

CITY COUNCIL BUSINESS MEETING AGENDA
BUSINESS MEETING
1705 MAIN STREET, DAPHNE, AL
JANUARY 7, 2013
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL/INVOCATION / PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting Minutes / December 17, 2012
Special Called Council Meeting Minutes / December 17, 2012

- PUBLIC HEARING:** Amendments to the Land Use and Development Ordinance 2011-54
1.) Article 8 / Definition of Terms / Prefabricated / Accessory Structures
2.) Article 9, Section 12 (g) / Accessory Structures

4. REPORT STANDING COMMITTEES:

- A. FINANCE COMMITTEE** - Conaway
- B. BUILDINGS & PROPERTY COMMITTEE** - Haygood
- C. PUBLIC SAFETY COMMITTEE** – Rudicell
Review minutes / December 12th
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE** - Fry
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY** - LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments** – Adrienne Jones
- B. Downtown Redevelopment Authority** – Conaway
- C. Industrial Development Board** – Dane Haygood
Nomination: Lynn Mitchell
Nomination: John Cox
- D. Library Board** – Lake
- E. Planning Commission** –Scott
Review minutes / November 15th
 - a.) Set a Public Hearing Date for February 18, 2013 to consider amendments to the Land Use & Development Ordinance:
 - 1.) Revisions to Zoning Map
 - 2.) Appendix O, Low Impact Development & Green Infrastructure
- F. Recreation Board** – LeJeune
- G. Utility Board** – Fry

6. REPORTS OF OFFICERS:

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

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Agreement: AL Dpt. of Economic & Community Affairs (ADECA)
Construction of Boardwalk Connector Bridge from Gator Alley Park
To the Eastern Shore National Recreation Trail /Resolution 2013-01
- b.) Revisions to City of Daphne Street Map. /Resolution 2013-02

ORDINANCES:

2ND READ

- a.) Appropriation of Funds: Sidewalk Improvements for FY2013. /Ordinance 2012-72

1ST READ

- b.) Consenting to the Lease of Certain Property by the
Utilities Board of the City Of Daphne to the City of Daphne. /Ordinance 2013-01
- c.) Establishing Public Works Equipment Use Policy. /Ordinance 2013-02
- d.) Amending the Land Use & Development Ordinance 2011-54
Article 9, District Provisions – Section 12(g) Accessory Structures
and Article 8, Definitions. /Ordinance 2013-03

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

COUNCILWOMAN CONAWAY

CALL VOTES

PRESENT__ ABSENT__ __

COUNCILMAN RUDICELL

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN FRY

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

COUNCILMAN LEJEUNE

PRESENT__ ABSENT__ __

COUNCILMAN HAYGOOD

PRESENT__ ABSENT__ __

MAYOR

MAYOR YELDING

PRESENT__ ABSENT__ __

INTERIM CITY CLERK:

REBECCA HAYES

PRESENT___ ABSENT___

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**DECEMBER 17, 2012
CITY COUNCIL MEETING
BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Willie Robison gave the invocation.

COUNCIL MEMBERS PRESENT: Tommie Conaway; John Lake Randy Fry; Ron Scott; Robin LeJeune; Dane Haygood.

ABSENT: Pat Rudicell.

Also present: Mayor Yelding; Rebecca Hayes, Interim City Clerk; Jay Ross, City Attorney, arrived at 6:55 pm; Scott Hetrick, Attorney; Adrienne Jones, Planning Director; David Carpenter, Police Chief; James White, Fire Chief; Richard Johnson, Public Works Director; Vickie Hinman, Human Resource Director; Margaret Thigpen, Civic Center Director; Richard Merchant, Building Official; Tonja Young, Library Director; Christine Ciancetta, Deputy Finance Director; Ashley Campbell, Environmental Programs Manager; Rick Whitehead, IT; Officer Jamie Huffman, Police Department; Larry Cooke, BZA; Darrelyn Bender, Eastern Shore Chamber of Commerce; Liz Roberts, Eastern Shore Chamber of Commerce;.

Absent: Kim Briley, Finance Director; David McKelroy, Recreation Director;.

3. APPROVE MINUTES:

There were no corrections to the minutes, and stand as approved.

MOTION: To authorize resumes for the position of Municipal Judge to be accepted by the City Clerk's office with a deadline of January 7, 2013.

MOTION BY Councilman Lake to authorize resumes for the position of Municipal Judge to be accepted by the City Clerk's office with a deadline of January 7, 2013. *Seconded by Councilwoman Conaway.*

Councilman Haygood asked that the motion be amended to add 5:00 p.m. to the deadline.

Councilman Lake and Councilwoman Conaway accepted the amendment.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Haygood to define the procedure for appointing the Municipal Judge as follows:

1. For consideration for the Municipal Judge position, applicants should submit a resume to the city clerk. Consideration will be given to all applicants who submit a resume prior to the submission deadline of January 7, 2013 at 5:00 p.m. CT.

2. First Round. (Proposed to be held at the second council meeting in January (January 22, 2013).

The City Council shall review all resumes submitted for consideration.

Each councilmember shall vote on FOUR (4) candidates to advance to the second round.

The four applicants receiving the highest number of votes shall advance to the second round. In the event of a tie, an additional vote to break the tie shall be held with each councilmember voting for one of the candidates who are tied with the candidate receiving the 4th most votes. Additional tie breaker votes to be held as necessary to reduce the pool of candidates to FOUR (4).

3. Second Round. (Interview round – to be held the 1st council meeting of February (February 4, 2013)

The council shall conduct an interview of the FOUR (4) remaining candidates.

The council shall conduct a vote with each council member voting for their top TWO (2) candidates to become the municipal judge. The candidate with the most votes shall be the council appointee to the position. In the event of a tie, an additional vote to break the tie shall be held with each council member voting for one of the candidates who are tied with the highest number of votes. Additional tie breaker votes to be held as necessary to reduce the pool of candidates to ONE (1).

Seconded by Councilman Lake.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION: To authorize the advertisement for the position of City Clerk

**MOTION BY Councilman Conaway to authorize advertisement for the position of City Clerk.
*Seconded by Councilman Haygood.***

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**DECEMBER 17, 2012
CITY COUNCIL MEETING
BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Conaway

The minutes for the December 10th meeting are in the packet.

MOTION BY Councilwoman Conaway to accept the Treasurers report in the amount of \$18,359,555.59. Seconded by Councilman Lake.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. Buildings and Property Committee – Lake

The minutes for the October and December meeting are in the packet. The next meeting will be the first Monday in January.

C. PUBLIC SAFETY COMMITTEE – Rudicell

No report.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Fry

No report.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – LeJeune

The minutes for the November 19th meeting are in the packet. The committee met today before the council meeting.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

The next meeting will be January 3rd to consider a variance on Belrose Avenue.

B. Downtown Redevelopment Authority – Conaway

The next meeting will be in January. The chairman will give an update at one of the January council meetings.

C. Industrial Development Board – Haygood

There will not be a meeting in December. Council will consider resumes at the next council meeting.

D. Library Board – Lake

No report.

E. Planning Commission – Scott

The minutes for the October 25th meeting are in the packet.

