

**CITY COUNCIL BUSINESS MEETING AGENDA  
BUSINESS MEETING  
1705 MAIN STREET, DAPHNE, AL  
JUNE 18, 2012  
6:30 P.M.**

**1. CALL TO ORDER**

**2. ROLL CALL/INVOCATION / PLEDGE OF ALLEGIANCE**

- 3. APPROVE MINUTES:** Council meeting minutes / June 4, 2012  
Council Work Session minutes / June 11, 2012

**PRESENTATION:** Daphne Utilities Bio-solid Facility/ Volkert & Associates / Melinda Immell / Jim Caudle

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE / Boulware**

Review minutes / June 11<sup>th</sup>

**1.) Ordinance:**

- a.) Appropriation of Funds: City Hall HVAC Maintenance Agreement / **Ordinance 2012-45**

**2.) Items from the May 14, 2012 Finance Committee Meeting:**

Excerpt from the May 14<sup>th</sup> meeting

**a.) Ordinance:**

- i.) Appropriation of Funds: Daphne Sports Complex Entrance Road / **Ordinance 2012-44**

**b.) Resolution:**

- i.) Bid Award: Daphne Sports Complex Entrance Road / S.J. & L. Civil Contractor, Inc. /  
**Resolution 2012-44**

**3.) Financial Reports:**

- a.) Treasurers Report / May 31, 2012  
b.) Sales & Use Tax Collections / April 30, 2012  
c.) Lodging Tax Collections / April 30, 2012

**B. BUILDINGS & PROPERTY COMMITTEE - Lake**

Review minutes / June 4<sup>th</sup>

Review minutes / May 11<sup>th</sup>

**C. PUBLIC SAFETY COMMITTEE – Boulware**

Review minutes / June 13<sup>th</sup>

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Reese**

Review minutes / June 13<sup>th</sup>

**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**  
**C. Industrial Development Board – Conaway**  
**D. Library Board – Lake**  
**E. Planning Commission – Barnette**  
**F. Recreation Board – Reese**  
**G. Utility Board - Scott**

6. REPORTS OF OFFICERS:

A. Mayor’s Report

- a.) Parade Permit / Citrin Safety Foundation / 5K Run / October 20, 2012

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Bid Award: Sports Complex Entrance Road / S.J. & L. Civil Contractors. .... /Resolution 2012-44

ORDINANCES:

2<sup>nd</sup> READ

- a.) Adopting the 2012 International Building Code. .... /Ordinance 2012-40
- b.) Adopting the 2012 International Fire Code. .... /Ordinance 2012-41
- c.) 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
- d.) Fixing Speed & Establishing Speed Limits in the City of Daphne. .... /Ordinance 2012-43
- e.) Appropriation of Funds: Sports Complex Entrance Road. .... /Ordinance 2012-44

1<sup>ST</sup> READ

- f.) Amend Ordinance 2003-32 / Noise Ordinance. .... /Ordinance 2012-35
- g.) Appropriation of Funds: City Hall Chiller Maintenance Agreement. .... /Ordinance 2012-45

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

**JUNE 4, 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 Councilwoman Conaway.

**COUNCIL MEMBERS PRESENT:** Tommie Conaway; Cathy Barnette, John Lake, Ron Scott; Derek Boulware; August Palumbo.

**ABSENT:** Kelly Reese.

ALSO PRESENT: Mayor Yelding; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; Christine Ciancetta, Deputy Finance Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Vickie Hinman, Human Resources Director; Tonja Young, Library Director; Richard Merchant, Building Official; Adrienne Jones, Planning Director; Ashley Campbell, Environmental Programs Manager; Officer Garrett Roebuck, Police Department; Larry Cooke, BZA;

ABSENT: David Carpenter, Police Chief; Kim Briley, Finance Director.

**3. APPROVE MINUTES:**

**MOTION BY Councilman Boulware to adopt the May 21, 2012 council meeting minutes. Seconded by Councilwoman Conaway.**

**AYE** Conaway, Scott, Boulware, Barnette

**ABSTAIN** Lake, Palumbo

**NAY NONE OPPOSED**

**MOTION CARRIED**

**PUBLIC HEARING:** 2012 International Building Code / Ordinance 2012-40

Mr. Richard Merchant, Building Official, gave the presentation. He said that the city's ISO ratings hinge on these codes, and it is basically the same thing they have been doing all along. The city will be moving to the 2012 codes, and hopefully, it will increase the ISO ratings a couple of points which will help on insurance. The only difference is that energy is tightening up a little bit, and they will be doing a tape roof system which will be for the new construction not the remodels. If someone is doing a re-roof that would be a personal choice.

Councilman Scott asked Mr. Merchant to describe the new roofing requirements and the benefits.

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

Mr. Merchant said the new roofing will be a four (4) inch peel and stick tape that will go over the plywood joints, which if you lose some shingles in a storm and it gets to the secondary deck it will prevent leaking inside the house. It is just another protection. It will add a little bit of cost, about \$750.00 to an average home, but on a new home it will pay off.

Councilman Scott said that it sounds like folks would lose \$10-\$15 worth of shingles, but it could do \$85 worth of damage to the drywall.

Mr. Merchant said that is correct. They have seen after a storm the initial damage may not be bad, but by the time it goes through the insurance adjustors, and they get a check the damage is significant, and then the hurricane deductible does not cover it all so they are, basically, eating that, so if they can prevent it from up front it may save a lot of blue tarps on the roofs after a storm. The Homebuilders are supportive of adopting the 2012 codes.

Council President Barnette opened the Public Hearing at 6:40 p.m.

No one spoke for or against adopting the 2012 International Building Codes

Council President Barnette closed the Public Hearing at 6:40 p.m.

**PUBLIC HEARING:** 2012 International Fire Codes

Chief White gave the presentation. He said by keeping the Fire Codes current it helps with the ISO rating. They are having the meeting tomorrow regarding the ISO rating.

Councilman Boulware asked what it would take to get a favorable ISO rating for the outlying areas in the southern part of the city, Dunmore, Bellaton and Oldfield.

Chief White said the first thing would be to get a fire station in the south end, and open Johnson Road up all the way to Highway 181, and that would put them in that five (5) mile radius or they could build a station out there on Highway 181. There is a fire station already built, and he is hoping that they can get it open, and be able to respond in that area. The best that they can hope for from the survey tomorrow is a split rating. The city now currently enjoys a rating of four (4), and if they are able to maintain that, and with the things they put in place, maybe, they can get an eight (8) to a 10. It is going effect the insurance premiums in that area. They will pay a higher premium in the southern part of the city.

Councilman Boulware said that the manning of the Stanton Road fire station is on the agenda so the only other piece of the puzzle is the Johnson Road extension.

Chief White said yes that is correct.

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

Council President Barnette said that the beauty of the plan with the volunteers that have developed the fire station on Stanton Road is that it actually serves the communities in District 1 and District 2 which do not currently have a full time fire station, and, as well as, the master plan of trying to solve the problems of Dunmore, Oldfield and Bellaton in the south part of the city so she thinks the city is grateful to the volunteers who built that facility.

Council President Barnette opened the Public Hearing at 6:45 p.m.

No one spoke for or against the adoption of the 2012 International Fire Codes.

Council President Barnette closed the Public Hearing at 6:45 p.m.

**PUBLIC HEARING:** Amending the 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**

Mrs. Adrienne Jones, Planning Director, gave the presentation. In April the Planning Commission made a favorable unanimous recommendation on both items to send to council recommendations to amend the Land Use Ordinance. The rationale behind the landscaping provision change is that landscaping is supposed to go beyond aesthetic purposes, but rather it's 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. They had a site plan in Daphne Commercial Park, the property is all zoned commercial/industrial, and what she has given them is what the current ordinance would require. It would require landscaping not only to the north which would be against Eagle Creek subdivision, but also have required interior landscaping between existing commercial lots. The intention of the landscaping provision is, basically, to provide a buffer between the residential lots and the commercial/industrial lots, and that is what is shown at the bottom. The purpose of the ordinance is not to place a heavy burden for landscaping on properties that are harmonious with one another, and that is why they provided the amendment.

The second part of the amendment is to the cell communication tower provisions of the ordinance. This is in reference to the new Federal law that has been passed where, basically, an existing tower is requesting to add additional antennas and there are not physical changes to the base area, they are wanting to establish a 30% increase, which means if they are wanting to add additional antennas, and they need additional space at the bottom of their compound as long as that increase is less than 30% they would have an administrative review, and move on through to Building Inspection for approval. They are establishing the 30% just to have a baseline of when it will go to the Planning Commission and when it will go to administrative review.

Council President Barnette opened the Public Hearing at 6:50 p.m.

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

No one spoke for or against the changes to the Land Use and Development Ordinance.

Council President Barnette closed the Public Hearing at 6:51 p.m.

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE – Boulware**

No report. The next meeting will be June 11<sup>th</sup> at 4:00 p.m. in the Executive Conference Room.

**B. BUILDINGS AND PROPERTY COMMITTEE – Lake**

No report.

**C. PUBLIC SAFETY COMMITTEE – Boulware**

No report.

**D. CODE ENFORCEMENT / ORDINANCE COMMITTEE – Boulware**

No report.

**E. PUBLIC WORKS / SOLID WASTE AUTHORITY – Conaway**

No report

**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

**A. Board of Zoning Adjustments – Adrienne Jones**

The board still needs a temporary position from District 4 or the south part of the city filled.

**B. Downtown Redevelopment Authority – Barnette**

The minutes from the May 30<sup>th</sup> meeting are in the packet. There are some exciting things coming forward with the mini-grants and a merchants map. Ms. Zito will be making a presentation at the next council meeting. They are working on a Facebook page.

**C. Industrial Development Board – Conaway**

No report.

**D. Library Board – Lake**

The board will meet on June 14<sup>th</sup> at the Library.

**E. Planning Commission – Barnette**

The Site Review meeting is June 20<sup>th</sup> at 10:00 a.m. and the Planning Commission meeting will be June 28<sup>th</sup> at 5:00 p.m. in the Council Chambers.

**F. Recreation Board – Reese**

No report.

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

**G. Utility Board – Scott**

The next meeting will be June 27<sup>th</sup> at 5:00 p.m. in the council chambers. The Utility engineer along with the Solid Waste supervisor will make a short presentation regarding the bio-solids installation that they have. The hotels and Gator Alley will be happy that they do not have the odor problem they had when using gas burners.

**6. REPORTS OF THE OFFICERS:**

**A. *Mayor's Report***

Mayor Yelding announced the city received a grant for the first phase of the money from ATRIP which is an 80/20 match in the amount of \$701,000. He thinks the total of the project was around \$800,000 so this money will go back into the city's coffers. He asked if they could submit the Johnson Road project as Phase II for ATRIP.

Mr. Johnson said that it was on the list.

**B. *City Attorney Report***

Mr. Ross asked council to hold over Ordinance 2012-35, the Noise Ordinance, there are some additional tweaks he would like to make to the ordinance which would make it a 1<sup>st</sup> read again.

