions
- Equipment Placement: Free
- Equipment Maintenance: Free
- Paper and Supplies: Free
- PCI/CISP Compliant
- Redundant Reporting
- Next Day Funding
- Auto-Enrolled in the Large Ticket Program
- AOP understands that even though it's "free", someone is paying for these transactions. That "someone" is your citizens. Being as efficient as possible and offering the highest level of customer service is what we can do for you and your citizens.

UTILITY PAYMENTS

- Utility Interchange is an inexpensive way to offer convenience of payments for your customers.
- Database Integration can be essential to streamlining electronic payments into your organization. Let AOP do a site assessment to see if integration is possible. Even if you have legacy systems, we can customize a solution that provides seamless accounting integration with fewer points of failure.

NON-CONVENIENCE FEE PROCESSING

- Interchange Management—AOP has tools that allow you to process all cards as efficiently as possible. There's so much information that each card-type requires these days. You have to either know how to process each card-type or you have to have software in place that can help manage the transactions within Interchange. The software solution is the best for most counties because it requires no training and no extra steps when taking a credit card.
- No Early Termination Fees—we'll earn your business by providing excellent service and delivering what we promise.
- No Rate/Fee Increases—You can stick to your budget by knowing what your fees will cost. No surprises.
- Experience—We process for some of the largest government entities in the Southeast. We have references to back it up.

EXPERTISE

- Process for the Alabama State Parks Division
- City of Cullman
- Montgomery County

INTEGRATION

- Experience Integrating with Oracle and SQL
- Web-Site Build and Gateway Integration Available
- Custom-Fit Solutions for Your Needs

A Safe, Secure And Easy Tool For Online Business Management



Emerchantsupport.com from Alpha & Omega Processing brings safety, simplicity and security to your online business management.



Raising the bar for Merchant Services Providers Everywhere.

To learn more visit www.AOPsales.com
or call 866-242-4325

MANAGING YOUR BUSINESS

For today's merchants, managing a business presents a wide variety of day-to-day challenges. Alpha & Omega Processing's online transactional database, **Emerchantsupport.com**, gives our merchants a unique resource to overcome those challenges. This innovation in online reporting brings the latest technology to merchants in a safe, simple, secure environment. Alpha & Omega Processing merchants now have an invaluable tool that provides online transactional information, online statements, fraud controls, fraud alerts and chargeback and retrieval management services.

BENEFITS & FEATURES

With **Emerchantsupport.com** you can quickly:

- View, evaluate and print statements online.
- Navigate monthly and daily transactions online, right down to the details of a single sale.
- Receive alerts to help counteract fraud.
- Respond to chargebacks and retrieval requests.
- Export Excel spreadsheets for reconciliation and accounting purposes.
- Run reports, such as:
 - Daily Transaction Reports
 - Monthly Transaction Reports



City of Daphne, Alabama | 251-349-2000 | www.daphneal.com

City of Daphne - Animal Shelter

MikeAllen <mike.allen@aopsales.com>

Fri, Apr 27, 2012 at 2:23 PM

To: Christine Ciancetta <financedeputydirector@daphneal.com>

Hi Christine,

Here are the numbers:

Integration into the website will cost \$985 (we're figuring about 12 hours labor for our tech team).

You have two choices with pricing:

1. Charge a \$4.95 Convenience Fee (the City pays nothing this way)
2. No Convenience Fee; The City pays Interchange(cost) + .35% of volume and \$0.15 / transaction + \$35 Monthly Fee(includes PCI, reporting, etc.)

I know this one can be confusing, so figure around 3% of your volume altogether this way, depending on the types of cards ran.

Once we get the "OK" from you, we will have it up and running in about 2 weeks.

Let me know if you have any other questions.

Thanks,

Mike

Mike Allen

Regional Manager





City of Daphne - Animal Shelter

MikeAllen <mike.allen@aopsales.com>

Mon, May 7, 2012 at 4:54 PM

To: Christine Ciancetta <financedeputydirector@daphneal.com>

Cc: Nate Roulston <nate@aopsales.com>

Hi Christine,

The numbers will remain the same except for the \$35/month fee on the donation accounts. AOP will pay this for your two donation accounts(library and animal shelter).

The integration for the library's website will be the same(\$985) as the animal shelter. All other quotes remain unchanged.

I hope this helps!

Let me know if you need any further information.

Mike



Christine Ciancetta <financedeputydirector@daphneal.com>

Daphne Finance Committee Meeting

Christine Ciancetta <financedeputydirector@daphneal.com>
To: Christine Ciancetta <financedeputydirector@daphneal.com>

Fri, May 11, 2012 at 3:19 PM

From: Nathan Roulston <nate@aopsales.com>
Date: Fri, May 11, 2012 at 2:30 PM
Subject: RE: Daphne Finance Committee Meeting
To: Christine Ciancetta <financedeputydirector@daphneal.com>
Cc: Mike Allen <mike.allen@aopsales.com>

Christine,

Here are a few referrals that you can use for the Finance Committee Meeting:

- Baldwin County
- City of Summerdale
- State of Alabama Parks and Recreation
- University of New Orleans
- City of Heflin, Alabama
- Chilton County, Alabama
- Montgomery County, Alabama

There are several other Counties in Alabama. If you need more references, let me know.

I cannot attend. But, you are more than welcome to call me on my cell phone if any question arises.

Thank you,

ORDINANCE 2012 - 38

Library Roof Water Test and Repairs Appropriation

WHEREAS, Ordinance 2011-81 approved and adopted the Fiscal Year 2012 Budget on November 21, 2011; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

WHEREAS, the Library has had several issues with the roof leaking during rain storms, and

WHEREAS, certain improvements and repairs are needed at the Library to maintain and protect the building.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$2,400 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget for water testing and repair of the Library Roof.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2012.