**MOTION BY Councilman Haygood to Set a Public Hearing date for January 22, 2013 to consider:
GCOF Retreat at Tiawasee, LLC**

Location: Southwest of the intersection of Tiawasee Boulevard and County Road 13
Present Zoning: RSF-2 Single Family District, Baldwin County District 15
Requested Zoning: R-2, High Density Single Family Residential District, City of Daphne

Seconded by Councilman Lake

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

G. Utility Board – Fry

The board met today to approve a contract with JMF Solutions so they can put equipment on the water towers.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

a.) Approve Chamber of Commerce Requests for the 2013 Jubilee Festival

MOTION BY Councilman Lake to approve the requests by the Chamber of Commerce for the Jubilee Festival to be held September 28-29, 2013 as follows:

- 1. Permission to block Main Street from Magnolia Avenue South to Dryer Avenue. The closing of this area would still allow access by area residents and church visitors.**
- 2. Permission to use Centennial Park for KidsART.**
- 3. Permission to allow children to paint on the back fence in Centennial Park.**
- 4. Assistance from Police and Street Departments with street closings and barricades from Friday, September 27, 2013 after 5:00 p.m. until Sunday, September 29, 2013 after 6:00 p.m.**
- 5. Coordination by the Mayor with Riviera Utilities for additional electrical power access at the City Hall entrance utility pole.**
- 6. Permission to use City Hall as headquarters for the festival staff and volunteers.**
- 7. Permission to place temporary banners to help promote the 25th Annual Jubilee Festival.
Specifics of the banners are as follows:
Banners to read: Jubilee Festival, September 28th and 29th
Banners to be posted 2 weeks prior to event
Size of Banners to be 120" x 34"
Locations to include: Santa Rosa & Main Street Jubilee Mall Lawson Road Highway 98 at Montrose Welcome Sign**
- 8. Permission to place banners within the site of the festival.**

Seconded by Councilman Haygood

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

- b.) *Authorize the Mayor, City Attorney and a representative from the City Council to enter into negotiations with Mr. Williams for the property on Whispering Pines, and come back to council with recommendation*

MOTION BY Councilman Lake to authorize the Mayor, City Attorney and Councilman Haygood to negotiate with the Mr. Williams for the property on Whispering Pines Road, and report back to council with the findings. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

- c.) *ABC License / Record Bar / 010 – Lounge Retail Liquor – Class I*

MOTION BY Councilman Haygood to approve the ABC License / Record Bar / 010 – Lounge Retail Liquor – Class I. *Seconded by Councilman LeJeune.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney's Report

Mr. Ross asked council to adjourn into Executive Session at the end of the meeting to discuss pending litigation.

C. Department Head Comments

James White – Fire Chief – reported they have amassed over 150 toys to be distributed to needy families. They have also collected \$3,000 for MDA as a result of their boot drive. He thanked the citizens for their support in both of these endeavors.

Adrienne Jones – Planning Director – stated that she would like to have a joint work session with council and the Planning Commission to tweak the sign ordinance. She would like to invite the business community and get their input.

Richard Johnson – Public Works Director - wished everyone a merry Christmas.

7. PUBLIC PARTICIPATION

Mr. Ouellette – 7720 Elizabeth Drive - spoke regarding the pre-fab structure on Whispering Pines Road.

Mr. Willie Robison – 560 Stuart Street - spoke regarding changing the January 7, 2013 council meeting date or make it a quick meeting due to the BCS Championship game. He wished everyone a merry Christmas.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) Service Agreement: Between Baldwin County and the City of Daphne / Connect to Fiber. /Resolution 2012-99
- b.) ALDOT Improvements Made on US-90 Within the City Limits of Daphne, Alabama Project Number STPAA-0016(512) Resurfacing US-90 from SR-181 to SR-59 in Baldwin County /Resolution 2012-100

MOTION BY Councilwoman Conaway to waive the reading of Resolution 2012-99 and 2012-100. *Seconded by Councilman Haygood.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway to adopt Resolution 2012-99. *Seconded by Councilman Haygood.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway to adopt Resolution 2012-100. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Consenting to the Sale by the Utilities Board of the City of Daphne of Certain Personal Property Surplus. /Ordinance 2012-71

1ST READ

- b.) Appropriation of Funds: Sidewalk Improvements for FY2013 /Ordinance 2012-72

MOTION BY Councilman Haygood to waive the reading of Ordinance 2012-71. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Haygood to adopt Ordinance 2012-71. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCE 2012-72 REMAINS 1ST READ.

9. COUNCIL COMMENTS

Councilwoman Conaway wished everyone a merry Christmas and happy new year.

Councilman Lake wished everyone a merry Christmas and happy new year.

Councilman Fry wished everyone a merry Christmas and happy new year.

Councilman LeJeune wished everyone a merry Christmas and happy new year.

Councilman Haygood wished everyone a merry Christmas and happy new year.

Council President Scott wished everyone a merry Christmas and happy new year..

Mayor Yelding wished everyone a merry Christmas and happy new year.

10. ADJOURN

**MOTION BY Councilman Haygood to adjourn into Executive Session to discuss pending litigation.
Seconded by Councilwoman Conaway.**

The City Attorney certified that the foregoing reason for entering into Executive Session is according to the Open Meetings Act.

ROLL CALL VOTE

Conaway	Aye	Haygood	Aye
Lake	Aye	Scott	Aye
Fry	Aye		
LeJeune	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:14 P.M.

Respectfully submitted by,

Certification of Presiding Officer:

Rebecca A. Hayes,
Interim City Clerk

Ron Scott,
Council President

**DECEMBER 17, 2012
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
5:00 P.M.**

1. CALL TO ORDER

Council President Scott called the meeting to order at 5:10 p.m.

2. ROLL CALL

COUNCIL MEMBERS PRESENT: Tommie Conaway; John Lake; Randy Fry; Ron Scott; Robin LeJeune; Dane Haygood.

ABSENT: Pat Rudicell.

Also present: Mayor Small arrived at 5:50 p.m.; Rebecca Hayes, Assistant City Clerk; Scott Hetrick, Attorney; Vickie Hinman, Human Resource Director; Margaret Thigpen, Civic Center Director; Richard Johnson, Public Works Director; Elizabeth May.

Personnel Hearing

MOTION BY Councilman Haygood to enter into Executive Session for a Quasi Judicial Hearing to discuss the good name and character of an employee. The session will last one (1) hour. *Seconded by Councilman LeJeune.*

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council entered into Executive Session at 5:13 p.m.

Council returned from Executive Session at 6:35 p.m.

MOTION BY Councilman Haygood to uphold the Mayor's termination of Elizabeth May. *Seconded by Councilman Fry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 6:37 p.m.