**C. *Department Head Comments***

**Richard Johnson – Public Works Director** – stated that the city did receive one (1) of the four (4) submitted applications for ATRIP which was the Main Street resurfacing. They are working diligently to sit down with ALDOT, because they have a bid that has been submitted that is at a very good price, and they are trying to figure out how they can meld everything together. Hopefully, he can come back in two (2) weeks and tell council exactly what formal action they need to initiate and move that project forward. There may be some additional cost associated with the project, because there are some Federal compliance, but from this point on 80% of any dollars will be reimbursed. The city did not receive funding for the Safe Routes to School program. It is one of those if you got it this year you don't get it the next year. He said that they will definitely reapply, and stay in the hunt for that as well. Daphne is now part of a Municipal Planning Organization (MPO). Daphne is the principal city in the MPO. Basically, that means that there is going to be some direct Federal dollars that comes to the MPO, and it is an 80/20 type of program. These are not in competition with ALDOT projects these would be projects identified by the MPO through a process which the city will have members on that policy board, and also included in the MPO are the cities of Fairhope, the majority of the City of Spanish Fort as well as parts of the City of Loxley. Only the City of Fairhope and the City of Daphne have Federally classified roads outside of the State roads, meaning for example the only classified roads in Spanish Fort are Highway 31, Highway 225 and Highway 181. Those are already maintained and taken care of by the State, and Loxley is the same situation only I-10 and Highway 59 and a part of Highway 64. The City of Fairhope and the City of Daphne will have some ability to take advantage of that, but the good news is in the process Ridgewood and Bayview got Federally classified with Functional Classification, they are now considered minor

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

collectors and they qualify not only for MPO money, but now qualify for ATRIP money. The Patriot Point dedication was May 25<sup>th</sup>, and he thanked everyone for coming out, and the Mayor for his great words. This was a team effort. It involved support from council and their leadership, it involved Public Works, Grounds, Daphne Beautification Committee, private citizens as Dr. Booth, and all the veterans as well as Daphne Utilities. It was a wonderful event. Randall Avenue sidewalk project is 99% complete. They have a little landscaping to finish up, and it will be finished.

*David McKelroy – Recreation Director* – Art in the Park was last Thursday and will be held again this Thursday. Wet and Wild will be June 13, 20 and 27. June 22-24 is the Youth FSA tournament with 68 teams registered. He said that there will be fireworks for July 4<sup>th</sup>, and they will have hot dogs and snow cones.

*Margaret Thigpen – Civic Center Director* – reported that they will have Open House at the Civic Center on June 14<sup>th</sup> from 4:00 p.m. – 6:30 p.m. The Taste of the Eastern Shore will be August 17<sup>th</sup>, and tickets are on sale now.

*Tonja Young – Library Director* – reported that they had the Summer Reading program kickoff this morning, and there were several hundred present for the kickoff. She thanked Margaret and the Civic Center staff and the volunteers for their help..

**7. PUBLIC PARTICIPATION:**

*Mrs. Kelly Hughes – Daphne* – spoke regarding changing the Animal Control Ordinance regarding having chickens within the city limits.

**8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS:**

**RESOLUTIONS:**

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

**MOTION BY Councilwoman Conaway to waive the reading of Resolutions 2012-35. Secoded by Councilman Palumbo.**

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

**MOTION BY Councilwoman Conaway to adopt Resolution 2012-35. Secoded by Councilman Scott.**

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

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

**ORDINANCES:**

**2<sup>nd</sup> READ**

- a.) Appropriation of Funds: Well Road Extension to Hwy 90 ...../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

**1<sup>ST</sup> 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

**MOTION BY Councilman Scott to waive the reading of Ordinances 2012-33, 2012-34, 2012-36, 2012-37, 2012-38 and 2012-39. *Seconded by Councilman Lake.***

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

**MOTION BY Councilman Scott to adopt Ordinance 2012-33. *Seconded by Councilman Boulware.***

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

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

MOTION BY Councilman Boulware to adopt Ordinance 2012-34. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Ordinance 2012-35 was pulled from the agenda earlier in the meeting.

MOTION BY Councilman Palumbo to adopt Ordinance 2012-36. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Ordinance 2012-37. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Ordinance 2012-38. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway to adopt Ordinance 2012-39. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Ordinances 2012-40, 2012-41, 2012-42 and 2012-43 were 1<sup>st</sup> Read.

9. COUNCIL COMMENTS:

*Mayor Yelding* said a well-oiled machine working tremendously well.

*Councilwoman Conaway* thanked the Library for inviting her to attend the kickoff for the Summer Reading program. She had a good time, and the children thoroughly enjoyed it.

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

**Councilman Lake** – complimented the Beautification Committee for all the thought that they put into the beautification of the city. They are already planning ahead for Arbor Day next year, and are planning for Christmas. He said they were a hardworking committee.

Councilman Scott said that the City of Mobile says that you can have 25 chickens within the city limits, but no roosters. He said it was exciting tonight with Planning & Zoning relaxation of some regulations for people developing property. He thinks those type of things make sense. He also thinks they always need to be review the city ordinances to make sure that they make common sense, and that they are not over regulating folks.

Councilman Scott said that the City of Mobile says that you can have 25 chickens within the city limits, but no roosters. He said it was exciting tonight with Planning and Zoning's relaxation of some regulations for people developing property. He thinks those type of things make sense. He also thinks they always need to review the city ordinances to make sure that they make common sense, and that they are not over regulating folks.

**Councilman Boulware** commented on the adoption of the Mayor's proposal of available capital which the total amount is \$793,979. It is his understanding from Finance that this will complete the spending of all the available monies over the \$8 million threshold that they have been advised to maintain in the city's reserves. So this pretty well does it for the next four (4) months of this year. They need to keep some of this in mind. A few people have been left off this year, and he is sure they are concerned about this. The Chamber of Commerce did not make this proposal, and he hopes that going forward they can look at the Chamber and what opportunities will be available to them. Obviously, the business community is essential to the success of the City of Daphne. The program for Patriots Point was outstanding, and the Mayor did a great job with his presentation.

**Councilman Palumbo** said that maybe he was missing something on this chicken thing. One reason people move to the city is that there are ordinances against things like barnyard animals in their next door neighbor's yard. He told of someone in one neighborhood who was grandfathered in regarding barnyard animals with one chicken that actually crowed and some lawyers moved in the neighborhood and it was 15 years of lawsuits. He said council can recall what they have been through just over whose water flows on the next ones property, he can only imagine if the city allows people to have barnyard animals in their backyard in the City of Daphne. If they want to be Mayberry then he guesses they can consider such a thing, and if chickens why not goats or pigs. He sees this opening a big Pandora's box. He is willing to listen to anything folks want to bring forward, but it appears at first blush a step backwards for the City of Daphne.

**Council President Barnette** said how pleased she is of the fire station that will serve District 1 and District 2. This has been something that has been very important to her, because the residents of District 1 and District 2 have not had the same coverage as the rest of the city. Sometimes she has been loud about it and sometimes she has been quite about it, and it does take a while it has been five (5) years in the making, but here they now have a beautiful facility off of

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

Profit Drive that the Volunteer Firemen built for the city. She encouraged citizens to call Chief White to schedule a visit.

**10. ADJOURN:**

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

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

**There being no further business to discuss the meeting adjourned at 7:22 p.m.**

Respectfully submitted by,

\_\_\_\_\_  
David L. Cohen, City Clerk, MMC

Certification of Presiding Officer,

\_\_\_\_\_  
Cathy S. Barnette, Council President

**JUNE 11, 2012**  
**CITY COUNCIL WORK SESSION**  
**1705 MAIN STREET**  
**DAPHNE, AL**  
**6:30 P.M.**

1

**COUNCIL MEMBERS PRESENT:** Tommie Conaway; Cathy Barnette; John Lake; Ron Scott; Derek Boulware; August Palumbo.

**ABSENT:** Kelly Reese.

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Melvin McCarley, Public Works Supervisor; Officer Menefee, Police Department, Lonnie Jones, Code Enforcement Officer, David McKelroy, Recreation Director, Adrienne Jones, Planning Director; Scott Hutchinson, City Engineer.

Absent: Mayor Yelding.

Council President Barnette called the meeting to order at 6:35 p.m.

## **1. ENFORCEMENT OF SIGN ORDINANCE**

There is a problem with a number of vehicles parking in the green space or right-of-way with signage printed on the vehicles. Council needs to change the sign ordinance or enforce it.

Council President Barnette stated that the Mayor has said that whatever council decides they could give Mr. Jones his marching orders.

Mr. Jones said that he needs guidance from council. He asked should he be less strict with enforcement of the ordinance.

Council discussed the issue along with the Political Sign ordinance.

**Consensus of council was for Mr. Jones to enforce the ordinance with no waivers.**

Council President Barnette said that if there is a problem to relate it to the council.

Council discussed non-conforming signage.

Mr. Jones said that there were seven (7) or eight (8) business that are not in compliance with the sign ordinance.

Letters were sent out some time ago to businesses that were not in compliance with the sign ordinance giving them ample time to come into compliance, and some came into compliance, some went out of business and others just did not comply.

**Consensus of council was for Mr. Ross to get with Mr. Jones to send demand letters again to the businesses that are non-conforming giving a specific time for them to come into compliance.**

**JUNE 11, 2012  
CITY COUNCIL WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

2

**2. SPORTS COMPLEX ENTRANCE ROAD**

Council discussed putting a road through the Sports Complex property so that they will be eligible to apply for grants.

Councilman Scott stated that the Finance Committee discussed the funding for the project and sent forth a recommendation to loan the Recreation Board the money like they did for the lights at Trione.

Council President Barnette stated that she spoke with Ms. Ciancetta and found out that the Recreation Board had three (3) more years to pay on the Trione loan.

Councilman Scott said that they were aware of that, but the committee felt that this project needed to get done to provide recreation for the citizens, and instead of paying for three (3) years they would pay seven (7) or (8) years. The bid for the road is around \$726,000, and they would take the money from the reserves since they have built back up to \$8.7 million.

**Consensus of council was to move forward with the project.**

**3. DISCUSS WHATEVER ELSE IS DEEMED NECESSARY**

**1.) MUNICIPAL PLANNING ORGANIZATION**

Councilman Lake was disturbed by an article in the paper regarding the Municipal Planning Organization. He did not want the county to squeeze Daphne out of funds like they have done with the storm water funds. He wanted to make sure the city had representation on the board.

Ms. Nichols, reporter for the Press-Register, assured Mr. Lake that Mr. Johnson was at the meeting.

Council President Barnette said that they would follow up with the Mayor and Mr. Johnson to make sure the city is represented on the board.

**4. COUNCIL COMMENTS**

Councilman Boulware said that council had only four (4) more months to serve together on council and encouraged council to work together for the good of the city for these last few months together as a council.

**5. ADJOURN**

There being no further business to discuss the meeting adjourned at 7:49 p.m.

Respectfully submitted by,

**JUNE 11, 2012  
CITY COUNCIL WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

3

---

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

Certification of Presiding Officer:

---

**Cathy S. Barnette,  
Council President**

**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 OF DAPHNE**  
**FINANCE COMMITTEE MINUTES**  
**June 11, 2012**  
**4:00 P.M.**

**I. CALL TO ORDER/ROLL CALL**

The meeting was called to order at 4:10 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Councilwoman Tommie Conaway, Senior Accountant Suz anne Henson, and Accountant Donna Page.