Cathy S. Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2012-39

Douglas Road Resurfacing to Highway 13

WHEREAS, Ordinance 2011-81 approved and adopted the Fiscal Year 2012 Budget on November 21, 2011; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

WHEREAS, Douglas Road needs to be resurfaced and Seven Cent Gas Tax funds may be used for such purpose; and

WHEREAS, the project cost is below the bid limit and, therefore, quotes were received; and

WHEREAS, the low quote for construction was \$7,172 from American Asphalt, Inc. for a total project cost including materials and material testing of \$20,430 (*Construction 7,172 + 13,258 materials & testing*).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that

- 1) Funds in the amount of \$20,430 (*includes Materials & Material Testing*) from the Seven Cent Gas Tax Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget for the Douglas Road Resurfacing project. AND
- 2) American Asphalt, Inc. is hereby awarded the contract in the amount of \$ 7,172 and the Mayor is authorized to execute the same.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2012.

Cathy S. Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

**CITY OF DAPHNE
ORDINANCE NO: 2012-40**

AN ORDINANCE PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2007-23; PROVIDING FOR THE ADOPTION OF CERTAIN TECHNICAL CODES BY REFERENCE AND 2006-55 RELATING TO BUILDING PERMIT AND RE-INSPECTION FEES

WHEAREAS, THE City Council of the City of Daphne desires to promote the health, safety and welfare of the citizens of the City of Daphne By establishing uniform rules and regulations for the building, constructing and all other related activities within the City of Daphne; and

WHEREAS, the City Council of the City of Daphne recognizes that the procedures set forth hereafter will protect both the City of Daphne and its citizens and the owners of properties coming under the jurisdiction of this ordinance and made the subject of these procedures, and

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

Ordinance No. 2007-23 is hereby repealed in its entirety and replaced by the following ordinance:

SECTION 1: TECHNICAL CODES ADOPTED BY REFERENCE

- (a) For the purposes of establishing uniform rules and regulations, the Council hereby adopts by reference the following codes and subsequent amendments issued thereto:
 - 1.) International Building Code 2012 edition
 - 2.) International Fuel Gas Code 2012 edition
 - 3.) International Plumbing Code, 2012 edition
 - 4.) International Mechanical Code 2012 edition
 - 5.) International Residential Code 2012 edition
 - 6.) International Residential Code Appendix G 2012 edition
Copyrights 2012 by the International Code Council Incorporated,
 - 7.) National Electrical Code, 2011
Copyrights 2010 by the National Fire Prevention Association Incorporated:
 - 8.) City of Daphne supplemental Code for Residential Structures in addition to the International Residential Code 2012. (attached)

- (b) International Building Code, 2012 Edition, International Fuel Gas Code, 2012 Edition, International Mechanical Code, 2012 Edition, International Plumbing Code, 2012 Edition, International Residential Code, 2012 Edition, and the National Electrical Code, 2012 Edition are hereby adopted and incorporated as if fully set out in this section, with additions, deletions and changes to the International Residential Code, 2012 Edition as prescribed in subsections (c) and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction or alteration, or alteration, or repair of all building and other structures therein contained within the corporate limits of the City of Daphne.

- (c) The following section of the International Residential Code 2012 Edition is hereby revised in its entirety to read as follows:

R.106.1 Submittal documents. Construction documents, special inspection and structural observation programs and other data shall be submitted in two sets with each application for a permit the prepared by a registered design professional for all new residential homes and for additions exceeding 750 sq ft. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

EXCEPTION: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared b a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

SECTION II: BUILDING PERMIT FEE SCHEDULE & RE-INSPECTION FEES

(a) New Residential

Building Valuation figured at \$60.00/sq. ft. (heated & cooled), \$30/sq. ft. (garages & porches)

Permits will be \$20.00 for the 1st \$1000.00 of the contract amount & \$5.00 for each additional \$1000.00 thereafter. Permit holder will also be charged a plan review and Land Disturbance Permit fee.

Plan Review	\$25.00
Land Disturbance	\$50.00
Mechanical	\$110.00 flat fee
Plumbing	\$110.00 flat fee
Electrical	\$110.00 flat fee

Miscellaneous Permits

(Additions, Remodels, Repairs, Carports, Garages, Pools, Decks, Fences, Sunrooms, etc.)

Building	\$20 for 1st \$1000 of contract amount, \$5 for each additional \$1000 thereafter
Electrical	\$20 for 1st \$1000 of contract amount, \$5 for each additional \$1000 thereafter
Mechanical	\$20 for 1st \$1000 of contract amount, \$5 for each additional \$1000 thereafter
Plumbing	\$20 for 1st \$1000 of contract amount, \$5 for each additional \$1000 thereafter
Well Permit	\$50.00 flat fee

(\$20.00 minimum fee for all permits)

Commercial Permits

Building \$6.00 per \$1000.00 of total contract amount. Permit holder will also be charged a Plan Review Fee and must provide proof of site fee payment from City of Daphne Community Development office.

Plan Review	\$100.00
Mechanical	1.5% of subcontractors total contract amount

Plumbing	1.5% of subcontractors total contract amount
Electrical	1.5% of subcontractors total contract amount
Well Permit	\$50.00 flat fee

(Commercial Mechanical, Plumbing, and/or Electrical Permits will have a minimum fee of \$75.00)

Re-Inspection Fees

Fees will only be applied to items on original list. Any new items will not be considered a re-inspection at the time of the next inspection. All re-inspection fees must be paid prior to the re-inspection.

1st Re-inspection	No Charge
2nd Re-inspection	\$50.00
3rd Re-inspection	\$100.00
4th Re-inspection	\$200.00

Stop Work Fee

Any Stop Work Order issued will be charged \$100.00 for a re-inspection.