Respectfully submitted by,

Rebecca A. Hayes, Interim City Clerk

Certification of Presiding Officer:

JULY 1, 2009
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 PM

Ron Scott, Council President

**PUBLIC HEARING
FOR COUNCIL MEETING
JANUARY 7, 2013**

TO CONSIDER:

Amendments to the Land Use and Development Ordinance 2011-54

- 1.) Article 8 / Definition of Terms / Prefabricated / Accessory Structures**
- 2.) Article 9, Section 12 (g) / Accessory Structures**

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director

MEMORANDUM

Subject: 3rd Amendment to Ordinance 2011-54, Land Use and Development Ordinance, Article 9, District Provisions, Accessory Structures, Section 12 (g) and 4th amendment to Ordinance 2011-54, Land Use and Development Ordinance, Article 8, Definitions

Date: October 2, 2012

At the September 27, 2012, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a *favorable recommendation* of the above-mentioned revision to the Land Use and Development Ordinance.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, October 15, 2012 City Council agenda to set the public hearing for Monday, November 19, 2012. The City Attorney has been given the pertinent information to prepare said Ordinance.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Report

Planning
Commission



PUBLIC HEARING
PROPOSED 3rd & 4th AMENDMENT
TO ORDINANCE #2011-54
LAND USE & DEVELOPMENT ORDINANCE

2012 September Planning Report

COMMUNITY DEVELOPMENT

Amendment #3: An amendment to the District provisions of the LUDO

Rationale: to clarify the use of prefabricated accessory structures.

Add 12(g)

Prefabricated accessory structures are intended for storage. Any and all prefabricated accessory structures shall conform to the following requirements: 1. Shall be no more than 18 ft (eighteen feet) in length; 2. Shall not be used as a habitable unit; 3. Shall not be served by heat or sanitary plumbing; and, 4. Does not need to be placed on a permanent foundation. 5, shall be no more than 220 sq. ft. in area. (Added by PC on 8/27/12)

Amendment #4: An amendment to the Definition of Terms provisions of the LUDO

Rationale: to clarify and define terms associated with language added in Article 12, District Provisions, regarding prefabricated accessory structures.

Add to Article 8, Definition of Terms,

Prefabricated (prefab or factory built). Any structure, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. A building which is wholly or in substantial part manufactured at an off-site location to be assembled on-site.

Accessory Structures, Prefabricated. An accessory structure that is pre-built or purchased in a kit in prefabricated sections. It is not designed or intended to be used as a habitable unit and is not designed to be served by central heat or sanitary plumbing and does not need to be placed on a permanent foundation. A non-habitable unit that is pre-built or purchased in a kit in prefabricated sections.

CITY OF DAPHNE, ALABAMA

ORDINANCE NO. 2013-___

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance
Article 9, District Provisions – Section 12(g) Accessory Structures
and Article 8, Definitions**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on September 27, 2012, considered the 3rd and 4th proposed amendments to the City of Daphne Land Use and Development Ordinance No. 2011-54; and,

WHEREAS, the Planning Commission considered an amendment to Article 9, District Provisions, to add and include 12(g) clarifying the use of prefabricated accessory structures; and after such consideration the Planning Commission set forth a favorable recommendation to the City Council of the City of Daphne for the addition of said 12(g) to Article 9 of the Land Use and Development Ordinance; and,

WHEREAS, the Planning Commission considered an amendment to Article 8, Definition of Terms, to clarify and define terms associated with the amendment to include in Article 9, Section 12(g); and after such consideration the Planning Commission set forth a favorable recommendation to the City Council of the City of Daphne for said amendments to the Definition of Terms; and,

WHEREAS, due notice of said proposed amendments 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 January 7, 2013; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission, deemed that said amendments to the City of Daphne Land Use Ordinance are proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and,

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

SECTION I. AMENDMENTS

Article 9, District Provisions shall be and is hereby amended to include the following:

12(g)

Prefabricated accessory structures are intended for storage. Any and all prefabricated accessory structures shall conform to the following requirements:

- (1) Shall be no more than 18 ft (eighteen feet) in length;
- (2) Shall not be used as a habitable unit;
- (3) Shall not be served by heat or sanitary plumbing;
- (4) Does not need to be placed on a permanent foundation; and
- (5) Shall be no more than 220 square feet in area.

Article 8, Definition of Terms shall be and is hereby amended to include the following:

Prefabricated (prefab or factory built). Any structure, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. A building which is wholly or in substantial part manufactured at an off-site location to be assembled on-site.

Accessory Structures, Prefabricated. An accessory structure that is pre-built or purchased in a kit in prefabricated sections. It is not designed or intended to be used as a habitable unit and is not designed to be served by central heat or sanitary plumbing and does not need to be placed on a permanent foundation. A non-habitable unit that is pre-built in a kit in prefabricated sections.

All other language, sections, uses, conditions and/or content of Ordinance 2011-054, and any amendments thereto, shall remain the same and shall be unchanged by this Ordinance; this Ordinance shall only amend Article 8 and Article 9 as specifically set out hereinabove.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION 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 after publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2012.

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

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

**REBECCA A. HAYES,
INTERIM CITY CLERK**

**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

Public Safety Committee

Wednesday, December 12, 2012

Councilman Ron Scott
Councilman Pat Rudicell
Councilman Randy Fry
Councilman Robin LeJeune
Public Works, Melvin McCarley

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

Committee Members Attending:

Councilman Ron Scott, Councilman Randy Fry, Councilman Robin LeJeune, Chief David Carpenter, Chief James White, Melvin McCarley.

CALL TO ORDER

Councilman LeJeune convened the meeting at 4:25 p.m. Councilman Rudicell was out sick.

PUBLIC PARTICIPATION – Selena Vaughn was in attendance asking for cameras to be installed to monitor the electric gate at Village Point Park to assist in catching the responsible party who is crashing into the gate to push it open. To repair the gate is costs approximately \$400 - \$500 each time. Chief Carpenter stated that Village Point is considered Parks/Recreation. He mentioned that Cohen and McElroy were asked about a grant for cameras at the city parks. Selena mentioned that the Village Point Foundation can probably raise private funds to cover a motion activated camera to deter vandalism. Chief Carpenter stated if she can find the money, we'd work with Hunter Security on the monitoring. She asked which would be better, motion activated or steady recording. Chief said to check the prices and to make sure it has a good recording quality. Ms. Vaughn would like to see more police, public works, and recreation presence at the park so people can see them riding through there. Chief Carpenter told her that we are all for assisting in any way that we can. She will call after her research on cameras to report the costs.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from November 2012 – Councilman Scott made a motion to approve the minutes, Councilman LeJeune and Fry seconded. There was no discussion and the motion passed.

POLICE DEPARTMENT

- A. **New Business** –Chief Carpenter went over the stats. He advised that his department has 16 Bulletproof Vests that expires in December 2012 and that the Lieutenant missed it in the budget year. The Bulletproof Partnership will reimburse half of the cost. He stated that he might have to approach the council for an appropriation for the vests. Chief stated that the department had arrested Brett Langley for the theft of the school laptops and that he had turned over several others that had helped him. Councilman LeJeune asked during Christmas, while business owners are closing up, to let dispatch know to tell the business owners that call for a bank escort that the PD does not perform that duty. Not to tell the business owners that we won't do that.
- B.
- B. **Old Business** – None

FIRE DEPARTMENT

- A. **New Business** –Chief White went over his stats. Chief publicly thanked Chief Carpenter and his

department for all of the support from the department during Dan Castrillo's death and burial. Chief White stated that he had several conversations with the Mayor about the maintenance costs for repairs on fire trucks. He will put together a package for the next Public Safety Meeting. The Mayor agreed that it needed to be addressed.