Finance Director Kim Briley and Deputy Director Christine Ciancetta were absent.

Also in attendance were Human Resources Director Vickie Hinman, Public Works Superintendent Melvin McCarley, Civic Center Director Margaret Thigpen, Revenue Officer Heather Gywnn, and Building Maintenance Supervisor Frank Barnett.

**II. PUBLIC PARTICIPATION**

There was no public participation.

**III. HUMAN RESOURCES BUSINESS**

**Update on Human Resources Department Activity**

Ms. Vickie Hinman gave an update on the Human Resources department. She noted that interviewing has finished and a job offer has been made for the Building Maintenance Technician position. The new Accounting Technician will start employment on June 21, and the open Mechanical Technician position was posted today.

The Safety Committee reported that everything went smoothly on the mock fire drill held at City Hall. The Committee discussed the need for a sensor light at the north corner of City Hall. The next Safety Committee meeting will be June 27 at 10 a.m.

Other Human Resources Projects include:

- New Policy – Social Media
- Benefits Fair scheduled for August 1
- Employee training on FMLA, Worker’s Comp and Short Term Disability is complete
- Fire Lieutenant written test – June 15
- Interviews for Fire Lieutenant – June and June 26
- Preparation for I-9 Audit in June (Federal documentation requirements to proof citizenship / legal immigrant status)

**IV. CURRENT BUSINESS**

**A. Financial Reports**

1. Treasurer’s Report: May 31, 2012

The Treasurer’s Report totaling \$19,452,034.17 was presented.

***Motion by Ms. Conaway to accept the Treasurer’s Report as of May 31, 2012, in the amount of \$19,452,034.17. Seconded by Mr. Scott. Motion carried.***

2. Sales and Use Taxes: April 30, 2012  
Ms. Henson reviewed the Sales Tax Collection information.

Sales and Use Tax Collected for April 2012 - \$911,388  
Sales and Use Tax Budgeted for April 2012 - \$935,721  
Under Budget (for April) - \$ (24,333)

YTD Budget Collections Variance – Over Budget - \$39,161

3. Lodging Tax Collections, April 30, 2012

The Lodging Tax Collections report shows \$51,939.06 collected for April 2012.

4. Report: New Business Licenses – May 2012

The list of new businesses, and businesses closed, in May was presented.

5. Bills Paid Reports – May 2012

The May Bills Paid Report was included in Packet #2.

## **B. Appropriation Request**

General Fund

- City Hall HVAC Chiller Maintenance Plan \$8,012 (3 yr plan)

Mr. Frank Barnett discussed continuing maintaining a warranty on the chiller for the HVAC system at City Hall with a three year maintenance agreement at a cost of \$8,012 per year. Mr. Barnett noted that the Buildings and Property Committee recommended the agreement. Mr. Scott discussed that each year's renewal would be subject to availability of funds.

***Motion by Mr. Scott to recommend Council extend the warranty on the City Hall HVAC chiller for three years at a cost of \$8,012 per year, and adopt an ordinance appropriating \$8,012 from the FY 2013 budget for the first year payment. Seconded by Ms. Conaway. Motion carried.***

## **C. Update on Fiber/Wireless Proposal – Pending City Attorney Opinion**

Ms. Henson noted that the technical proposal for the fiber/wireless have been sent to the City attorney for his opinion. She discussed that the City Attorney advised after talking with the League of Municipalities that the City could move forward with the fiber optic project, but the attorney is still in discussions concerning the wireless part of the project. There have been serious issues with down time with the current T1 and DSL connections at the North Precinct and there is a need to move forward quickly for a resolution. Ms. Henson noted that at this time not all City departments would be converted to the fiber, but better connectivity solutions are being evaluated for the City as a whole.

## **V. Old Business**

## **VI. ADJOURN**

The meeting was adjourned at 4:30 p.m.

**EXCERPT FROM THE MAY 14, 2012 FINANCE COMMITTEE MEETING**

1. Lodging Tax Fund – Recreation Loan

- Daphne Sports Complex – Entrance Road, Phase 1 - \$831,207 (including eng/testing \$104,900)

Discussion was made that Recreation should complete repayment of the previous loan they received from Lodging tax this fiscal year. They want to use another \$831,207 from Lodging Tax for development of the FY 2012 Capital Parks & Recreation Improvement Project – Daphne Sports Complex, Phase 1, and repay it from their Lodging Tax monthly allocations in the same manner. This covers the construction cost for Phase 1 of \$726,307, construction engineering inspection & testing of \$90,900, and material testing of \$14,000. Ms. Henson noted that Mr. McKelroy provided Recreation Board minutes showing a favorable recommendation for the project. Mr. Johnson noted that engineering estimates were over \$1,000,000, but the competitive bidding resulted in a low bid for construction cost of \$726,307. He discussed that engineering costs are high because this is turning woodlands into a developed site, including streets, sewer, water, etc. He thinks that once this project is started, there may be potential for grant applications under the Restore Act.

Three bids were received for this project, with HMR and staff recommending the low bid of \$726,307 from SJ&L be accepted.

***Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$831,207 Loan from Lodging Tax to be used for FY 2012 Capital Parks & Recreation Improvement Project – Daphne Sports Complex, Phase 1, to be repaid from Recreation’s monthly allocation of Lodging Tax funds, and adopt a resolution awarding bid 2012-K-DAPHNE SPORTS COMPLEX ENTRANCE ROAD to SJ&L in the amount of \$726,307. Seconded by Ms. Conaway. Motion carried.***

**Bailey Yelding, Jr.**  
Mayor

**Vickie Hinman**  
Human Resources Director



*The Jubilee City*

**Sherree Hilburn**  
Payroll and Benefits Coordinator

**Michele Hanson**  
Human Resources Assistant

June 6, 2012

**HUMAN RESOURCES DEPARTMENT**  
**ACTIVITY REPORT**

**Positions**

**Status**

Building Maintenance Technician

Interviewing

**Safety Committee Meeting** was held on May 30, 2012:

There was a mock fire drill held at City Hall last month. Everyone evacuated to their designated meeting point. Everything went smoothly.

Public Works department viewed training video "Distracted Driving for Professionals". The committee discussed the need for a sensor light at north corner of City Hall. Building Maintenance will check on the cost for installation of the sensor light.

***Next safety committee meeting will be June 27, 2012 at 10:00 a.m.***

Human Resources Project:

- New Policy - Social Media
- Benefits Fair scheduled for August 1 - Committee meetings
- Employee training on FMLA, Worker's Comp., and Short Term Disability and June 7 and 8
- Fire Lieutenant written test – June 15
- Interviews for Fire Lieutenant – June 25 and June 26
- I-9 Audit in June

CITY OF DAPHNE  
Social Media Policy

The City of Daphne recognizes the growing importance of online social media such as Facebook and Twitter, among others, as a communication tool. This policy addresses employees' use of such social media including personal websites, web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other kind of social media.

Use of these media on City of Daphne equipment is prohibited. Further, use of these media during working hours is also prohibited.

The City of Daphne respects the right of employees to use these media during their personal time away from work and on their personal computer equipment, and the City takes no position on employees' decisions to participate in the use of social media. However, employees must avoid posting information that could harm the City of Daphne, and the guidelines set forth below must be followed:

- All employees of the City of Daphne are responsible for maintaining the City of Daphne's reputation to the public. Under no circumstances should employees present the City of Daphne to the public in a manner that diminishes the City's standing within the community. Employees are responsible for presenting the City of Daphne in a manner that safeguards the employee's individual positive reputation, as well as the positive reputation of the City of Daphne and its employees.
- Use of the City of Daphne equipment, including computers and electronic systems, for the purpose of posting to social media networks is prohibited (unless such posting is a responsibility of the employee's position at the City of Daphne).
- Employees are prohibited from disclosing information on any social media network that is confidential and/or proprietary to the City of Daphne.
- Employees are prohibited from disclosing information on any social media network that is confidential and/or proprietary to a third party that has disclosed such information to the City of Daphne.
- Employees are prohibited from displaying the City of Daphne logo, letterhead, or using materials belonging to the City of Daphne, including promotional and marketing materials, without permission of the City of Daphne.
- Employees are prohibited from posting any nonpublic images of the City of Daphne premises and property.
- Employees are prohibited from posting images of other employees/co-workers in their employment capacity. Any images of other employees/co-workers not in

their employment capacity may not be posted without the other employee/co-workers consent.

- Employees are prohibited from making statements about the City of Daphne and/or its employees that could be considered as harassing, threatening, libelous, and/or defamatory in any way.
- Employees are prohibited from engaging in any communication that could be interpreted as harassment or that could contribute to a hostile working environment.
- Employees are prohibited from acting as a spokesperson on behalf of the City of Daphne or posting comments as a representative of the City of Daphne.
- Employees are prohibited from engaging in any other behavior that is contrary to or in conflict with City of Daphne's Code of Ethics or personnel policies.

Nothing in this policy is intended to prohibit employees from engaging in protected concerted activities or making protected statements and reports to the proper internal and external authorities.

Anything posted on an employee's website, web blog, or other internet content for which the employee is responsible will be subject to all City of Daphne policies, rules, regulations, and guidelines. Further, the City of Daphne may view and monitor an employee's publicly-accessible website or web blog at any time.

Employees should notify the City of Daphne Human Resources Department if they encounter incorrect information about the City of Daphne or its employees online. Employees themselves should not attempt to correct any such information.

Violations of this policy may result in disciplinary action up to and including termination.

# TREASURER'S REPORT

As of May 31, 2012

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>		
MMA ACCT	COMPASS	\$6,686,808.51
OPERATING ACCT	COMPASS	(\$422,954.31)
PAYROLL ACCT	COMPASS	\$0.00
		<hr/>
		\$6,263,854.20
<b>INVESTMENT FUND</b>	RAYMOND JAMES	\$5,155,361.04
	(investment \$4,828,875.15)	
<b>AGENCY FUNDS</b>		
MUNICIPAL COURT	COMPASS	\$425,807.72
<b>SPECIAL REVENUE FUNDS</b>		
SAIL SITE	PNC BANK	\$9,437.03
4 CENT GAS TAX	PNC BANK	\$391,510.99
7 CENT GAS TAX	PNC BANK	\$346,437.20
		<hr/>
		\$747,385.22
<b>CAPITAL PROJECT FUNDS</b>		
CAPITAL RESERVE	WELLS FARGO	\$1,254,410.95
2006 CONSTRUCTION	WELLS FARGO	\$715,266.94
2012 CONSTRUCTION	REGIONS	\$3,008,006.73
		<hr/>
		\$4,977,684.62
<b>DEBT SERVICE FUNDS</b>		
DEBT SERVICE	WELLS FARGO	\$1,529,639.35
2006 DEBT SERVICE	PNC	\$352,302.02
		<hr/>
		\$1,881,941.37
		<u>\$19,452,034.17</u>

PRIOR YEAR BALANCE:

May 31, 2011

\$21,214,452.58

# SALES & USE TAXES

## FY 2012 BUDGET/ACTUAL COMPARISONS

## ACTUAL COLLECTIONS

	2004	2005	2006	2007	2008	2009	2010	2011	2012	Actual-2012	Budget	Monthlv Variance	YTD Variance	% of Budget
October	697,830.58	833,700.71	932,634.66	944,542.36	867,190.18	806,503.85	764,641.13	800,512.03	864,730.85	864,730.85	817,268	47,462.71	47,462.71	5.81%
November	710,788.74	814,666.03	901,512.38	918,837.95	915,890.97	801,075.91	761,955.37	819,834.09	845,163.53	845,163.53	836,995	8,168.89	55,631.60	0.98%
December	941,151.87	1,091,073.78	1,166,443.68	1,182,584.39	1,120,005.09	1,078,330.45	1,004,037.20	1,121,383.45	1,168,626.69	1,168,626.69	1,144,856	23,770.74	79,402.34	2.08%
January	697,083.68	771,837.83	887,468.11	914,876.33	822,020.87	755,541.41	723,504.28	817,230.14	809,785.59	809,785.59	834,336	(24,550.60)	54,851.74	-2.94%
February	688,421.54	788,825.08	878,123.66	877,975.60	865,625.83	748,620.87	733,335.60	840,768.01	850,487.86	850,487.86	858,367	(7,878.89)	46,972.85	-0.92%
March	848,158.86	917,832.17	1,081,774.83	1,071,598.38	998,616.04	863,535.78	916,657.55	976,181.39	1,013,134.91	1,013,134.91	996,615	16,520.35	63,493.20	1.66%
April	752,039.55	863,144.81	968,760.72	960,140.84	963,691.85	823,173.33	809,888.73	916,536.59	911,388.60	911,388.60	935,721	(24,332.69)	39,160.51	-2.60%
May	757,610.49	867,446.44	1,000,424.48	1,021,498.14	957,167.20	829,099.81	862,254.54	889,945.33	899,945.33	899,945.33	908,573	-	-	-
June	818,209.20	982,863.46	1,024,091.07	1,066,433.92	997,274.15	868,309.52	887,262.68	946,355.76	946,355.76	946,355.76	966,165	-	-	-
July	803,051.14	908,576.13	941,407.68	993,216.66	888,630.34	808,113.93	839,192.33	901,772.80	897,527	897,527	848,627	48,900	-	-
August	745,320.33	869,818.11	950,539.01	954,421.57	964,626.26	831,984.35	790,713.80	888,624.95	888,624.95	888,624.95	848,627	40,000	-	-
September	830,260.80	998,476.08	967,616.16	965,107.35	918,551.15	825,257.74	841,035.40	863,510.67	863,510.67	863,510.67	899,386	-	-	-
<b>Totals</b>	<b>9,289,924.78</b>	<b>10,708,260.63</b>	<b>11,702,796.44</b>	<b>11,871,233.19</b>	<b>11,279,349.93</b>	<b>10,039,546.95</b>	<b>9,934,178.61</b>	<b>10,782,655.21</b>	<b>6,463,318.03</b>	<b>6,463,318.03</b>	<b>10,944,435</b>	<b>39,160.51</b>	<b>-</b>	<b>8.31%</b>

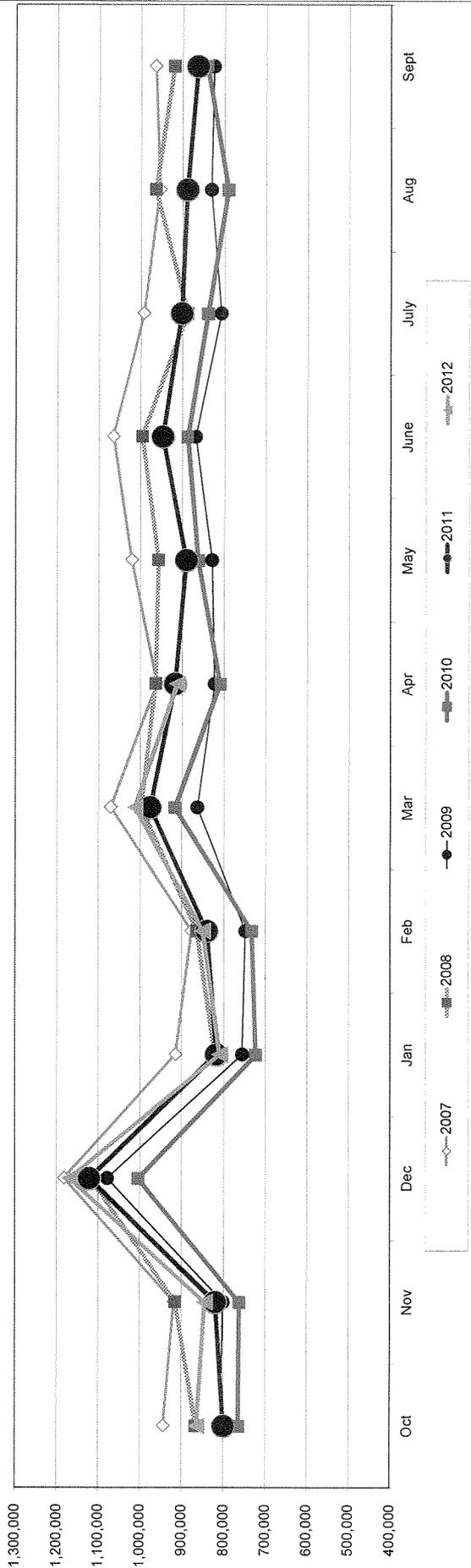
## FISCAL YEAR COMPARISONS

	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	Annual % Chang
October	135,870.13	98,933.95	11,907.70	(77,352.18)	(60,686.33)	(41,862.72)	35,870.90	64,218.82	October	11.87%
November	103,877.29	86,846.35	17,325.57	(2,946.98)	(114,815.06)	(39,120.54)	57,878.72	25,329.44	November	10.66%
December	149,921.91	77,369.90	14,140.71	(62,579.30)	(41,674.64)	(74,293.25)	117,346.25	47,243.24	December	7.09%
January	74,754.15	115,630.28	27,408.22	(92,855.46)	(66,479.46)	(32,037.13)	93,725.86	(7,444.55)	January	14.98%
February	100,403.54	89,298.58	(148.06)	(12,349.77)	(117,004.96)	(15,285.27)	107,432.41	9,719.85	February	11.32%
March	69,675.31	163,942.66	(10,176.45)	(72,982.34)	(135,080.26)	53,121.77	59,523.84	36,953.52	March	17.86%
April	111,105.26	105,615.91	(8,620.18)	3,551.31	(140,518.52)	(13,584.60)	106,947.86	(5,147.99)	April	12.24%
May	109,835.95	132,978.04	21,073.66	(64,330.94)	(128,067.39)	33,154.73	27,660.79	-	May	15.33%
June	164,654.26	41,227.61	42,342.85	(69,159.77)	(128,964.63)	18,953.16	59,093.08	-	June	4.19%
July	105,524.99	32,831.55	51,808.98	(104,526.32)	(80,576.41)	31,078.40	62,580.47	-	July	3.61%
August	124,497.78	80,720.90	3,882.56	10,204.69	(132,641.91)	(41,270.55)	97,911.15	-	August	9.28%
September	168,215.28	(30,859.92)	(2,508.81)	(46,556.20)	(93,293.41)	15,777.86	-	September	-3.09%	
<b>Annual \$ Change</b>	<b>1,418,335.85</b>	<b>994,535.81</b>	<b>168,436.75</b>	<b>(591,883.26)</b>	<b>(1,239,802.98)</b>	<b>(105,368.34)</b>	<b>826,001.33</b>	<b>170,872.33</b>	<b>Annual % Chang</b>	<b>9.29%</b>

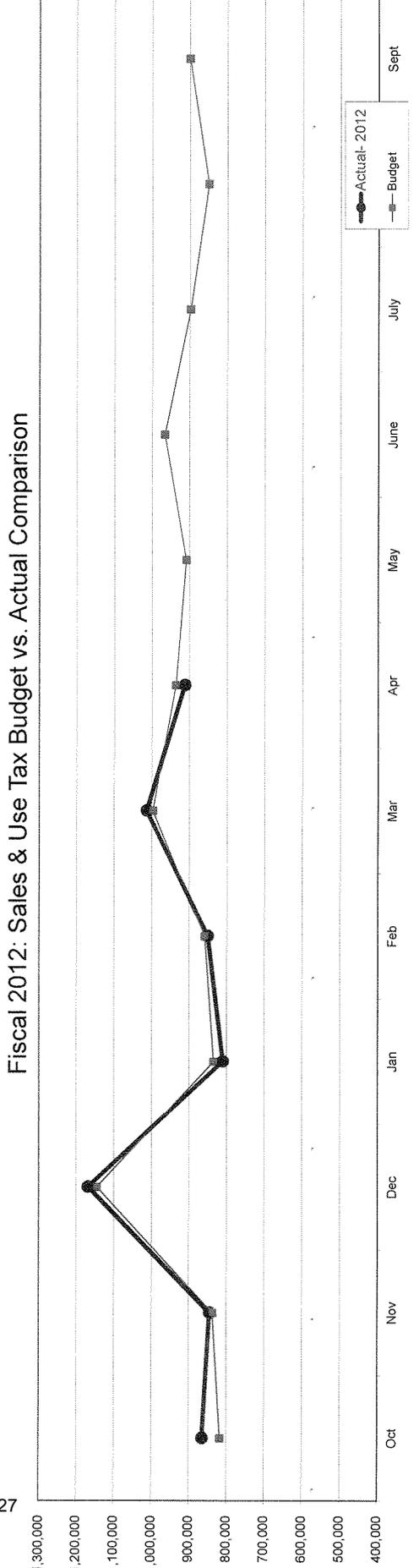
TOTAL collections: FY 11	10,782,655
TOTAL est. bdgt coll: FY 12	10,944,435
Budgeted Dollar Variance 11 & 12	161,780
Budgeted Percent Variance 11 & 12	1.50%

TOTAL collections thru: 4-30-12	6,463,318
Budgeted thru: 4-30-12	6,424,158
Actual Coll-(<)Budget, 9-30-12	39,161
% Over/(Under) Budget, 9-30-12	0.61%