(b) The above referenced technical codes are hereby adopted as the International Building Codes of the City of Daphne.

(d) Copies of the above referenced codes are on file in the office of the City Clerk.

SECTION III: REPEALER

That any Ordinance heretofore adopted by the council, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION IV: EFFECT OF REPEAL

- (a) The repeal of Ordinance No. 2007-23 and 2006-55 does not revive any previously repealed ordinance.
- (b) The repeal of Ordinance No. 2007-23 and 2006-55 does not effect any punishment or penalty incurred before the repeal took effect, nor does such repeal effect any suit, prosecution or proceeding pending at the time of the repeal.

SECTION VI: SEVERABILITY

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

SECTION VII: EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne and publication as required by law.

APPROVED AND ADOPTED THIS ____ DAY OF _____, 2012.

**CATHY BARNETTE
COUNCIL PRESIDENT**

**BAILEY YELDING,
MAYOR**

ATTEST:

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

**CITY OF DAPHNE
ORDINANCE NO. 2012-41**

FIRE PREVENTION CODE FOR THE CITY OF DAPHE

**AN ORDINANCE TO REPEAL ORDINANCE NO. 2009-37 AND TO ADOPT
THE 2012 INTERNATIONAL FIRE CODE WITH AMENDMENTS THERETO
FOR THE CITY OF DAPHNE, ALABMA.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA THAT:**

The 2012 edition of the International Fire Code, copyrighted by the International Code Council, with amendments thereto, has heretofore been on file in the Office of the City Clerk of the City of Daphne, Alabama, pursuant to Resolution No. 2012-37 adopted by the City Council of Daphne, Alabama, on the 7th day of May, 2012.

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

1. That a public hearing shall be held on June 4, 2012 concerning the adoption of an ordinance for the 2012 Edition of the International Fire Code and all amendments thereto.
2. Said Ordinance shall provide for the amendment, deletion, and changes to the International Fire Code, Edition 2012 as follows:
3. The following section of the International Fire Code, Edition 2012, is hereby revised in its entirety to read as follows:

A.

Section 101.1 of the International Fire Code shall be repealed in its entirety and a new section 101.1 shall be added to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of Daphne, hereinafter referred to as “this code.”

B.

Section 103.1 of the International Fire Code shall be repealed in its entirety and a new section 103.1 shall be added to read as follows:

103.1 General. Bureau of Fire Prevention. There is hereby established a department to be called the Bureau of Fire Prevention and the person in charge shall be known in this Code as the Fire Code Official, who shall be the Fire Marshal of the City of Daphne. The function of the department shall be the implementation, administration and enforcement of the provisions of this code and amendments.

C.

Section 103.2 Appointment. Of the International Fire Code shall be removed in its entirety.

D.

Section 105.6.30 of the International Fire Code shall be repealed in its entirety and a new section 105.6.30 shall be added to read as follows.

Open Burning

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization.

No waste materials, rubbish, trees, bushes or brush cleared for construction or demolition of buildings or structures shall be disposed of by burning on the premises or in the immediate vicinity by the owner, the contractor, or any other person, unless a permit or other proper authorization has been obtained to burn said waste materials in an approved waste burner/incinerator.

The permit for each approved waste burner/incinerator shall be \$75.00.

E.

Section 105.7.1 of the International Fire Code shall be repealed in its entirety and a new section 105.7.1 shall be added to read as follows:

Fixed Fire Extinguishing Systems Installation

No person shall engage in the business of installing fixed fire extinguishing systems without obtaining a permit from the Bureau of Fire Prevention.

No person shall install a fixed fire extinguishing system without obtaining a current City of Daphne business license.

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.

The Fire Code Official shall require certain operational tests upon final inspection.

The permit fee for each fire extinguisher system installation shall be \$75.00.

Section 105.7.1.1

Servicing Fixed Fire Extinguishing Systems

No person shall engage in the business of servicing or inspecting fixed fire extinguishing systems without obtaining a permit from the Bureau of Fire Prevention. The permit is good only for that calendar year of which it is issued.

No person shall service or inspect a fixed fire extinguishing system without obtaining a current City of Daphne business license.

No person shall be issued a permit to service or inspect 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 work of servicing or inspecting 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.

A permit is not required for follow up inspection or service, if a permit was received for that system in the same year. However a report shall be furnished to the Bureau of Fire Prevention upon completion of work being done.

The permit fee for servicing a fixed fire extinguisher system shall be \$75.00.

F.

Section 105.7.6 of the International Fire Code shall be repealed in its entirety and a new section 105.7.6 shall read as follows:

Section 105.7.6

Fire Alarm System Installation

No person shall install a fire alarm system without having the plans reviewed by the Fire Code Official before commencing any part of the work. No person shall commence working on a fire alarm system without first obtaining a permit from the Bureau of Fire Prevention.

There is excepted from the requirements of this Section 105.7.4.1 installations in any building with single station detectors only.

Installer must possess a State Fire Alarm Permit issued by the State Fire Marshals office.

Any person or entity who designs fire alarm systems must possess a State Fire Alarm Permit issued by the State Fire Marshals office.

Licensed electricians may pull wire, mount ancillary equipment, and connect the main power to the control panel after a permit has been issued; but no one other than a qualified fire alarm installer shall be allowed to make any other connections inside the control panel.

A certified fire sprinkler installer may install devices integral to the operation of the fire sprinkler system, but shall not make and connections to the fire alarm system.

Upon final inspection, the NFPA Fire Alarm System Record of Completion form must be properly filled out and submitted to the Fire Code Official and a fire alarm system test must be performed in the presence of the Fire Code Official.

All fire alarm circuit disconnecting means shall have a red marking and shall be identified as "Fire Alarm".