Councilman Scott asked what we could do about getting a fire truck? The volunteers are tapped out. Councilman Fry asked for an estimated cost of a new truck and Chief White stated approximately \$373,000 for a 1250 pumper. Chief stated that a ladder truck is from \$500,000 to 1 million dollars. Councilman Scott asked Chief White to get with Kim Briley on a solution. Scott asked if we could buy used fire trucks? White responded with, they are getting sold for reason (mechanical, etc.). We cannot do trade-ins but White stated he would check on a lease purchase. Scott added that we may be able to justify it due to maintenance costs.

B. Old Business-

OTHER BUSINESS :

ADJOURN

There being no further business to discuss, Mr. Scott made a motion to adjourn the meeting at 5:10 p.m. Councilman LeJeune seconded. The next meeting will be Wednesday, January 9, 2013 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,
Daphne Public Safety Committee



Patrol Division	Detective Division: (Capt. Bell/Lt. Beedy)		JAIL: (Capt. Taylor/Lt. Yelding)		Animal Control (Capt. Taylor/Lt. Yelding)		Crimes Reported This Month:
(Capt. Bell/Lt. Hempfleng)							
# Complaints	1,099	# New Cases Received: 52	Total Arrestees Received & Processed: 184	YTD			Arson 0
# Misd. Arrests	54	# Previous Unsolved Cases: 88	Arrestees by Agency:	184			Burglary - Commercial 3
# Felony Arrests	3	# Cases Solved: 45	Daphne PD 106	106			Burglary - Residence 5
DUI Arrests	12	Resulting in Total Arrests: 22	BCSO 11	11			Burglary - Vehicle 11
Alias Warrant Arrests	28	Felonies: 22	Spanish Fort PD 50	50			Criminal Mischief 1
Citations	227	Misdemeanors: 0	Silverhill PD 14	14			Disorderly Conduct 0
Close Patrols	397	Houses Searched 0	Troopers 3	3			Domestic Disturbance 21
Warnings	213		Other Agencies 0	0			False Info to Police 0
Motorist Assists	252						Felony Assault 0
Roadway Accidents	57	Warrants: 45					Felony Theft 10
Private Property Accidents	19	Served 2					Harassment 6
Traffic Homicide	0	Agency Assists 7	Highest				Identity Theft 3
		Recalls (Pd Fines) 7	Lowest				Indecent Exposure 0
		Total Warrants Served 54	Meals Served				Kidnapping 0
DRUG REPORT			Medical Cost				Menacing 1
ROUTINE PATROL/SPECIAL OPS			Worker Inmate Hours				Misdemeanor Assault 2
# Misd. Marijuana Arrest	1	Sex Offender: 0					Misdemeanor Theft 16
# Felony Marijuana Arrest	0	New Registration: 0					Murder 0
# Controlled Substance Arrest	0	Contact Verification 4					Other Death Investigations 5
# Drug Paraphernalia Arrest	1	Total # registered in Daphne 8					Public Intoxication 0
Vehicles Searched	47	DARE: 1					Public Lewdness 0
		# Hours Report Writing: 1					Receiving Stolen Property 0
		# Students Instructed SRO 295					Reckless Endangerment 0
Drugs Seized:	0	# Students Instructed DARE 160					Resisting Arrest 0
Type:	0	# Police Reports by SRO 1					Robbery 0
Money Seized	0	# Arrest by SRO 0					Sex Crime Investigations 2
Vehicles Seized							Suicide 0
		CODE ENFORCEMENT:					Suicide, attempted 1
Commercial Vehicle Inspections	82	Warnings: 3					Theft of Services 0
		Citations 6					Unauthorized Use of Services 0
		Warning Compliance					Weapon Offenses 0
		Follow-Up 46					White Collar Crimes 5

David Carpenter

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period: October 2012

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	0	2
11-Structure Fire/Commercial	0	7
11-Structure Fire/Residential	3	18
12-Fire in Mobile Property used as fixed structure	1	2
13-Mobile Property (vehicle) Fire	3	12
14-Natural Vegetation Fire	1	10
15-Outside Rubbish Fire	1	8
16-Special Outside Fire	1	2
17-Cultivated Vegetable Crop Fire	0	1
2-Overpressure Rupture:	0	1
3-Rescue Call and Emergency Medical Service Incidents:	153	1391
4-Hazardous Conditions (No fire):	4	35
5-Service Call:	8	132
6-Good Intent Call:	10	204
7-False Alarm & False Call:	15	216
8-Severe Weather & Natural Disaster:	0	5
9-Other Situation:	0	1
Total Emergency Calls:	190	1972
Monthly Total Calls:	200	2064
Highest:		
	18:11	18:11
Lowest:		
	<1:00	<1:00
Average (Minutes/Seconds) :		
	5:57	5:57
Miscellaneous Reports:		
Training Hours	267.75	7107.10
Property Loss - \$	24,800	866,200.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	2
Advance Life Support Rescues	123	515
Number of Patients Treated	146	681
Child Passenger Safety Seat Inspections/Installations	7	399
Pre-Plans	11	1415
Classes		
	5	40
Persons Attending		
	666	1665
Plan Reviews		
	2	64
Final/Certificate of Occupancy		
	1	1
General/Annual Inspections		
	26	173
General/Re-Inspections (Violation Follow-up - Annual)		
	60	254
Business Licenses		
	7	151
All Other/Misc. Activities		
	0	0
Total Activities:	96	646

Authorized by:

James White

**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:

Industrial Development **Board Nomination**

Lynn Mitchell, CCIM
26244 Via Del San Francesco
Daphne, Alabama 36526
251-656-4770
Lyn@bellsouth.net

SKILLS

- Insurance Adjustor, Alabama License 16802347.
- Commercial and residential construction, planning, and development.
- Management of personnel, clients, and business assets.
- Training, curriculum development and education of clients, employees and community.
- Public speaking to diverse groups in both large and small group settings.
- Community outreach using a variety of forums including social networking, face to face, and printed media.
- Fundraising
- Volunteer workforce development.
- Space management and construction in office, retail, and industrial settings, including medical facilities.
- Knowledge of laboratory procedures, safety, and equipment.
- Core computer skills including familiarity with GIS, Microsoft Office, Databases, and marketing via the internet and computer anchored presentations.

SIGNIFICANT ACCOMPLISHMENTS

- Built Commercial/Investment Real Estate firm closing an average of \$15,000,000 in transactions annually from the ground up, ultimately selling to a national franchise.
- Reviewed client investments, goals, and lifestyle needs
- Counseled with clients to develop portfolio based investment strategies
- Developed long and short-term investment programs for clients
- Acted as client representative to interface with local officials and construction contractors on commercial projects including shopping centers, medical office, dialysis centers, industrial, office, multi-family, and development properties.
- Marketed on national real estate platforms presenting properties to over 100 professionals at each meeting in instructional style settings using creative real estate transaction formats to expand both acquisition and disposition opportunities
- Counseled novice realtors to assist in pursuit of CCIM designation.
- Spearheaded the development of the Southern Gulf Coast District of the Alabama Chapter of CCIM working with both the state chapter and National CCIM
- Volunteer with the Service Corps of Retired Executives, Job Seekers, Area Agency on Aging, and other local agencies.