### Sales & Use Tax Comparisons

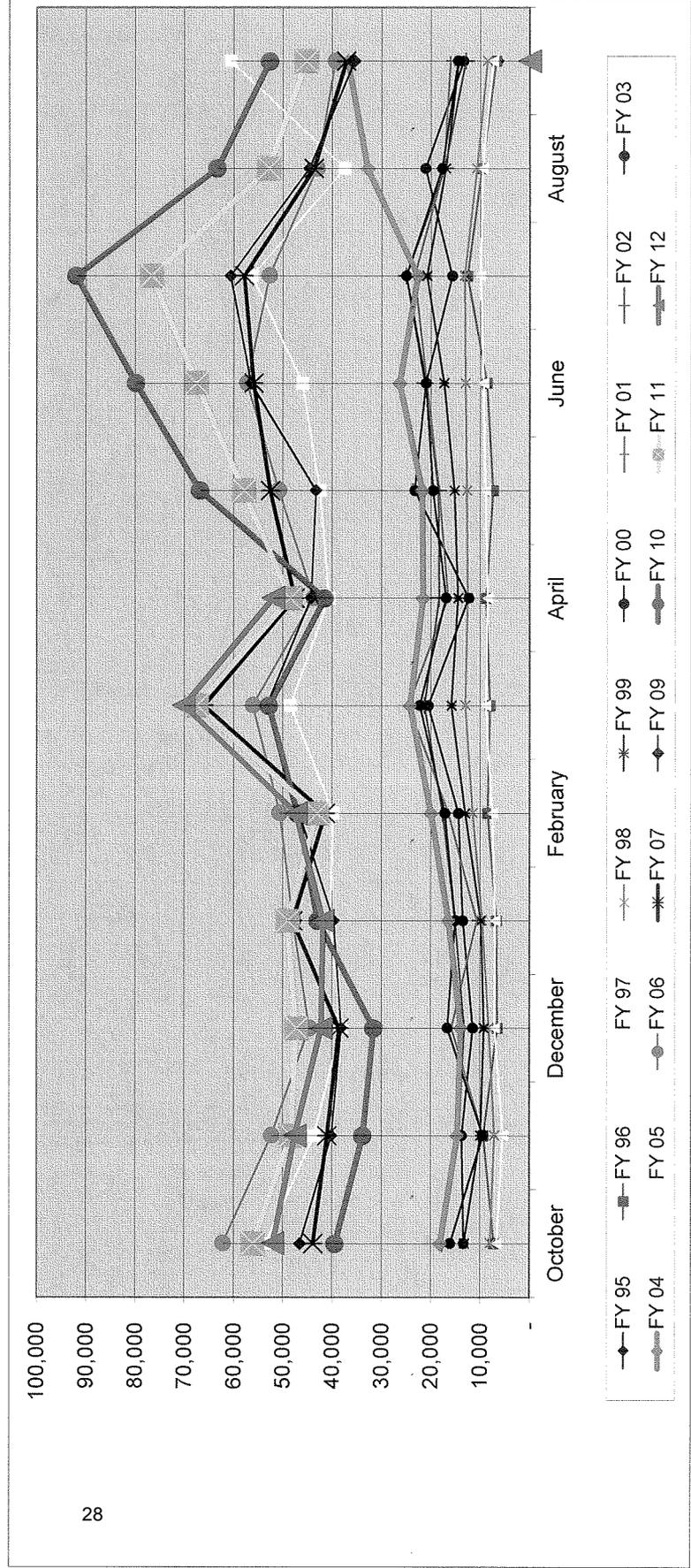


### Fiscal 2012: Sales & Use Tax Budget vs. Actual Comparison



### Monthly Lodging Tax Collections

<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>	<u>FY 09</u>	<u>FY 10</u>	<u>FY 11</u>	<u>FY 12</u>
16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	46,543.20	39,405.56	56,001.39	52,002.53
9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69	33,763.37	48,329.73	47,568.08
15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	38,144.69	31,571.38	47,210.56	42,279.22
10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	39,706.04	42,883.70	49,006.12	41,917.34
16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	46,699.01	46,998.32	43,052.68	47,346.50
24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	53,230.85	52,771.52	67,422.43	70,058.33
16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	44,277.75	41,531.05	48,487.83	51,939.06
18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	43,293.74	66,820.96	57,880.48	
20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	56,494.11	79,822.84	67,544.77	
23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	60,619.78	91,906.47	76,631.86	
17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	44,636.82	63,323.58	52,820.33	
16,116.04	12,997.60	14,563.86	36,847.13	60,635.33	39,398.90	37,180.99	49,698.91	35,430.62	52,662.79	45,216.75	
205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	549,255.30	643,461.54	659,604.93	353,111.06



# NEW BUSINESSES

## May-12

CITY LIMITS		CONTRACTORS	
<b>RETAILERS</b>		FIRE PROTECTION GROUP	1
MINUTE KEY	1	VSC FIRE & SECURITY INC	1
<b>ALL OTHER</b>		XTREME XTERMINATING	1
FOCUS INC	1	JAMES IRWIN	1
BELLATOR REAL ESTATE	1	MYERS A/C HTG MOBILE LLC	1
ALICE SYLVESTER	1	GRADY DORTCH & SONS	1
CHRIS BROWNING	1	NALL ENTERPRISES CONSTRUCTION	1
MCDONALD ENTERPRISES	1	GUTTER GUYS	1
SALON MASQUERADE	1	BAMA ELECTRIC	1
BAY SHORE GLASS	1	BAMA COMMERCIAL FLOORING	1
ANEY'S FOURWAY HOT DOGS	1	MIKE MCGALLAN INSTALLATION	1
WEBOPERATIONS.NET	1	DANIEL EVON	1
<b>TOTAL CITY LIMITS</b>	<b>10</b>	TINDLE CONSTRUCTION	1
<b>OUTSIDE CITY LIMITS</b>		HUDSON CO. OF TENNESSEE	1
WHOLESALE COMMERCIAL LAUNDRY	1	CUSTOM SHUTTER COMPANY	1
TRUMEDICAL SOLUTIONS	1	MCQUITERY LAWN CARE	1
DAO EMERGING TECHNOLOGIES	1	LANDSCAPE WORKSHOP	1
WOLTERS KLUWER HEALTH INC	1	KEN JOHANSEN LANDSCAPE	1
DG ECOMMERCE LLC	1	LIVING WATER FIRE PROTECTION	1
SHADES OF U	1	R H W CONCRETE INC	1
VAULT DENIM	1	HELP-AROUND-THE-HOUSE	1
AQUATIC ECO-SYSTEMS INC	1	CHARCORE PLASTERING	1
PATTY O'S	1	MERIDIAN RESTORATION	1
CRYSTAL FRISON	1	J F F CONTRACTOR	1
ADRIAN BUCK	1	HOME WORK	1
TYNERS CATERING INC	1	BAY POINT LANDSCAPING	1
CAFÉ BOMBAY	1	CHARNOCK HOME REPAIR	1
DIVERSIFIED INDUSTRIAL SUPPLY	1	GULF COAST UNDERGROUND	1
BONNIE CROCKET	1	<b>TOTAL CONTRACTORS</b>	<b>28</b>
SONICWALL INC	1	<b>INSURANCE</b>	
PRINTED T-SHIRTS & MORE	1	<b>TOTAL INSURANCE</b>	<b>0</b>
EAGLE CONSTRUCTION PRODUCTS	1	<b>TOTAL NEW BUSINESSES IN DAPHNE</b>	
MATCO TOOLS	1	<b>69</b>	
UNITED RENTALS (NORTH AMERICA)	1		

## Suzanne Henson

---

**From:** Frank Barnett <frankb@bellsouth.net>  
**Sent:** Thursday, May 17, 2012 9:50 AM  
**To:** financesenioraccountant@daphneal.com  
**Subject:** City Hall additional operating funds

Hi Suzanne, You asked about any funds for City Hall maintenance, I am planning to request funds for a maintenance plan to extend the warranty coverage on the chiller for the HVAC system. The five year warranty that was purchased at construction is due to end Jan. of 2013. I have a price quote from the current vendor that is doing the warranty work, it is \$8012.00 per year for three years. The B&P comm. Has been given advance information and will most likely give a positive opinion to the Finance committee. I would like to move ahead with this and lock in the price and have it ready to implement as soon as possible. The B&P comm. will be given a full description of the plan next month. Thanks, Frank.

**Supplemental Price & Payment Terms (Applies to Multi-Year Contracts Only)**

Year	Total Annual Dollar Amount	Payment Frequency
Year1	\$8,012.00	Annually
Year2	\$8,012.00	Annually
Year3	\$8,012.00	Annually

**Special Additions & Exceptions**

**PREMIUM PREVENTIVE MAINTENANCE AGREEMENT INCLUDES**

- Three (3) scheduled operational preventive maintenance visits each year.  
 To Include:
  - Factory recommended preventive maintenance operational tasking.
  - Preventive maintenance operational parts and materials.
  - Logging and recording of chillers operation.
  - Reporting to customer of operational conditions of the chillers.
  
- One (1) scheduled comprehensive annual preventive maintenance visit each year.  
 To Include:
  - Chiller shutdown
  - Oil analysis with written report furnished to the customer.
  - VSD coolant replacement.
  - Condenser coil washing.
  - Factory recommended preventive maintenance annual tasking.
  - Preventive maintenance annual parts and materials.
  - Chiller startup.
  - Logging and recording of chillers operation.
  - Reporting to customer of operational conditions of the chillers.
  
- **Repair Labor & Materials** - Premium coverage preventive maintenance agreement includes repair labor and materials for the above listed equipments' movable and maintainable components failing under normal operation of the equipment as per attached terms and conditions.
  
- **24/7 Extended Service** - JCI will provide on-site response 24 hours a day, 7 days a week (Including holidays).

**Buildings & Property Committee Meeting**  
**Monday, June 4, 2012 5:30 PM**  
**Daphne City Hall**

**Committee**

Councilman John Lake  
Councilman Derek Boulware  
Mayor Bailey Yelding, Jr.  
Richard Merchant, Building Official  
Frank Barnett, Maintenance Supervisor  
Margaret Thigpen, Civic Center Director

**Committee Minutes (Summary)**

Present: Frank Barnett, John Lake, Derek Boulware, Bailey Yelding, Jr., Jane Ellis, Richard Merchant, Richard Johnson, Margaret Thigpen

- A.) Minutes from May Meeting:** Motion made by Derek Boulware to approve minutes from May Meeting. Approved.
- B.) Civic Center & Bayfront** – Margaret distributed monthly/YTD reports (see attached). There continues to be an increase in bookings at both the Bayfront and Civic Center facilities. June and July are the down months usually and then gearing up for Taste of the Eastern Shore in August as well as elections that carry on into November.

Margaret is working on a marketing piece that can be used by other departments as well. It will consist of an outer shell with individual inserts. It can be used to take to Montgomery and other places/meetings to gather future business. She also reported that a follow-up tracking method has been set up electronically (Survey Monkey) for clients to report how their event went, would they recommend the facility, etc. So far there have been many favorable remarks.

**C.) Building Inspection Dept.** – Richard Merchant reported that work continues to increase consistently every week. With 20 new residential starts – the best in 4 years! Terry Thompson will be doing a complete renovation and add on to their existing facility.

**D.) Chiller/Maintenance Contract** – Frank Barnett requested that we move forward in obtaining this three (3) year contract - \$8012 per year. It is 24/7 service and will cover major parts that could be needed in the future that would cost the city much more than the \$8000 – just for an individual part. **Derek Boulware made a motion that this be send to Finance Committee for approval.**

**Buildings & Property Committee Meeting**  
**Monday, May 11, 2012 5:30 PM**  
**Daphne City Hall**

**Committee**

Councilman John Lake  
Councilman Derek Boulware  
Mayor Bailey Yelding, Jr.  
Richard Merchant, Building Official  
Frank Barnett, Maintenance Supervisor  
Margaret Thigpen, Civic Center Director

**Committee Minutes (Summary)**

Present: Frank Barnett, John Lake, Derek Boulware, Bailey Yelding, Jr., Jane Ellis, Richard Merchant

**A.) Minutes from April Meeting:** Motion made to approve minutes from April Meeting.  
Approved.

**B.) Library Roof Leak** – Frank Barnett reported that he had looked at the roof leak and identified a contractor that will do the repair work for an estimated \$2500. Library paid for the engineering expense. Derek Boulware made a motion that we move this to Finance Committee for approval.