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.

The permit fee for installing a fire alarm system shall be \$75.00.

Section 105.7.6.1

Servicing Fire Alarm Systems

No person shall engage in the business of servicing fire alarm systems without obtaining a permit from the Fire Code Official. The permit is good

only for that calendar year of which it is issued. There is excepted from the requirements of Section 105.7.4 installations of the following types:

- (1) One and two family dwellings
- (2) Any buildings with single station detectors only.
- (3) Owners of buildings may maintain their own systems as long as their maintenance person is certified by the manufacturer of the installed equipment or has National Institute for Certification in Engineering Technologies (NICET) level II in fire alarms.

No person shall be issued a permit to modify, repair, test or service fire alarm systems who does not possess a State of Alabama Fire Alarm Permit issued by the State Fire Marshals office.

A service tag or sticker shall be required to be installed by the permitted alarm servicing individual or company at the control panel of each fire alarm system, stating the company's name, address, phone number, name of the technician performing the service, date and the type of service performed.

The permit fee to service a fire alarm system shall be \$75.00.

G.

Section 105.7.7 of the International Fire Code shall be repealed in its entirety and a new section 105.7.7 shall be added to read as follows:

Fire Pumps Installation

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.

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

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

Section 105.7.7.1 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.

H.

Section 105.7.17 shall be added to read as follows:

Portable Fire Extinguisher Service

No person shall engage in the business of servicing portable fire extinguishers without obtaining a permit from the Bureau of Fire Prevention. The permit is good only for that calendar year of which it is issued.

No person shall service portable fire extinguishers without obtaining a current City of Daphne business license.

No person shall be issued a permit to service a portable fire extinguisher that does not possess a manufacturer's service manual for the type of extinguisher being serviced, and have the proper training. They shall 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 technician who actually performs the work of servicing the portable fire extinguishers shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.

The annual permit fee for portable fire extinguisher service shall be \$75.00.

I.

Section 105.7.18 shall be added to read as follows:

Install Automatic Fire Sprinkler Systems

No person shall install, modify or repair an automatic fire sprinkler system without obtaining a permit from the Bureau of Fire Prevention.

Any person who installs or maintains fire sprinkler systems (hereinafter called in Section 402.35 “installer”) must be certified by the Alabama State Fire Marshal’s Office, 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 possess a current City of Daphne business license.

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

Upon final inspection, the National Fire Protection Association (NFPA) Contractor's Material and Test Certificate for Aboveground Piping must be properly completed and submitted to the Bureau of Fire Prevention.

The Fire Code Official shall be present during the final inspection of the sprinkler system.

Relocating more than three (3) sprinkler heads in an existing fire sprinkler system shall require a permit from the Bureau of Fire Prevention.

The permit fee for each automatic fire sprinkler system installation shall be \$75.00.

Section 105.7.18.1 shall be added to read as follows:

Servicing Fire Sprinkler Systems

No person shall service or inspect an automatic fire sprinkler system without obtaining a permit from the Bureau of Fire Prevention.

Any person who services or maintains fire sprinkler systems must be certified by the Alabama State Fire Marshal’s Office, 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.

No person shall perform maintenance or testing on fire sprinkler systems unless that person is certified by the Alabama State Fire Marshal’s office and approved by the Fire Code Official.

Installer must possess a current City of Daphne business license.

The permit fee for servicing a fire sprinkler system shall be \$75.00.

The permit is good only for that calendar year of which it is issued.

J.

Section 105.7.19 shall be added to read as follows:

Additional Permits

Where work for which a permit is required by this code commences prior to obtaining said permit, the permit fee herein specified shall be doubled.

It shall be required that a copy of all annual or semi-annual inspection reports be submitted to the Bureau of Fire Prevention with any and all deficiencies clearly noted.

All checks and money orders shall be made out to the City of Daphne.

All certifications whether they are manufacture or NICET must be current and not have expired.

General requirements for a permit are as followed:

1. Current city of Daphne Business license.
2. Current one million dollar (\$1,000,000) general liability insurance policy with the City of Daphne listed as a certificate holder, P.O. Box 400 Daphne AL 36526.
3. Approved by the Fire Code Official.
4. Current Training certificates.
5. Permit fee of \$75.00

K.

Section 109.4 Violation penalties.

Persons who shall violate a provision of this code, or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a violation of the 2012 Edition of the International Fire Code, as amended, which is punishable by a fine of not more than Two Hundred (\$200) dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

L.

Section 307.2.1 of the International Fire Code shall be repealed in its entirety and a new section 307.2.1 shall read as follows:

Authorization.

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.

M.

Section 307.4.1 of the International Fire Code shall be repealed in its entirety and a new section 307.4.1 shall read as follows:

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.

N.

Section 503.2.5 of the International Fire Code shall be repealed in its entirety and a new section 503.2.5 shall read as follows:

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.

O.

Section 505.1 of the International Fire Code that reads “Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches” shall be repealed and shall read “numbers shall be a minimum of 5 inches high with a minimum stroke of 0.5 inches”.

P.

Section 506.1 of the International Fire Code shall be repealed in its entirety and a new section 506.1 shall read as follows:

Key boxes. Key boxes shall be installed in all buildings having an automatic fire sprinkler system, 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 and approved type and shall contain keys to gain necessary access as required by the Fire Code Official.

Q.

Section 507.5.1.1 of the International Fire Code shall be repealed in its entirety and a new section 507.5.1.1 shall read as follows.

Hydrant for Fire Sprinkler Systems and Standpipe Systems. Building equipped with a standpipe or fire sprinkler system installed in accordance with Section 903 and 905 shall have a fire hydrant within 100 feet of the FDC (fire department connection).

R.