PROFESSIONAL HISTORY

2008-current La Scala Real Estate Investments, LLC- Owner, Broker

2000- 2008	Mitchell Realty Group, Inc.- Broker, Owner, President
1998-2000	Century 21 Long Mountain Realty-Sales Associate
1996-1998	Prudential Georgia Realty-Sales Associate
1989-1995	Mobile County Public Schools- Science Instructor From 1991-1995, I was a member of the Instructional Team serving the magnet school system, specifically in the Science Department. Working in the team environment, I developed curriculum and teaching models that were extended to schools throughout Mobile, the State, and school districts both nationally and internationally. Teacher of the Year 1991

EDUCATION:

AdjusterPro	Insurance Adjuster/Xactimate Training
CCIM Institute	CCIM Designee Commercial Real Estate
University of South Alabama, Alabama	BS-Science Education
Burlington College, New Jersey	AAS-MTASCP

Continuing Coursework at a number of colleges throughout the Southeast focusing on Science and Real Estate.

PROFESSIONAL DESIGNATIONS:

Alabama insurance Adjuster License #16802347
Certified Commercial Investment Member (CCIM) designation awarded by CCIM Institute.

Alabama and Georgia Teacher Certification in Grades K-12 (Not

Current) American Society of Clinical Pathologists (inactive)

AWARDS AND AFFILIATIONS:

Mobile County Public Schools- Teacher of the Year
Mobile County Public Schools- Science Teacher of the Year
Kid's Cottage- Board Member of Charitable Foundation serving Children of Gilmer County, Pickens County, and Fannin County, Georgia.
Gilmer County, Georgia Lion's Club
Gilmer County Georgia Builder's and Developers Association
Gilmer County Georgia Chamber of Commerce
North Georgia Domestic Violence Task Force- Board Member
Alabama Senior Citizen's Hall of Fame -2010 Inductee

INDUSTRIAL DEVELOPMENT BOARD NOMINATION

John R. Cox

Post Office Box 3075
Daphne, Alabama 36526
(251) 517-4753

Business Experience:

Owner: JRC Legal, 1703 Main Street, Daphne, Alabama, July, 2009 – present. JRC Legal focuses its practice areas on complex commercial and consumer litigation in Federal Court as well as actions involving restructuring, insolvency, and adversarial bankruptcy matters. Additionally, the firm routinely advises its clients on claims involving alleged breaches of non-compete, non-solicit, and non-disclosure agreements. The firm's corporate and transactional practice includes drafting, reviewing, and negotiating significant company agreements and contracts and providing general legal counsel in order to promote its clients' business activities and help manage their risks. Finally, the firm has prosecuted and defended numerous actions involving complex commercial litigation issues.

Associate Attorney: Mark D. Ryan, P.C., Bay Minette Alabama, June, 2006 – July, 2009. The firm primarily handled litigation resulting from contract disputes, property transactions, the review and consultation of form contracts and the formation of small business entities.

Education:

Cumberland School of Law, Samford University, Birmingham, AL. 2006.

Academic Honors

Scholar of Merit Award, Constitutional Law.
Scholar of Merit, Appellate Advocacy.
Scholar of Merit Award, Criminal Law.
Scholar of Merit Award, Federal Rules of Evidence.

The Leadership Institute, Grassroots Activist School. 2004.

Birmingham-Southern College, Birmingham, AL.

B.A.: Philosophy, Political Science, and Economics. 2003.

Independent Study: Prior to engaging in the full time practice of law, I conducted an independent market research and analysis of the North Baldwin County Economy; an independent study of the political, ethical, and economic implications of organ procurement and distribution on the open market; a comprehensive study of Constitutional Law; and an advanced study of the First Amendment.

Personal:

I am a lifelong resident of Baldwin County. I was born in Stockton and now reside in Daphne with my wife, Valle, and daughter, Eloise. I have established my law practice in Ole Daphne, and my wife is an elementary school teacher at Rockwell. We attend Eastern Shore Baptist Church.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 15, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

CALL TO ORDER:

The number of members present constitutes a quorum. The regular meeting of the City of Daphne Planning Commission was called to order at 5:02 p.m.

CALL OF ROLL:

Members Present:

Dan Gibson
Don Terry, Secretary
Ed Kirby, Chairman
Larry Chason, Vice Chairman
Ron Scott, Councilman
Chief James "Bo" White

Members Absent:

Joe Lemoine
Bailey Yelding, Jr., Mayor

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo (Dickson), Planning Coordinator
Misty Gray, Attorney

Staff Absent:

Richard Johnson, Public Works Director
Ashley Campbell, Environmental Programs Manager
Jay Ross, Attorney
Britton Bonner, Attorney

Others Absent:

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

The first order of business is the call to order.

Chairman: Please let the record reflect that Mr. Lemoine and Mayor Yelding are not present.

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 15, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

APPROVAL OF MINUTES:

The minutes of the October 25, 2012 regular meeting were considered for approval.

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

Mr. Chason: I have one correction. On page two of the minutes, it says the Vice Chairman rearranged the agenda to allow Ms. Barnette to be excused early. It should say Chief White, not Ms. Barnette.

A Motion was made by Mr. Chason and Seconded by Mr. Terry to approve the minutes of the October 25, 2012 regular meeting, subject to the revision on page two. The Motion carried unanimously.

NEW BUSINESS:

The next order of business is the introduction of the newly appointed Planning Commission member.

INTRODUCTION OF THE NEWLY APPOINTED PLANNING COMMISSION MEMBER:

Chairman: I would like to welcome Mr. Ron Scott, Councilman, as the new Planning Commission member.

The next order of business is master plan modification for Bellaton Subdivision, Phase Three.

BELLATON SUBDIVISION, PHASE THREE:

MASTER PLAN:

File MPA12-05:

An introductory presentation was given by Mr. Joel Coleman, representing D.R. Horton, Inc., requesting a master plan modification review for the Bellaton Subdivision, Phase Three. The owner would like to make a modification to the approved master plan for the property located on the west side of Bellaton Subdivision, Phase Three where the small lots exist. The same size and number of lots will remain. He is proposing to eliminate the boulevard and the stub-out street which will reduce the amount of asphalt for a greener footprint. That will create a sixty-foot green space buffer to the east of that strip of lots. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? Although, a public hearing is not required for a master plan modification, I will allow public participation if anyone would like to address the Planning Commission. Is there anyone here that would like to speak to the issue? The Chair opened public participation.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 15, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Norm Peachy: Does D. R. Horton have plans to change the covenants?

Mr. Coleman: The covenants for Phase Three will be separate from the covenants for Bellaton Subdivision, Phase One and Two.

Mr. Norm Peachy: Does D. R. Horton have plans to change the covenants for Bellaton Subdivision, Phase One and Two?

Mr. Coleman: I would not be the one to answer that question.

Mr. Peachy: The previous developer bought Bellaton Subdivision, Phase Three so he would control the votes of the property owners' association so he could change the covenants and do whatever he wanted to do. I understand Mr. Coleman or the Planning Commission do not have an answer to that question, but the Planning Commission needs to protect the residents of the subdivision. The previous developer installed a community pool. At the time of the transfer of the property, developer also transferred to the POA five hundred to six hundred thousand dollars of debt for the pool.