Frank stated that the new company we contracted with, Synergy, is really helping identify areas of potential concerns.

He wanted to bring to the attention of the committee the issue with the chiller for the HVAC System at City Hall. The 5 year warranty ends January 13 and it does not cover maintenance. There are some high price items that could need replacing at some point. He has a quote for a quarterly maintenance contract and an annual warranty inspection for \$8500 per year.

**C.) Civic Center & Bayfront** – Margaret unable to attend meeting – will submit reports next month.

**D.) Building Inspection Dept.** – Richard Merchant reported that work is picking up for residential (7 new for the previous week) and commercial. Two new tenants for Jubilee Square are Dollar Tree and Fresh Market. See monthly reports for total dollar amounts and work.

## Civic Center (projected revenue)

Month	2009-2010 Revenue		2009-2010 w/out		Month	2010-2011 Revenue		2010-2011 w/out		2011-2012 Revenue	2012-2013 Revenue	2013-2014 Revenue
	COHP	COHP	COHP	COHP		COHP	COHP	Revenue	Revenue			
Oct	\$10,305.00	\$6,763.00	\$3,542.00	\$0.00	Oct	\$10,618.00	\$10,618.00	\$15,711.50	\$6,365.00			
Nov	\$11,633.00	\$8,100.00	\$3,533.00	\$895.00	Nov	\$4,727.00	\$3,832.00	\$13,538.00	\$5,005.00			
Dec	\$8,985.25	\$7,729.50	\$1,255.75	\$7,159.20	Dec	\$9,253.20	\$2,094.00	\$13,243.00	\$5,765.00			
Jan	\$15,499.50	\$7,295.00	\$8,204.50	\$7,423.20	Jan	\$7,423.20	\$7,423.20	\$6,643.00	\$4,370.00			
Feb	\$20,334.00	\$1,751.00	\$18,583.00	\$12,692.00	Feb	\$12,692.00	\$12,692.00	\$21,456.00	\$17,203.00			\$4,334.00
March	\$18,268.00	\$6,479.00	\$11,789.00	\$16,778.95	March	\$16,778.95	\$16,778.95	\$12,863.00	\$2,280.00			\$1,830.00
April	\$34,493.25	\$30,840.25	\$3,653.00	\$211.00	April	\$6,683.95	\$6,472.95	\$13,433.00	\$5,762.00			\$2,551.00
May	\$16,572.78	\$6,263.75	\$10,309.03	\$9,381.45	May	\$9,381.45	\$9,381.45	\$18,832.00	\$895.00			
June	\$14,677.75	\$8,918.75	\$5,759.00	\$125.00	June	\$13,831.95	\$13,706.95	\$8,765.00	\$1,015.00			
July	\$21,709.23	\$15,717.23	\$5,992.00	\$19,481.00	July	\$19,481.00	\$19,481.00	\$8,640.00	\$895.00			
Aug	\$17,885.30	\$16,395.60	\$1,489.70	\$11,129.50	Aug	\$11,129.50	\$11,104.45	\$11,680.00	\$1,020.00			
Sep	\$10,008.00	\$3,558.00	\$6,450.00	\$205.00	Sep	\$12,693.00	\$12,587.95	\$15,751.00				
<b>TOTAL</b>	<b>\$200,371.06</b>	<b>\$119,811.08</b>	<b>\$80,559.98</b>	<b>\$8,720.20</b>		<b>\$134,693.20</b>	<b>\$126,172.90</b>	<b>\$160,555.50</b>	<b>\$50,575.00</b>			<b>\$8,715.00</b>

## Bayfront (projected revenue)

Month	2009-2010 Revenue		2010-2011 Revenue		2011-2012 Revenue		2012-2013 Revenue	2013-2014 Revenue
	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue		
Oct	\$1,539.00	\$5,707.00	\$6,214.00	\$3,765.00				
Nov	\$2,395.00	\$2,347.00	\$3,204.00	\$2,450.00				
Dec	\$2,284.00	\$6,709.00	\$5,853.00	\$2,087.00				
Jan	\$495.00	\$2,635.00	\$3,422.00	\$480.00				
Feb	\$2,540.00	\$3,881.00	\$2,636.00					
March	\$3,164.00	\$3,088.00	\$4,227.00					
April	\$2,944.00	\$6,365.00	\$5,767.00	\$555.00				\$420.00
May	\$5,931.00	\$4,786.00	\$7,072.00					
June	\$4,143.00	\$4,834.00	\$4,688.00	\$935.00				
July	\$6,004.00	\$6,733.00	\$3,209.00	\$1,450.00				
Aug	\$7,282.00	\$7,892.25	\$2,596.00					
Sep	\$6,263.99	\$6,258.00	\$1,595.00					
<b>TOTAL</b>	<b>\$44,984.99</b>	<b>\$61,235.25</b>	<b>\$50,483.00</b>	<b>\$11,722.00</b>				<b>\$420.00</b>

## **Public Safety Committee**

*Wednesday, June 13, 2012*

Councilman Derek Boulware  
Councilman Kelly Reese  
Councilman Ron Scott  
Fire Chief James White  
Public Works, Melvin McCarley

Police Chief David Carpenter  
Captain Scott Taylor  
Captain Daniel Bell  
Tracy Bishop - Secretary

### **Committee Members Attending:**

Councilman Derek Boulware, Councilman Ron Scott, Chief David Carpenter, Chief James White, Melvin McCarley, and Captain Scott Taylor.

### **CALL TO ORDER**

Councilman Boulware **convened** the meeting at 4:30 p.m.

**PUBLIC PARTICIPATION** – Linda Locklin and Joanne Gibson were present and representing Sehoy subdivision. They have had an issue with speed limit signs and learning the hard way by putting up 15 mph signs themselves, replacing the city's 30 mph signs. She admitted they had made mistakes but that they had come to the meeting to see about changing the speed limit the correct way. She stated that there are many children in their neighborhood and that they would like the speed limit reduced. They have checked in other neighborhoods and noticed that their speed limit was 25 mph. The board took a vote of all residents about changing the speed limit and it ended up with 45 "no" votes and 96 "yes" votes. Melvin suggested that he could change it to 25 mph without going before the council and both ladies agreed that would be fine with all residents. Melvin told them that he would have the new signs up within 30 days as he might have to order them. Gibson also stated that they had erected a message board in the subdivision and was told by Code Enforcement Officer Lonnie Jones that it was not in compliance. It was one foot too tall and told them that it needed to be lowered. Melvin told the ladies that they could leave the posts and just unscrew the sign portion from the posts and lower the sign by one foot.

### **APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Minutes from May 9, 2012 – Councilman Scott made a motion to accept the minutes as presented; motion was seconded by Councilman Boulware.

### **POLICE DEPARTMENT**

- A. **New Business** - Chief Carpenter went over the statistics and D-Runs from April 2012. Chief stated that some of the Tahoe's are at the dealership and waiting on the rest before delivery. The Tahoe's have gotten good reviews from all who have seen them around town. Chief told Councilman John Lake to get in touch with Captain Bell for reviewing all information on the Tahoe's. Melvin stated that he got the rumble strips put down on McAdams Avenue.
- B. **Old Business** – None

**FIRE DEPARTMENT**

- A. **New Business** – Chief White went over his stats. Chief stated that his ISO survey is over. It will take 6 months for the results. The representative showed Chief some deficiencies they had but indicated on the way out that the city probably would not end up with a split rate. Chief stated that we were at a 4 and that he hopes to maintain a 4 rating. His Lieutenant exam is this Friday. He had a resignation from Jason Allen today.
  
- B. **Old Business-**

**OTHER BUSINESS**

**ADJOURN**

There being no further business to discuss, Mr. Scott made a motion to adjourn the meeting at 5:00 p.m. Mr. Boulware seconded the motion. The next meeting will be Wednesday, July 11, 2012 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,  
Daphne Public Safety Committee





**CITY OF DAPHNE**  
**FIRE DEPARTMENT MONTHLY REPORT**  
**Report Period: April 2012**

	Current:	FY to Date:
<b>Suppression:</b>		
<b>1-Fire/Explosion:</b>	-	-
10-Fire, Other	1	1
11-Structure Fire/Commercial	4	6
11-Structure Fire/Residential	0	5
12-Fire in Mobile Property used as fixed structure	0	1
13-Mobile Property (vehicle) Fire	2	5
14-Natural Vegetation Fire	0	3
15-Outside Rubbish Fire	0	4
16-Special Outside Fire	0	0
17-Cultivated Vegetable Crop Fire	0	0
<b>2-Overpressure Rupture:</b>	1	1
<b>3-Rescue Call and Emergency Medical Service Incidents:</b>	125	562
<b>4-Hazardous Conditions (No fire):</b>	1	7
<b>5-Service Call:</b>	8	51
<b>6-Good Intent Call:</b>	12	51
<b>7-False Alarm &amp; False Call:</b>	18	79
<b>8-Severe Weather &amp; Natural Disaster:</b>	0	0
<b>9-Other Situation:</b>	0	0
<b>Total Emergency Calls:</b>	<b>172</b>	<b>764</b>
<b>Monthly Total Calls:</b>	<b>179</b>	<b>791</b>
<b>Highest:</b>		
	12:00	12:00
<b>Lowest:</b>		
	<1	<1
<b>Average (Minutes/Seconds) :</b>		
	4:51	4:51
<b>Miscellaneous Reports:</b>		
<b>Training Hours</b>	562.25	2522.00
<b>Property Loss - \$</b>	\$51,000.00	\$322,500.00
<b>Fire Personnel Injuries by Fire/Civilian Injuries by Fire</b>	0	0
<b>Advance Life Support Rescues</b>	86	354
<b>Number of Patients Treated</b>	117	552
<b>Child Passenger Safety Seat Inspections/Installations</b>	9	32
<b>Classes</b>		
	0	0
<b>Persons Attending</b>		
	0	0
<b>Plan Reviews</b>		
	2	50
<b>Final/Certificate of Occupancy</b>		
	0	0
<b>General/Annual Inspections</b>		
	0	40
<b>General/Re-Inspections (Violation Follow-up - Annual)</b>		
	0	62
<b>Business Licenses</b>		
	1	22
<b>Consultations-</b>		
	0	0
<b>All Other/Misc. Activities</b>		
	0	0
<b>Total Activities:</b>	<b>3</b>	<b>174</b>

Authorized by:

*James White*

Chief James White

6

**Ordinance Committee**

*Wednesday, June 13, 2012  
City Hall Council Chambers  
5:00 p.m.*

**I. CALL TO ORDER/MEMBERS PRESENT**

**Councilman Boulware called the meeting to order at 5:05 p.m.**

Members Present: Ron Scott and Derek Boulware

Absent: Kelly Reese

Others Present: Rebecca Hayes, Vickie Hinman, Margaret Thigpen and Jason Crane.

**I. PUBLIC PARTICIPATION**

None

**II. ORDINANCE REVIEW/DISCUSSION**

**a. Use of Social Media by Employees**

This ordinance is to establish a policy for employees regarding the use of Facebook and other social media at work.

Mrs. Thigpen asked that they remember that city departments use Facebook to promote the city, and to address that so that their hands will not be tied.