508.5.7 Hydrant Outlet Location shall be added to read as follows:

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

S.

Section 905.3.1 of the International Fire Code shall be repealed in its entirety and a new section 905.3.1 shall read as follows:

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.

SECTION 3: ORDINANCES REPEALED

Ordinance 2009-37 shall be repealed in its entirety, replaced with the provisions of this Ordinance. All other ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECETION 4: SEVERABILITY

If any provision of this Ordinance is held to be invalid or unenforceable for any reason, such holding shall not in any way effect the remaining portions hereof, which shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE

This Ordinance shall be in full force and 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.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE THIS _____ DAY OF _____ 2012.**

**Cathy Barnette,
Council President**

**Bailey Yelding,
Mayor**

ATTEST:

**David L. Cohen,
City Clerk, MMC**

**CITY OF DAPHNE
ORDINANCE NO. 2012-42**

**AN ORDINANCE ADDING/AMENDING THE CITY OF DAPHNE, ALABAMA
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, as ADOPTED by the CITY
COUNCIL ON JULY 18, 2011**

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

WHEREAS, The City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 26th day of April, 2012, and has made a favorable recommendation for adoption to the City Council; and

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public Hearing was held before the City Council on June 4, 2012.

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

SECTION I: AMENDMENT

That Article XIX entitled "*Landscape and Tree Protection*", denoted as section 19-8(b), and is hereby deleted in its entirety and is replaced as follows:

19-8(b) the following apply:

(b) Perimeter area requirements (side and rear property lines) shall apply except in a planned business and/or commercial park zoned B-2, General Business or C/I, Commercial/Industrial where side yards and/or rear yards abut other property zoned C/I or B-2.

- i. Either overstory or understory trees shall be planted for every fifty (50) feet of the perimeter property lines. Perimeter areas are side and rear property line landscape setbacks.
- ii. Side and rear property lines shall have a six (6) feet greenbelt.

SECTION II: AMENDMENT

That Article XXXII entitled "*Telecommunication Towers and Facilities Provisions*", denoted as section 32-3(d) 3, shall include a new subsection (i) which shall provide as follows:

- (i) Any request for modification of an existing wireless tower and/or base station shall be approved unless the same shall increase the physical dimensions of the tower or base station by thirty percent (30%) or more.

SECTION III: CONFLICT WITH OTHER ORDINANCES

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

SECTION IV. SEVERABILITY

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

SECTION 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 the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2012.

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**

ORDINANCE NO. 2012-43

AN ORDINANCE FIXING AND ESTABLISHING SPEED LIMITS IN THE CITY OF DAPHNE, ALABAMA

WHEREAS, on the February 2 and 3, 2012, the Alabama Department of Transportation, being the owner of the roadway herein described, did conduct a Speed Study and determined that that an increase of the posted speed limit was warranted; and

WHEREAS, per written request, dated April 5, 2012, from Daniel Driskell, P.E., an authorized agent of the State of Alabama Department of Transportation, whereby the State of Alabama request of the City of Daphne, Alabama to take action to endorse the warranted increase of the posted speed limit; and

WHEREAS, the City of Daphne, Alabama, desires to increase the posted speed limit to promote the health, safety, and welfare purposes of the traveling public; and

WHEREAS, the City Council of the City of Daphne determine it is in the public interest that said posted speed limit be increased and that all legal requirements for fixing and establishing said posted speed limit have been met pursuant to Section #-#-#, Code of Alabama (1975);

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

SECTION I. No person shall operate a motor vehicle at a greater speed than fifty-five (55) miles per hour in the following listed zones of the City.

- (1) On AL 181 from the Milepost 16.35 (Node 8834 – U.S. Highway 90 intersection) to the South City Limits.

SECTION II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION III. EFFECTIVE DATE

- (1) This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2012.

CITY OF DAPHNE

Cathy S. Barnette
Council President

Bailey Yelding, Jr.
Mayor

ATTEST:

David Cohen
City Clerk, MMC

APPROVED:

Mr. Vincent Calametti, P.E.
Ninth Division Engineer

APPROVED:

Mr. George Conner, P.E.
State Maintenance Engineer

Richard Johnson

From: Driskell, Daniel <driskelld@dot.state.al.us>
Sent: Thursday, April 05, 2012 4:11 PM
To: Richard Johnson
Cc: Holder, III, Ted A.
Subject: RE: Resolution from COD for increase of speed limit on SR181
Attachments: Daphne Ordinance.doc; SR 181 Speed Study.PDF

Richard,

I called and left a message pertaining to this. I have attached a draft of the resolution for your use. The limits of the proposed speed zones should be recommended by the city for ALDOT review. Based on what we know, I think the 55 MPH speed zone should begin around Lawson Road (MP 15.21, Node 8822) heading south on SR 181 due to the sight distance and school zone associated with Lawson (Champion's Way) and should extend to the south city limits. If the city feels there is a need to drop the speed limit to 45 MPH approaching CR 64, then include the extents in the ordinance as well. If there is no need to include a 45 MPH or 35 MPH zone you can delete it from the resolution.

For the resolution, you can use/modify the attachment if you want or do your own. Just make sure that it is structured the same way and contains all the information. If you need help with mileposts or nodes, let me know.

Daniel E. Driskell, PE
Traffic Engineer
ALDOT Ninth Division
Office: (251) 470-8231
Cell: (251) 331-3089
Linc: 1*99*9009

From: Richard Johnson [<mailto:directorpw@daphneal.com>]
Sent: Thursday, April 05, 2012 8:16 AM
To: Driskell, Daniel
Cc: Melvin McCarley
Subject: Resolution from COD for increase of speed limit on SR181

Daniel:

Melvin McCarley our Superintendent will be walking the request for speed limit increase through our Public Safety Committee. Please email the background documentation as soon as possible. He has already place the request on the agenda. The PSC meets next Wednesday, April 11th.