Ms. Mims: I would like to know what is the size of the green space?

Mr. Coleman: It is approximately sixty feet.

Ms. Mims: This subdivision has only two exits onto Alabama Highway 181. Does the developer plan to straighten that out?

Chairman: A traffic issue will be addressed during the review and approval of the subdivision.

An adjacent property owner asked what are we doing here today? What are we trying to accomplish?

Chairman: We are reviewing a modification to the master plan. When they come back for a review of the preliminary plat for the subdivision, the adjacent property owners will be given notice of the public hearing. Do any of the Commissioners have any further questions or comments? The Chair closed public participation. If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Chason and Seconded by Mr. Terry to approve the master plan modification for Bellaton Subdivision, Phase Three. The Motion carried unanimously.

The next order of business is site plan review for Stone, Granade & Crosby Law Office.

SITE PLAN REVIEW:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 15, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

File SP12-12:

Site: Stone, Granade & Crosby Law Office

Zoning(s): B-3, Professional Business

Location: Southwest of the intersection of County Road 13 and U.S. Highway 90, Lot 2, Highway 90 Business Park, Unit One

Area: 1.13 Acres ±

Owner: Daphne Offices, L.L.C. - J. Bradford Boyd Hicks

Agent: Roberds Corporation - George Roberds

Engineer: Rester & Coleman Engineers - William "Buddy" Bridges

An introductory presentation was given by Mr. William "Buddy" Bridges, representing Rester & Coleman Engineers. The owner of the property is going to construct a law office on U.S. Highway 90 approximately seven hundred feet west of County Road 13. I will be happy to answer any questions you may have.

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

Mr. Chason: My concerns are the access from U.S. Highway 90, the location of the storm water drainage pipe, and the boundary of Lot 2. To me, the remedy would be for there to be a storm water detention maintenance agreement that the owners of Lot 1, 2, and 3, Highway 90 Business Park, Unit One would have in their possession that would come from the agent and/or owner of the remainder of the property south of the subdivision.

Mr. Matt White: I am the representative for White-Spunner & Associates, Inc. I have spoken with the owners of the property. The owners are not comfortable with signing the indemnification form as sole individual and the responsible party on the maintenance agreement. The owners have requested, they be given a reasonable time frame in which to form a limited liability corporation and to designate a managing member as the one to sign the indemnification form as the agent for the property owners' association.

Ms. Jones: The Planning Commission could approve the site plan contingent upon the submission of the indemnification form prior the issuance of a permit or the certificate of occupancy.

Chairman: We have approved projects before in which we have said that it is approved contingent upon the submission of documents prior to the issuance of a site disturbance permit.

Chief White: Is the access shown on the site plan to the east of Lot 2, the U. S. Highway 90 access to this lot?

Ms. Jones: This was a turnaround required to be shown on the site plan by the Fire Marshal.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 15, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Mr. Gibson: I see on the plan there is a nine percent slope shown. This is a steep slope even for a car. Can you explain the plan to me?

Mr. Bridges: The detention pond at the top of the hill shown on Lot 2 will choke the storm water to slow it down, direct it into the pipe located on the west side of the larger parcel, direct it onto rip rap at the south end, and spread it out onto the existing drainage way located on this site.

Mr. Terry: Is the entrance located west of this site off of U. S. Highway 90 an extension of a service road?

Ms. Jones: No. It is a turnaround required by the fire department.

Chairman: Do any of the Commissioners have any further questions or comments? Although a public hearing is not required for site plan review, I will allow public participation if one person would like to address the Planning Commission to express the concerns of the adjacent property owners. Is there anyone here that would like to speak to the issue? The Chair opened public participation.

Mr. Payne: My name is John Payne. I am a resident of Oak Creek Subdivision, but I would like to address the concerns of the residents of Oak Creek and Regency Oaks Subdivision. Our main concerns with this development are: proper notification of a public hearing to include the date and time of the meeting; a development shall not discharge liquid and/or solid waste into public waters; storm water management shall be in compliance with the City of Daphne's MS4 ADEM permit and environmental management program, as well as compliance with county, state, federal and other permitting authorities; the design of the sub-drainage basin (detention facility); discharging and/or directing the storm water onto an undeveloped parcel of land to the south of this subdivision; the presentation, approval and compliance with a master plan for the land to be developed; and the submission of a landscape plan in compliance with the Landscape Standards and Tree Protection Ordinance.

Chairman: The owner has carved out a three-lot subdivision which can be done with a large parcel of land.

Mr. Payne: One of our main concerns was the placement of the sign notifying the residents of a public hearing. "In accordance with the Land Use and Development Ordinance, a sign shall be placed no later than fifteen (15) days prior to Planning Commission review. Failure to post said sign fifteen (15) calendar days prior to the Planning Commission review shall cause the application to be withdrawn from the meeting agenda." The public notice sign was placed in front of the proposed lots on or about Wednesday, November 7, 2012.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 15, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Mr. Payne: This is not within the fifteen days. Also, it did not give the date and time of the meeting. The preservation of the trees in the tree protection zone designated for U.S. Highway 90, and the storm water drainage design of this project negatively impact the subdivisions in this area. If our concerns are not adequately addressed and the Planning Commission approves this project as presented, the residents may have to pursue an injunction to stop the development of this lot in order to protect our neighborhood.

Ms. Jones: I can address the sign issue. The City is the one who is responsible for placement of the sign for the public notice of a site plan review. A work order was done requesting placement of the sign, but a sign was not available until that date.

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

A Motion was made by Mr. Chason and Seconded by Mr. Terry to approve the site plan for Stone, Granade & Crosby Law Office, contingent upon the appropriate party presenting an indemnification form for the remainder of the property prior to the issuance of a site disturbance permit. The Motion carried unanimously.

EXTENSION REQUESTS FOR PROJECTS APPROVED PRIOR TO SEPTEMBER 1, 2011:

The next order of business is an administrative presentation for Apalachee Residential Community.

ADMINISTRATIVE PRESENTATION:

Request for an extension of time for the site disturbance permit issued for the Apalachee Residential Community. The site plan was approved on July 28, 2005 and revised in August 28, 2006. The site disturbance permit was issued on March 21, 2007: a one year extension was granted on January 24, 2008, January 22, 2009 and December 17, 2009. A two-year extension was granted on December 16, 2010.

An introductory presentation was given by Dr. Barry Booth, one of the owners, requesting an extension of time for the site disturbance permit issued for the Apalachee Residential Community. I would like to request on behalf of Apalachee Development and partners, the consideration of the approval of a two-year extension. I will be happy to answer any questions you may have.

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 15, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Scott: I am not opposed to granting an extension, but I think we should charge a reasonable fee in order to consider an extension on a viable project. The investment into a piece of property can make or break a project.

Dr. Booth: Mr. Terry, I know you would like to see Ms. Celia on a tractor.

Mr. Terry: Is it realistic that you will be able to do the project in two years?

Dr. Booth: We have had inquiries. We are just waiting for the economy to turn around.

Ms. Jones: What effect do you think this Airbus will have on your project? What do you think you would need to make your project viable?

Dr. Booth: We are waiting for the economy to come back. We had twenty-five million dollars in contracts, but with construction building costs at that time we had to compete with the casinos and Wal-Mart so we had to give the money back.