The committee recommended that the ordinance go to the July work session after revisions by Mr. Crane.

**b. Use of Alcohol Beverages within the City of Daphne**

The old ordinance was dismantled and redone. The committee discussed liability issues with allowing alcohol at block parties, and recommended that someone be responsible. The residents would need a permit to serve alcohol, and they will have to hire an off duty police officer for the event, and sign hold harmless agreements. Mr. Crane will take the Special Events Permit that the city uses currently and work one up for permitting alcohol at block parties.

The committee recommended that this ordinance go to the July work session after revisions by Mr. Crane.

**IV. OTHER BUSINESS**

None

**V. ADJOURN**

**Motion by Mr. Scott**

**Seconded by Mr. Boulware**

**To adjourn at 5:47 P.M.**

**ALL IN FAVOR**

**NONE OPPOSED**

**MOTION CARRIED**



**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

---

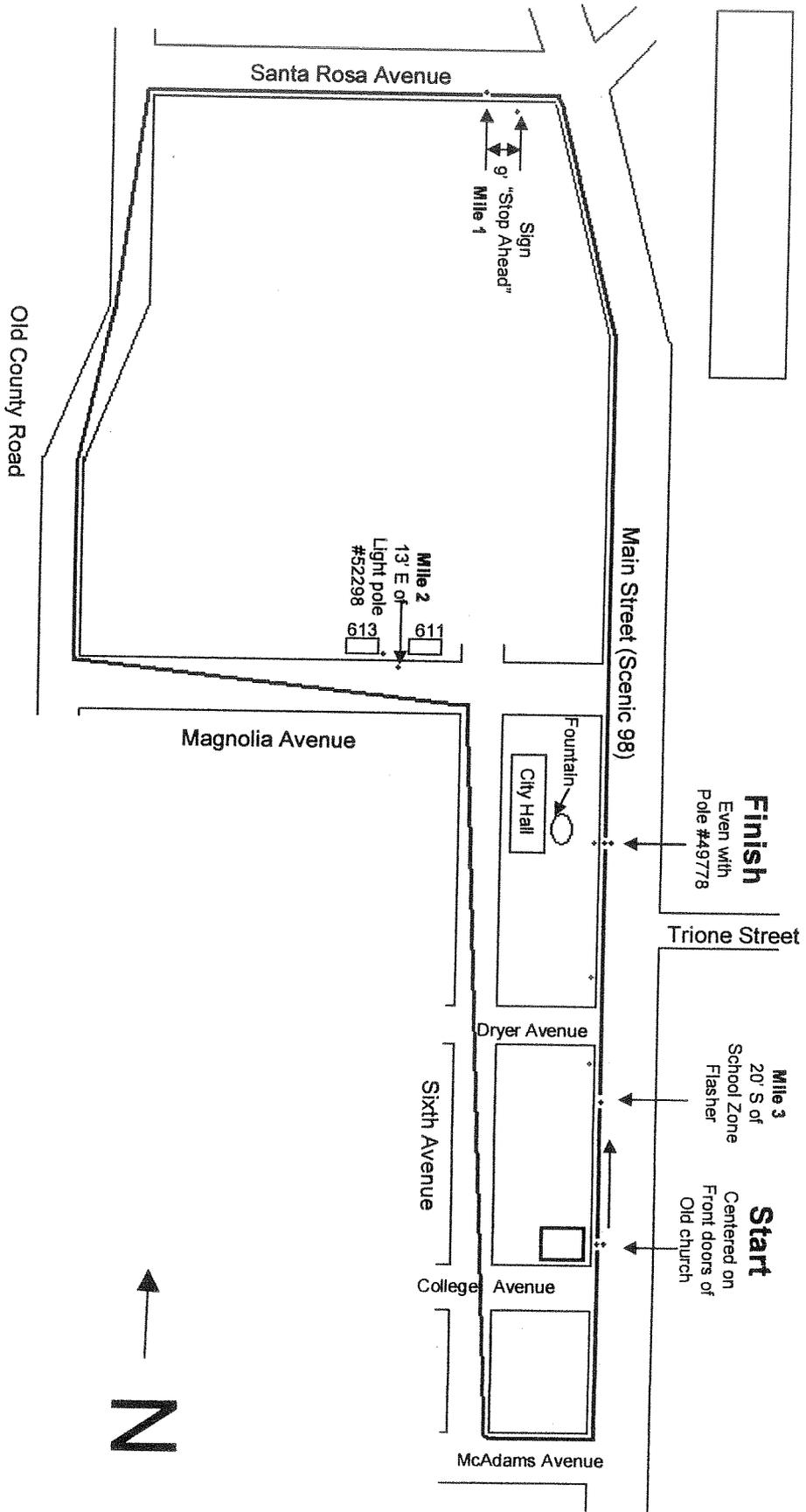
**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

**CITY OF DAPHNE  
PARADE PERMIT**

<b>ORGANIZATION:</b>	<i>Citrin Safety Foundation</i>
<b>CONTACT PERSON:</b>	<i>Christy Gustin</i>
<b>ADDRESS:</b>	<i>P. O. Box 2187 Daphne, AL 36526</i>
<b>PHONE NUMBER (HOME):</b> <b>PHONE NUMBER (BUSINESS):</b> <b>CELL NUMBER:</b>	<i>433-0953    <a href="mailto:christygustin@citriansafetyfoundation.org">christygustin@citriansafetyfoundation.org</a> 621-3000 508-7952</i>
<b>TYPE OF PARADE:</b>	<i>5K Run</i>
<b>DATE OF PARADE:</b>	<i>October 20, 2012</i>
<b>ROUTE TO BE TRAVELED:</b>	<i>See Attached Map</i>
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	<i>300</i>
<b>START TIME:</b>	<i>8:00 a.m.</i>
<b>STOP TIME:</b>	<i>10:30 a.m.</i>
<b>ASSEMBLY AREA/STREET:</b>	<i>Register @City Hall / Race Starts at College Avenue</i>
<b>ASSEMBLY TIME:</b>	<i>7:00 a.m.</i>
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE APPLIED:</b>	<i>May 25, 2012</i>
<b>APPROVAL</b>	
<b>POLICE:</b> Chief David Carpenter	<i>David Carpenter</i>
<b>FIRE:</b> Chief James White	<i>James White</i>
<b>PUBLIC WORKS:</b> Richard Johnson	<i>Richard Johnson</i>
<b>RECREATION :</b> David McKelroy	<i>David McKelroy</i>
<b>CITY COUNCIL APPROVAL:</b> 6-18-12	
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE ROUTED:</b>	<i>May 25, 2012</i>
<b>NOTIFICATION</b>	

Citric Safety Foundation  
 Daphne, Alabama



*Raw*

No Diagrams to Scale

Splits: Marked with green paint.  
 Locations are given explicitly on map.  
 Start and Finish marked with  
 green paint

Measured by Jon Bowle (Daphne, AL 251-209-0887)  
 jnbowle@gmail.com  
 17 January 2010  
 Calibrated on AL08007JD  
 Race contact: Denise D'Oliveira (251-605-8777)

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

**RESOLUTION 2012-44**

**2012-K-DAPHNE SPORTS COMPLEX ENTRANCE ROAD**

**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 DAPHNE SPORTS COMPLEX ENTRANCE ROAD will exceed \$50,000; and

**WHEREAS**, the City of Daphne did receive and review bids for the DAPHNE SPORTS COMPLEX ENTRANCE ROAD and has determined that the bid as presented is reasonable; and

**WHEREAS**, staff recommends the bid for DAPHNE SPORTS COMPLEX ENTRANCE ROAD be awarded to S. J. & L. Civil Contractor, Inc.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, hereby accept the bid from S. J. & L. Civil Contractor, Inc. the amount of \$726,307 as specified in BID SPECIFICATION NO. 2012-K-DAPHNE SPORTS COMPLEX ENTRANCE ROAD.**

**APPROVED AND ADOPTED 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 L. Cohen, City Clerk, MMC

**CITY OF DAPHNE  
ORDINANCE 2012 – 35**

---

**ORDINANCE TO REPEAL ORDINANCE 2003-32 AND TO REGULATE NOISE  
WITHIN THE CITY OF DAPHNE, ALABAMA**

---

**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 repealed to eliminate any vagueness and ambiguity contained therein; 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 repeal Ordinance 2003-32 and replace the same with new standards to further promote the enforcement thereof;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, as follows:

**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, skyrockets, 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 devise 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 1 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.) Any recreational and educational activity including, but not limited to, school bands and neighborhood ball games, provided that between the hours of 10:00 p.m. and 7:00 a.m. such activity does not exceed a sound

level of 80 dB when measured at a minimum of Fifty (50) feet from the noise source.

6.) Licensed refuse collection vehicles operating during the time period between 6:00 a.m. and 9:00 p.m.; provided, however, sound omitted 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.

7.) The emission of sound for the purpose of alarming persons to the existence of an emergency; or

8.) 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 1 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
- 2) After due consideration of the factors set forth in Section I (B)(5); and
- 3) Upon approval of the Council representative for the district where the event is to be held.

**SECTION II: PENALTY.**

A. Any person found guilty of violating any provision of this Ordinance shall be punished by a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding six (6) months, or both, in the discretion of the Municipal Judge.

B. This Ordinance shall also be subject to enforcement by the issuance of a summons and complaint pursuant to the provisions of Ordinance No. 1993-02, as the same may be from time to time amended.

**SECTION III: REPEALER**

Ordinance No. 2003-32 is hereby repealed in its entirety. All other City Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

**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.

**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**

**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 SUPPLEMENTAL CODE IN ADDITION TO THE 2012 INTERNATIONAL RESIDENTIAL CODE**

The requirements specified in this Code Supplement apply to detached One and Two family dwellings not more than three stories above grade plane in height. The provisions of this supplement are intended to complement the locally adopted codes. The elements of design not addressed by the provisions of this supplement shall be in accordance with the locally adopted code. In the event a conflict between this document and the adopted code, the more stringent shall apply.

### **FOUNDATIONS**

1. Compaction test shall be submitted to the Building Department prior to foundation inspection.
2. Proof of Termite Bond required to be submitted to the Building Department prior to 4-way inspection.