Thanks,

RDJ

Please note and save new email address

Richard D. Johnson, P.E.
Public Works Director
26435 Public Works Road
Daphne, AL 36526

Phone: (251) 621-3182
Fax: (251) 621-3189
Cell: (251) 379-1305

SR 181 SPEED STUDY - DAPHNE

SPEED STUDY RESULTS FORM

CITY Daphne
 COUNTY Baldwin
 DIVISION 9th
 DAY/DATE Thu-Fri 2/2 - 2/3 2012
 LOCATION AL 181 @ MP 15.63
 DIRECTION Southbound
 TIME 12:00 AM - 12:00 AM
 STREET AL 181

WIDTH 12'
 NO. OF LANES 4
 WEATHER Rainy
 TYPE OF LAND USE Rural
 BY Ted Holder
 POSTED SPEED 45 MPH

SPEED RANGE	MIDPOINT	NO. of VEHICLES	% VEHICLES	CUMULATIVE % VEHICLES
5-9	7	0	0.0	0.0
10-14	12	8	0.2	0.2
15-19	17	9	0.2	0.4
20-24	22	9	0.2	0.7
25-29	27	7	0.2	0.9
30-34	32	26	0.7	1.5
35-39	37	43	1.1	2.7
40-44	42	279	7.3	10.0
45-49	47	906	23.7	33.7
50-54	52	1354	35.4	69.1
55-59	57	818	21.4	90.5
60-64	62	278	7.3	97.7
65-69	67	64	1.7	99.4
70-74	72	18	0.5	99.9
75-79	77	5	0.1	100.0

RESULTS (from graph):
 Median Speed: 49 mph
 85th Percentile: 55 mph
 Recommended Limit: mph

20

SPEED STUDY RESULTS FORM

CITY Daphne
 COUNTY Baldwin
 DIVISION 9th
 DAY/DATE Thu-Fri 2/2 - 2/3 2012
 LOCATION AL 181 @ MP 14.11
 DIRECTION Southbound
 TIME 12:00 AM - 12:00 AM
 STREET AL 181

WIDTH 12'
 NO. OF LANES 5
 WEATHER Rainy
 TYPE OF LAND USE Rural
 BY Ted Holder
 POSTED SPEED 55 MPH

SPEED RANGE	MIDPOINT	NO. of VEHICLES	% VEHICLES	CUMULATIVE % VEHICLES
5-9	7	0	0.0	0.0
10-14	12	16	0.2	0.2
15-19	17	12	0.1	0.3
20-24	22	11	0.1	0.5
25-29	27	19	0.2	0.7
30-34	32	30	0.4	1.1
35-39	37	129	1.6	2.6
40-44	42	903	10.9	13.5
45-49	47	2489	29.9	43.4
50-54	52	2837	34.1	77.5
55-59	57	1379	16.6	94.1
60-64	62	397	4.8	98.9
65-69	67	72	0.9	99.7
70-74	72	17	0.2	100.0
75-79	77	4	0.0	100.0

RESULTS (from graph):

Median Speed: 48 mph
 85th Percentile: 54 mph
 Recommended Limit: mph

SPEED STUDY RESULTS FORM

CITY Daphne
 COUNTY Baldwin
 DIVISION 9th
 DAY/DATE Thu-Fri 2/2 - 2/3 2012
 LOCATION AL 181 @ MP 13.35
 DIRECTION Southbound
 TIME 12:00 AM - 12:00 AM
 STREET AL 181

WIDTH 12'
 NO. OF LANES 5
 WEATHER Rainy
 TYPE OF LAND USE Rural
 BY Ted Holder
 POSTED SPEED 55 MPH

SPEED RANGE	MIDPOINT	NO. of VEHICLES	% VEHICLES	CUMULATIVE % VEHICLES
5-9	7	0	0.0	0.0
10-14	12	39	1.1	1.1
15-19	17	29	0.8	1.8
20-24	22	10	0.3	2.1
25-29	27	19	0.5	2.6
30-34	32	58	1.6	4.2
35-39	37	135	3.6	7.8
40-44	42	377	10.2	18.0
45-49	47	810	21.9	39.9
50-54	52	1102	29.7	69.6
55-59	57	703	19.0	88.6
60-64	62	291	7.9	96.4
65-69	67	83	2.2	98.7
70-74	72	38	1.0	99.7
75-79	77	11	0.3	100.0

RESULTS (from graph):
 Median Speed: 49 mph
 85th Percentile: 56 mph
 Recommended Limit: 56 mph

SPEED STUDY RESULTS FORM

CITY Daphne
 COUNTY Baldwin
 DIVISION 9th
 DAY/DATE Thu-Fri 2/2 - 2/3 2012
 LOCATION AL 181 @ MP 12.41
 DIRECTION Southbound
 TIME 12:00 AM - 12:00 AM
 STREET AL 181

WIDTH 12'
 NO. OF LANES 5
 WEATHER Rainy
 TYPE OF LAND USE Rural
 BY Ted Holder
 POSTED SPEED 45 MPH

SPEED RANGE	MIDPOINT	NO. of VEHICLES	% VEHICLES	CUMULATIVE % VEHICLES
5-9	7	0	0.0	0.0
10-14	12	24	0.5	0.5
15-19	17	12	0.3	0.8
20-24	22	17	0.4	1.2
25-29	27	35	0.8	2.0
30-34	32	49	1.1	3.1
35-39	37	189	4.3	7.3
40-44	42	746	16.8	24.1
45-49	47	1518	34.2	58.3
50-54	52	1150	25.9	84.2
55-59	57	493	11.1	95.3
60-64	62	140	3.2	98.5
65-69	67	40	0.9	99.4
70-74	72	20	0.5	99.8
75-79	77	8	0.2	100.0