Mr. Chason: We have to talk about this in another forum. It may take one year or more just to begin a project. We are going to have to discuss imposing a reasonable fee and granting an extension of at least two or three years. After six years, I do not think we should review the extension anymore.

Chairman: We really need to look at what we are going to do with extensions. Do any of the Commissioners have any further questions or comments? We have a request to grant a two-year extension to Apalachee Residential Community. If there is no objection, the Chair will entertain a motion.

A Motion was made by Ron Scott and Seconded by Don Terry to grant a two-year extension for the site disturbance permit issued to the Apalachee Residential Community set to expire on November 15, 2014. The Motion carried unanimously.

Dr. Booth: Thank you.

The next order of business is an administrative presentation for Caroline Woods Subdivision, Phase Two C and D.

ADMINISTRATIVE PRESENTATION:

Request for an extension of time for the preliminary plat approved on April 22, 2010; a one year extension was granted on December 15, 2011.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 15, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

An introductory presentation was given by Mr. Steve Pumphrey, representing Preble-Rish, requesting an extension of time for the approval of the preliminary plat for Caroline Woods Subdivision, Phase Two C and D. I will be happy to answer any questions you may have.

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

Mr. Scott: I think if we are going to grant a two-year extension to Apalachee Residential Community, then we should grant a two-year extension for all of the requests.

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

A Motion was made by Ron Scott and **Seconded** by Don Terry **to grant a two-year extension of time for the approval of the preliminary plat for Caroline Woods Subdivision, Phase Two C and D set to expire on November 15, 2014. The Motion carried unanimously.**

The next order of business is an administrative presentation for Caroline Woods Subdivision, Phase Three A & B.

ADMINISTRATIVE PRESENTATION:

Request for an extension of time for the preliminary plat approved on November 18, 2010; a one year extension was granted on December 15, 2011.

An introductory presentation was given by Mr. Steve Pumphrey, representing Preble-Rish, requesting an extension of time for the approval of the preliminary plat for Caroline Woods Subdivision, Phase Three A & B. I will be happy to answer any questions you may have.

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

A Motion was made by Ron Scott and **Seconded** by Don Terry **to grant a two-year extension of time for the approval of the preliminary plat for Caroline Woods Subdivision, Phase Three A & B set to expire on November 15, 2014. The Motion carried unanimously.**

The next order of business is an administrative presentation for Bellaton Subdivision, Phase Three A.

ADMINISTRATIVE PRESENTATION:

Request for an extension of time for the preliminary plat approved on August 25, 2011.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 15, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

An introductory presentation was given by Mr. Joel Coleman, representing D.R. Horton, Inc., requesting an extension of time for the approval of the preliminary plat for Bellaton Subdivision, Phase Three A. I will be happy to answer any questions you may have.

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

A Motion was made by Ron Scott and **Seconded** by Don Terry **to grant a two-year extension of time for the approval of the preliminary plat for Bellaton Subdivision, Phase Three A set to expire on November 15, 2014. The Motion carried unanimously.**

The next order of business is Planning Commission discussion.

PC DISCUSSION: Planning Commission By-Laws - No action taken.

The next order of business is public participation.

PUBLIC PARTICIPATION:

No public participation.

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

ATTORNEY'S REPORT:

Ms. Gray: No report.

The next order of business is commissioner comments.

COMMISSIONER'S COMMENTS:

Mr. Chason: At the work session, we need to discuss the changes to the Daphne Land Use and Development Ordinance proposed by Mr. Johnson and Ms. Campbell. With the major revisions proposed to the "New" Ordinance, we need to find a way to join those changes with the "Old" Ordinance in order to address the problems we have with extension requests.

Ms. Gray: You cannot usually do something that would make the Ordinance retroactive. Are extensions addressed in the "New" or "Old" Ordinance?

Mr. Chason: Neither. It is an internal policy.

Ms. Jones: It was a policy that began with the request for the extension of the site disturbance permit for Apalachee Residential Community.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 15, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Councilman Ron Scott: I would suggest setting a work session to discuss Sign Ordinance revisions being proposed by the Ordinance Committee regarding sandwich signs/banners, and to include discussion of the Interstate 10 Corridor Ordinance.

The next order of business is director's comments.

DIRECTOR'S COMMENTS:

Ms. Jones: The notification signs are a requirement of the Land Use and Development Ordinance. This signs are purchased and placed by the City, but are being stolen. At the time of the submittal of the site plan for Stone, Granade & Crosby Law Office, a notification sign was not available for placement on the site location.

I am working on scheduling upcoming training classes for the Planning Commission and City Council. I am coordinating the classes with the University of North Alabama for January 25 & 26 and February 22 & 23, 2013 so mark those dates on your calendar.

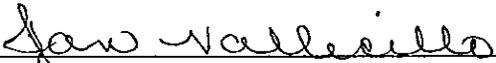
Also, we will have a Low Impact Development work session on Monday, November 19, 2012 at 9:00 a.m. in the Community Development Conference Room.

ADJOURNMENT:

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

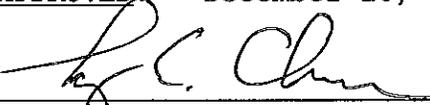
There being no further business, the meeting was adjourned at 6:17 p.m.

Respectfully submitted by:



Jan Vallecillo (Dickson), Planning Coordinator

APPROVED: December 20, 2012



Larry Chason, Vice Chairman

**CITY OF DAPHNE
PLANNING COMMISSION**
REGULAR MEETING REPORT OF DECEMBER 20, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

1. **CALL TO ORDER** AT 5:00 PM
2. **CALL OF ROLL:** **ATTENDEES: KIRBY, SCOTT, WHITE, GIBSON, CHASON, TERRY, LEMOINE, ROSS**
3. **APPROVAL OF MINUTES: APPROVED**

Review of minutes for the regular meeting of November 15, 2012
4. **NEW BUSINESS:**
 - A. **INTRODUCTION OF NEWLY APPOINTED PLANNING COMMISSION MEMBERS**
 - B. **PUBLIC HEARING:**
 1. 5th amendment to Ordinance 2011-54, Land Use and Development Ordinance regarding Low Impact Development & Green Infrastructure.
UNANIMOUS FAVORABLE RECOMMENDATION
 - C. **SITE PLAN REVIEW:**
 1. File SP12-13: **APPROVED WITH SIDEWALK WAIVER, I.E., NO SIDEWALKS NEEDED ALONG U.S. HIGHWAY 98**

Site: Firestone Complete Auto Care

Zoning(s): *B-2, General Business*

Location: Southeast of the intersection of Walmart Drive and U.S. Highway 98
Area: 5.13 Acres ±
Owner: Bridgestone Retail Operations - James Blecha, Managing Member
Agent: Bridgestone Retail Operations - Geoff Hartung, Glenn Davie, and Glen Bowman
Engineer: Driven Engineering - Matt Rogers
Presented by: Avalisha Fisher, P.E., Driven Engineering

CITY OF DAPHNE
PLANNING COMMISSION
REGULAR MEETING REPORT OF DECEMBER 20, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