### **STRUCTURAL**

1. Unless balloon framed, gable ends over 4 foot high shall be braced with a minimum 2 x 6 horizontal strong back installed at midpoint of the vertical height of the gable end wall. Minimum 2 x 4 diagonal bracing not to exceed 45 degrees or 4 feet OC shall be installed on top of strong back and face nailed with 4-10d nails into side of gable wall framing studs. In addition, when ceiling joists run parallel to the gable end wall, a minimum 2 x 4 x 8 brace shall be installed at maximum 6 feet OC on top of ceiling joists and gable top plate nailed with 2-10d nails at each support. Metal 20 gauge straps shall be installed on top of 2 x 4 lateral brace and over gable top plate into stub below using 10-8d nails top and bottom. Install minimum 2 x 4 bracing under lateral braces adjacent to gable wall.
2. Wood structural panels with a minimum thickness of 7/16 inch (11 mm) and a maximum span of 8 feet (2438 mm) shall be permitted for opening protection in one and two-story buildings. Panels shall be precut and attached to the framing surrounding the opening containing the product with the glazed opening. Panels shall be predrilled as required for the anchorage method and shall be secured with the attachment hardware provided. Attachments shall be designed to resist the component and cladding loads determined in accordance with either Table R301.2(2) (See International Residential Code 2012) or ASCE 7, with the permanent corrosion-resistant attachment hardware provided and anchors permanently installed on the building. Attachment in accordance with Table R301.2.1.2 is permitted for building with a mean roof height of 33 feet (10 058 mm) or less where in Wind Zones 1 and 2 in accordance with figure R301.2(4)C. *(Plyox clips are not allowed)*

**TABLE R301.2.1.2**  
**WINDBORNE DEBRIS PRETECTION FASTENING**  
**SCHEDULE FOR WOOD STRUCTURAL PANELS a,b,c,d**

FASTENER TYPE	Panel span $\leq$ 4 feet	4 feet < panel span $\leq$ 6 feet	6 feet < panel span $\leq$ 8 feet
No. 8 wood screw based anchor with 2-inch embedment length	16	10	8
No. 10 wood screw based anchor with 2-inch embedment length	16	12	9
¼ inch lag screw based anchor with 2-inch embedment length	16	16	16

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound = 4.448N, 1 mile per hour = 0.447 m/s.

- a. This table is based on 130 mph wind speeds and a 33 foot mean roof height.
  - b. Fasteners shall be installed at opposing ends of the wood structural panel. Fasteners shall be located a minimum of 1 inch from the edge of the panel.
  - c. Anchors shall penetrate through exterior wall covering with an embedment length of 2 inches minimum into the building frame. Fasteners shall be located a minimum of 2-1/2 inches from the edge of concrete block or concrete.
  - d. Where panels are attached to masonry or masonry/stucco, they shall be attached using vibration-resistant anchors having a minimum ultimate withdrawal capacity of 1500 pounds.
3. Garage doors shall be rated to or above the applicable wind design load.
  4. Wood frame chimney chases shall be structurally connected to rafters and/or ceiling joists. The attachment must be detailed in the plans or must meet the following minimum requirements:

Each corner of the chimney structure must have a tension strap fastened to the corner stud and continues downward to the roof and/or ceiling support members below. The tension strap must have a minimum tension capacity of 700 lbs. at each end.

Chimney framing shall be sheathed with minimum 7/16 inch structural panel on exterior four sides.

The base perimeters of chimney framing must be continuously supported by minimum 2 x 4 blocking fastened to roof framing members with joist hangers.

5. Exterior and Interior Shear walls and/or braced wall panel locations shall be indicated on the plans and shall be nailed in accordance with the engineered drawings but no less than 6 inches OC maximum intermediate and edge using 8d irregular shank (i.e., ring shank or spiral) nails with full round heads. All exterior walls and gable ends shall be fully sheathed with structural sheathing.

## ROOF COVERINGS

### ASPHALT SHINGLES – REQUIREMENTS

Wind Speed	Shingle Testing Standard/Classification
130 mph	ASTM D3161 Class F
130 mph	ASTM D7158 Class H

1. Asphalt shingles shall be installed according to the manufacturer recommended listed installation instructions for High Wind areas with minimum 6 nails.
2. All Asphalt shingle roof covering underlayment shall be of a synthetic tear resistant Polypropylene, polyester or fiberglass fabric certified by an approved testing Agency or ICC-ES report. The Building Official may approve an equal or higher performing product. Asphalt felt roofing underlayment shall not be installed as a roof covering underlayment.
  - a. Roof underlayment shall be installed and fastened in accordance with the Manufacturer’s installation instructions. NOTE – Most Manufacturers’ do not allow staples as an approved fastener or staple button caps
3. **All Aluminum/Vinyl Soffit covering shall be attached to minimum 7/16 OSB or plywood or minimum 2 x 2 wood supports 8 inches OC maximum.**
4. **Roof deck sheathing seams shall be taped with minimum 4” Peel and Stick tape meeting ASTM D-1970, or sheathing seams and each side of roof support shall be sealed with closed cell foam meeting ASTM D-1622, other equal or greater methods may be approved by the Building Official.**
5. Metal roof covering shall be fastened to roof assembly with a maximum 2 foot OC spacing of fasteners in the length dimensions of the panels. Minimum Number of fasteners in width dimension of the panel shall be no less than 4.
6. 1x4 or 2 x 4 wood purlins for attachment of metal roof coverings shall be a maximum 2 feet OC. Wood purlins shall be nailed with a maximum two deformed (spiral, ring shank) #16D nails at maximum of 24 inches OC.
7. Roof decks shall be nailed in accordance with the engineered drawings but no less than 6 inches OC maximum intermediate and edge, with minimum 8d irregular shank (i.e., ring

shank or spiral) nails with full round heads. Staples are not permitted for fastening of the roof decking.

8. All new One and Two Family dwellings shall have a sealed roof deck. Roof deck seams shall be taped with a minimum 4" Peel and Stick tape meeting ASTM D-1970 to achieve a sealed roof deck or closed cell foam meeting ASTM D-1622 may be applied underneath to each side of framing member and sheathing seams.

## **ENERGY**

1. Attic: minimum insulation R-38 Wall: minimum insulation R-13 floor: minimum insulation R-13
2. Batt insulation shall be cut neatly to fit around pipes and wires or be placed behind piping & wiring
  - a) Staple insulation to face of stud
3. Air permeable insulation shall not be used as a sealing material
4. Space between windows & door jams to be sealed
5. Corners, headers & sill plates shall be sealed
6. Rim joists are to be insulated
7. A continuous air barrier shall be installed in the building envelope
8. Break or joints in the air barrier shall be sealed (taped)
9. Access openings to un-air-conditioned spaces shall be sealed (weather stripping)
10. Building cavities shall not be used as ducts or plenums
11. Programmable thermostat shall be used
12. A minimum of 75% of lights used shall be of high efficacy
13. Recessed light fixtures shall be sealed to be airtight.
14. U factor of 40 must be used and also SHGC of .25 for windows.
15. At the time of rough-in inspection Peel and Stick aluminum backed tape or other approved material shall be applied to all edges of all windows to prevent air exchange.
16. All holes interior and exterior wall top plates shall be sealed with caulking or expandable foam.
17. Space around plumbing pipes penetrating interior or exterior wall top plates shall be sealed with caulking or expandable foam.

**The City of Daphne Building Inspection Department may at any time inspect for compliance for items above.**

## **PLUMBING**

1. Pex supply piping shall be inspected at a minimum Pressure of 150 lbs.
2. Potable water supply at street pressure shall be connected to copper supply piping at time of inspection. Copper piping will be inspected at street pressure.
3. Top out plumbing inspection shall be preformed with Electrical, HVAC and Framing inspection.
4. The Contractor responsible for construction shall call in for all 4-way inspections.
5. All Bathtubs and showers shall be connected to the drain waste and vent system at the time of top out inspection. ***Exception: Whirlpool and Garden tubs may be***

*installed after top out inspection. The trap servicing the whirlpool and garden tub shall be installed at the time of inspection.*

## **ELECTRICAL**

1. All receptacles shall be supplied by a minimum #12 AWG protected by a 20 Amp Circuit Breaker.
2. General Lighting, Smoke/carbon monoxide Alarms shall be allowed to be supplied by a minimum #14 AWG protected by a 15 Amp Circuit Breaker.

## **HVAC**

1. Air Handler's return air filters shall have a minimum one square inch of filter for every 2 CFM of air the HVAC moves. This equals 400 CFM per ton of AC capacity. ***Example: A 3 ton system will require a minimum of 600 square inch of return air filter area.***
2. Contractor shall provide number of AC units and tonnage of each unit to this department before the rough in inspection.
3. The maximum length of flexible duct allowable in any application shall be limited to 12 feet. Any duct run longer than 12 feet shall be same size snap lock pipe or equal. ***Exception: Flexible duct may exceed the 12 feet maximum length provided a Manual D and Manual J depicting supply air CFM, duct size length and layout of system are provided to this Department before rough in inspection is scheduled.***
4. All 90 degree turns, elbows, tees or taps in rectangular duct construction with the exception of transfer duct shall have turn vanes or 2-piece 45 degree or 3-piece 90 degree elbow, 90 degree turns shall be of a long sweep design.
5. Each branch shall have a balancing damper with locking quadrant. Locations that are not accessible do not require a balancing damper.
6. All insulation shall have a continuous vapor barrier by means of same material "glass fabric tape".
7. All duct seams, joints and connections shall be sealed with sealer/mastic to prevent air leakage.
8. All duct board seams and joints shall be stapled a *maximum 2 inches OC* in addition to tape and sealer.
9. On all new construction rough ins, refrigerant tubing must be soldered closed to an air tight seal.
10. Excess plenums above the Air Handler shall not be allowed, unless Manual D documentation of compliance is provide to this Department.
11. Secondary plenums shall not be allowed, unless Manual D documentation of compliance is provided to this Department.
12. Primary contractors are responsible to insure the design of the house will accommodate compliance with the adopted codes

## **MODULAR HOMES**

1. Submit AMHC (Alabama Manufactured Home Commission) stamped plans.
2. Modular Homes shall be certified by an Alabama Registered Engineer to meet adopted wind loads.
3. Submit foundation plans and anchorage to foundation plan. Shall equal or exceed local adopted codes.
4. And other on-site construction shall require a separate permit by the Building Inspection Department.
5. Modular Homes shall be required to have a Final Inspection after exterior of structure and any on-site construction are complete.
6. Modular Homes shall be installed as per the engineered installation instructions
7. Modular Homes shall be inspected for compliance with engineered instructions and any applicable current local adopted codes.
8. In factory construction and components are not the responsibility of the City of Daphne Building Inspection Department.
9. Existing houses that are moved from one site to another shall comply with Items 3, 4 & 5 and require a Final Inspection. Any new construction shall be in compliance with current adopted codes.

**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 7<sup>th</sup> 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 26<sup>th</sup> 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

**ORDINANCE 2012 - 44**

**DAPHNE SPORTS COMPLEX ENTRANCE ROAD 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**, Ordinance 2009-55 sets forth an allocation of Lodging Tax proceeds that may be used for certain recreational grounds capital items; and

**WHEREAS**, the Daphne Sports Complex Entrance Road project meets such recreational grounds capital criteria; and

**WHEREAS**, such project has been bid and staff has reviewed bids as submitted.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, AL**, that the Fiscal Year 2012 Budget is hereby amended to include an appropriation for the Daphne Sports Complex Entrance Road – Phase I in the amount of \$831,207 (*construction -\$726,307 & Engineering & Testing - \$104,900*). The General Fund will advance the project cost and be reimbursed by Lodging Tax Recreation allocations pursuant to Ordinance 2009-55 after such time as the advance for projects approved by Ordinance 2010-09 is paid back to the General Fund in full.

**APPROVED AND ADOPTED** 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 L. Cohen, City Clerk, MMC**

**ORDINANCE 2012 - 45**

**City Hall Chiller Maintenance 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**, due to the need to keep the HVAC system functional for City Hall operations; and

**WHEREAS**, the chiller must remain functional for the HVAC system to operate.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$8,012 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget for the maintenance agreement needed for the City Hall HVAC System.

**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