RESULTS (from graph):
 Median Speed: 46 mph
 85th Percentile: 52 mph
 Recommended Limit: mph

SPEED STUDY RESULTS FORM

CITY: Daphne
 COUNTY: Baldwin
 DIVISION: 9th
 DAY/DATE: Thu-Fri 2/2 - 2/3 2012
 LOCATION: AL 181 @ MP 12.41
 DIRECTION: Northbound
 TIME: 12:00 AM - 12:00 AM
 STREET: AL 181

WIDTH: 12'
 NO. OF LANES: 5
 WEATHER: Rainy
 TYPE OF LAND USE: Rural
 BY: Ted Holder
 POSTED SPEED: 45 MPH

SPEED RANGE	MIDPOINT	NO. of VEHICLES	% VEHICLES	CUMULATIVE % VEHICLES
5-9	7	0	0.0	0.0
10-14	12	6	0.1	0.1
15-19	17	10	0.2	0.3
20-24	22	11	0.2	0.5
25-29	27	7	0.1	0.6
30-34	32	36	0.6	1.2
35-39	37	94	1.6	2.9
40-44	42	460	8.0	10.9
45-49	47	1550	27.0	37.8
50-54	52	2038	35.4	73.3
55-59	57	1091	19.0	92.2
60-64	62	297	5.2	97.4
65-69	67	93	1.6	99.0
70-74	72	28	0.5	99.5
75-79	77	29	0.5	100.0

RESULTS (from graph):
 Median Speed: 49 mph
 85th Percentile: 54 mph
 Recommended Limit: mph

SPEED STUDY RESULTS FORM

CITY Daphne
 COUNTY Baldwin
 DIVISION 9th
 DAY/DATE Thu-Fri 2/2 - 2/3 2012
 LOCATION AL 181 @ MP 13.35
 DIRECTION Northbound
 TIME 12:00 AM - 12:00 AM
 STREET AL 181

WIDTH 12'
 NO. OF LANES 4
 WEATHER Rainy
 TYPE OF LAND USE Rural
 BY Ted Holder
 POSTED SPEED 55 MPH

SPEED RANGE	MIDPOINT	NO. of VEHICLES	% VEHICLES	CUMULATIVE % VEHICLES
5-9	7	0	0.0	0.0
10-14	12	10	0.1	0.1
15-19	17	3	0.0	0.2
20-24	22	14	0.2	0.4
25-29	27	16	0.2	0.6
30-34	32	59	0.8	1.4
35-39	37	275	3.7	5.0
40-44	42	1206	16.0	21.1
45-49	47	2444	32.5	53.6
50-54	52	2260	30.1	83.6
55-59	57	978	13.0	96.6
60-64	62	203	2.7	99.3
65-69	67	39	0.5	99.8
70-74	72	8	0.1	99.9
75-79	77	4	0.1	100.0

RESULTS (from graph):
 Median Speed: 46 mph
 85th Percentile: 52 mph
 Recommended Limit: 52 mph

SPEED STUDY RESULTS FORM

CITY Daphne
 COUNTY Baldwin
 DIVISION 9th
 DAY/DATE Thu-Fri 2/2 - 2/3 2012
 LOCATION AL 181 @ MP 14.11
 DIRECTION Northbound
 TIME 12:00 AM - 12:00 AM
 STREET AL 181

WIDTH 12'
 NO. OF LANES 4
 WEATHER Rainy
 TYPE OF LAND USE Rural
 BY Ted Holder
 POSTED SPEED 55 MPH

SPEED RANGE	MIDPOINT	NO. of VEHICLES	% VEHICLES	CUMULATIVE % VEHICLES
5-9	7	0	0.0	0.0
10-14	12	7	0.2	0.2
15-19	17	7	0.2	0.3
20-24	22	5	0.1	0.5
25-29	27	11	0.3	0.7
30-34	32	4	0.1	0.8
35-39	37	32	0.8	1.6
40-44	42	175	4.2	5.8
45-49	47	746	17.8	23.6
50-54	52	1499	35.8	59.4
55-59	57	1143	27.3	86.7
60-64	62	418	10.0	96.6
65-69	67	94	2.2	98.9
70-74	72	27	0.6	99.5
75-79	77	20	0.5	100.0

RESULTS (from graph):

Median Speed: 50 mph
 85th Percentile: 56 mph
 Recommended Limit: mph

SPEED STUDY RESULTS FORM

CITY Daphne
 COUNTY Baldwin
 DIVISION 9th
 DAY/DATE Thu-Fri 2/2 - 2/3 2012
 LOCATION AL 181 @ MP 15.63
 DIRECTION Northbound
 TIME 12:00 AM - 12:00 AM
 STREET AL 181

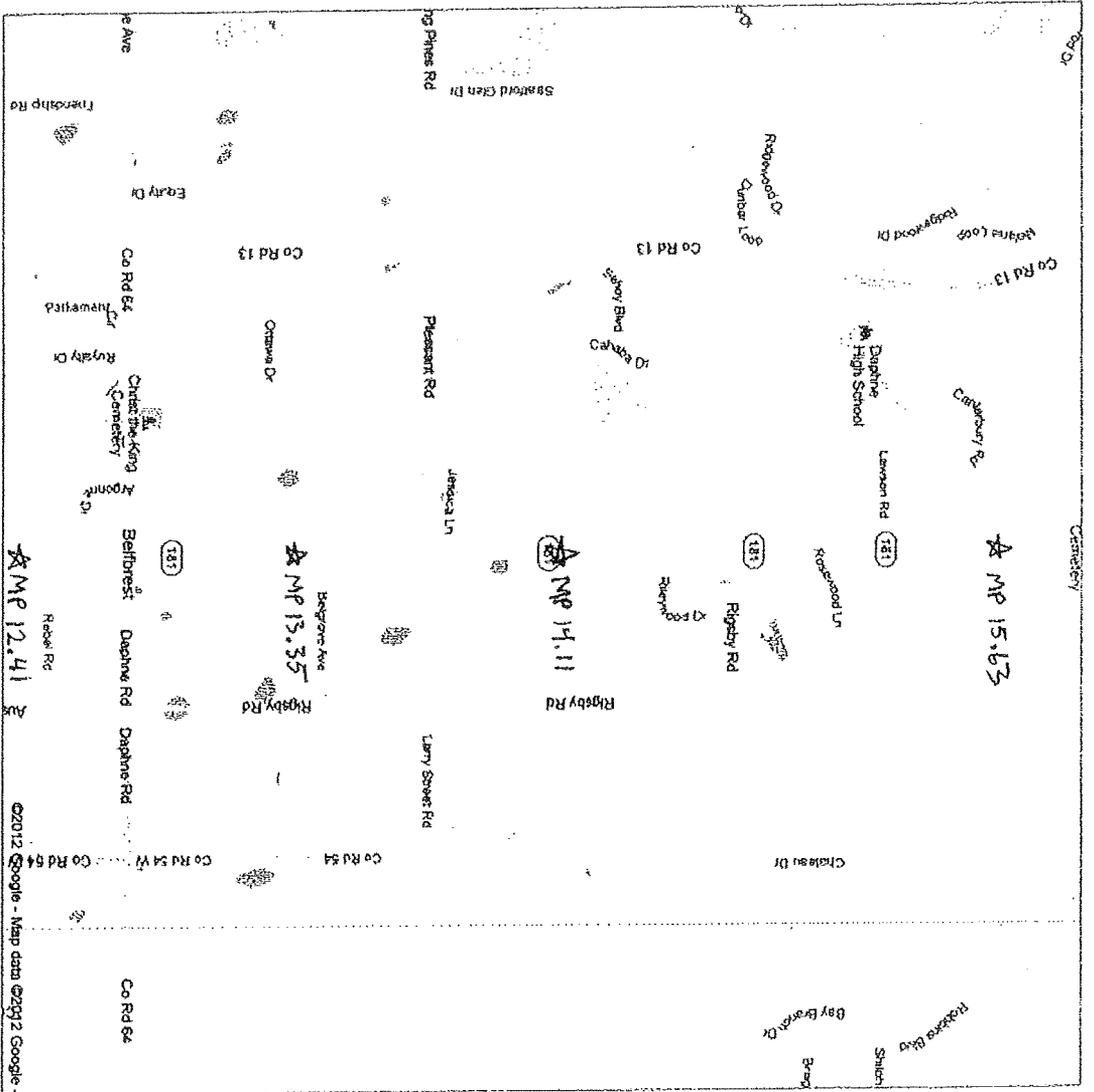
WIDTH 12'
 NO. OF LANES 4
 WEATHER Rainy
 TYPE OF LAND USE Rural
 BY Ted Holder
 POSTED SPEED 45 MPH

SPEED RANGE	MIDPOINT	NO. of VEHICLES	% VEHICLES	CUMULATIVE % VEHICLES
5-9	7	0	0.0	0.0
10-14	12	11	0.3	0.3
15-19	17	3	0.1	0.4
20-24	22	7	0.2	0.5
25-29	27	3	0.1	0.6
30-34	32	6	0.2	0.8
35-39	37	23	0.6	1.3
40-44	42	138	3.5	4.9
45-49	47	696	17.7	22.6
50-54	52	1481	37.7	60.2
55-59	57	1082	27.5	87.7
60-64	62	371	9.4	97.2
65-69	67	87	2.2	99.4
70-74	72	17	0.4	99.8
75-79	77	7	0.2	100.0

RESULTS (from graph):
 Median Speed: 50 mph
 85th Percentile: 56 mph
 Recommended Limit: mph

27

Speed Study Locations



28

ORDINANCE NO: _____

AN ORDINANCE FIXING AND ESTABLISHING SPEED LIMITS IN THE CITY OF DAPHNE, ALABAMA:

WHEREAS, on the February 2 and 3, 2012, the Alabama Department of Transportation, being the owner of the roadway herein described, did conduct a Speed Study and determined that that an increase of the posted speed limit was warranted; and

WHEREAS, per written request, dated April 5, 2012, from Daniel Driskell, P.E., an authorized agent of the State of Alabama Department of Transportation, whereby the State of Alabama request of the City of Daphne, Alabama to take action to endorse the warranted increase of the posted speed limit; and

WHEREAS, the City of Daphne, Alabama, desires to increase the posted speed limit to promote the health, safety, and welfare purposes of the traveling public; and

WHEREAS, the City Council of the City of Daphne determine it is in the public interest that said posted speed limit be increased and that all legal requirements for fixing and establishing said posted speed limit have been met pursuant to Section #-#-#, Code of Alabama (1975);

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

SECTION I. No person shall operate a motor vehicle at a greater speed than fifty-five (55) miles per hour in the following listed zones of the City.

- (1) On AL 181 from the Milepost 16.35 (Node 8834 – U.S. Highway 90 intersection) to the South City Limits.

SECTION II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION III. EFFECTIVE DATE

- (1) This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2012.

CITY OF DAPHNE

Cathy S. Barnette
Council President

Bailey Yelding, Jr.
Mayor

ATTEST:

David Cohen
City Clerk, MMC

APPROVED:

Mr. Vincent Calametti, P.E.
Ninth Division Engineer

APPROVED:

Mr. George Conner, P.E.
State Maintenance Engineer