2. **File SP12-14: APPROVED WITH CONDITIONS: SPREAD LETTER FROM MR. LANGE UPON THE MINUTES OF THIS MEETING SO AS TO 'RUN WITH THE LAND' AND KEEP A COPY OF THE LETTER IN THE APPLICANT'S FILE**

Site: U-Sale Daphne

Zoning(s): *B-2, General Business*

Location: Northeast of the intersection of U.S. Highway 98 and Santa Rosa Avenue, north of Bay Auto Glass

Area: 1.44 Acres ±

Presented by Owner: William Lange

D. PRELIMINARY PLAT REVIEW:

1. **File SDP12-01: APPROVED**

Subdivision: Summer Oaks Townhomes, Phase XIV

Present Zoning: R-4, High Density Multi-Family Residential

Location: East of U. S. Highway 98, north of Wal-Mart

Area: 3.87 Acres ±, (15) lots

Owner: Tonsmeire Development Corporation - Arthur Tonsmeire

Presented by Engineer: Rowe Surveying and Engineering - Don Rowe

E. SUBDIVISION REPLAT REVIEW:

1. **File SRP12-12: APPROVED**

Subdivision: Trione Subdivision, the Replat of Lots 29 & 30, Block 3, YUILLES BELROSE WHARF SUBDIVISION

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

Location: Southwest of the intersection of Main Street & Belrose Avenue

Area: 0.30 Acres ±, (1) lots

Owner: Angele G. Trione

Agent: Carolyn Burmeister

Presented by: Rick Burmeister

CITY OF DAPHNE
PLANNING COMMISSION
REGULAR MEETING REPORT OF DECEMBER 20, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

2. File SRP12-13: **APPROVED**

Subdivision: Replat of Bain Family Subdivision

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

Location: On the west side of Main Street near Chateauguay Subdivision

Area: 3.80 Acres \pm , (4) lots

Owner: Whitney Bain Wingbermuehle, Damrell Threadgill Bain,
and Robert David Bain, III

Presented by Steven Wingbermuehle

F. **THE REMAINDER OF TIMBERCREEK SUBDIVISION:**

1. **MASTER PLAN:**

MPA12-06: **WITHDRAWN AT THE VERBAL REQUEST OF ALLEN COX**

Presentation to be given by Mr. Daryl Russell, representing Rester & Coleman Engineers, requesting a master plan review for the Remainder of TimberCreek Subdivision.

2. **PETITIONS:**

ZONING AMENDMENT: BOTH WITHDRAWN AT THE VERBAL REQUEST OF ALLEN COX

(a) File Z12-04: Interstate-Baldwin Investment, L.L.C. (*Reference: TimberCreek Subdivision, Phase Eleven*)--**WITHDRAWN**

Present Zoning: B-2, General Business

Proposed Zoning: R-3, High Density Single Family Residential

Location: Northwest of the intersection of TimberCreek Subdivision and Interstate 10

Area: 97.49 Acres \pm

Owner(s): Interstate Baldwin Investment, L.L.C. - Allen Cox, Manager

Engineer: Rester & Coleman Engineers - Daryl Russell

CITY OF DAPHNE
PLANNING COMMISSION
REGULAR MEETING REPORT OF DECEMBER 20, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

- (b) File Z12-05: TimberCreek Land Company, Inc. (*Reference: TimberCreek Subdivision, Phase Twelve*)--**WITHDRAWN**

Present Zoning: B-2, General Business

Proposed Zoning: R-3, High Density Single Family Residential

Location: Northwest of the intersection of TimberCreek Subdivision and Interstate 10

Area: 52.98 Acres ±

Owner(s): TimberCreek Land Company, Inc. - Allen Cox, Secretary

Engineer: Rester & Coleman Engineers- Daryl Russell

F. ADMINISTRATIVE PRESENTATION:

1. Discussion by Adrienne Jones, Director of Community Development, of a proposed revision to Ordinance 2011-54, Land Use and Development Ordinance, Article 33, Sign Provisions. **NO ACTION TAKEN**
2. Presentation to be given by Adrienne Jones, Director of Community Development, of a revision to the City of Daphne Zoning and Street Map. **UNANIMOUS FAVORABLE RECOMMENDATION**

5. **PUBLIC PARTICIPATION**
6. **ATTORNEY'S REPORT**
7. **COMMISSIONER'S COMMENTS**
8. **DIRECTOR'S COMMENTS**
9. **ADJOURNMENT**

AT 6:06 PM

SET DATE FOR PUBLIC HEARING

FEBRUARY 18, 2013

TO CONSIDER:

**Amendments to the Land Use & Development
Ordinance / 2011-54**

- 1.) Revisions to Zoning Map**

- 2.) Appendix O, Low Impact Development
& Green Infrastructure**

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Revised City of Daphne Zoning Map
Date: December 28, 2012

MEMORANDUM

At the December 20, 2012, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a **favorable recommendation** of the above-mentioned revision to the zoning map.

Attached please find the appropriate documentation and action of the Daphne Planning Commission for placement on the City Council agenda of Monday, January 7, 2013 City Council agenda to set the public hearing for Monday, February 4, 2013.

The City Attorney has been given the pertinent information to prepare said Ordinance.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Zoning Map Six-Month Report (Copy Attached)
2. Zoning Map (Display)

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2013**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on December 20, 2012, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinances No. 2011-73 and 2012-19 and 2012-54; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinances 2011-73 and 2012-19 and 2012-54; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on February 18, 2013; and

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

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit "A" of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H "Exhibit A", Ordinances No. 2011-73 and 2012-19 and 2012-54 is hereby repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE ____ DAY OF _____, 2013.

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

**REBECCA A. HAYES,
INTERIM CITY CLERK**

PLEASE Publish in the Bulletin Legal Section on Tuesday, January 15, 2013.

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on February 18, 2013 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use and Development Ordinance / Revisions to the Zoning Map as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2013**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on December 20, 2012, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinances No. 2011-73 and 2012-19 and 2012-54; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinances 2011-73 and 2012-19 and 2012-54; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on February 18, 2013; and

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

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

PLEASE Publish in the Bulletin Legal Section on Tuesday, January 22, 2013

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on January 15, 2013, that the City Council of the City of Daphne will hold a Public Hearing on February 18, 2013 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance amending the Land Use and Development Ordinance / Revisions to Zoning Map as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2013**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on December 20, 2012, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinances No. 2011-73 and 2012-19 and 2012-54; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinances 2011-73 and 2012-19 and 2012-54; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on February 18, 2013; and

/END SYNOPSIS

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones,
Community Development Director

Subject: 5th Amendment to Ordinance 2011-54, Land Use and Development Ordinance, Appendix O, Low Impact Development & Green Infrastructure

Date: December 27, 2012

At the December 20, 2012, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a **favorable recommendation** of the above-mentioned revision to the Land Use and Development Ordinance.

Attached please find the appropriate documentation and action of the Daphne Planning Commission for placement on the City Council agenda of Monday, January 7, 2013 City Council agenda to set the public hearing for Monday, February 4, 2013.

The City Attorney has been given the pertinent information to prepare said Ordinance.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Community Development Report

AMENDMENT #1
to
CONTRACT FOR PROFESSIONAL SERVICES
between
THE MOBILE BAY NATIONAL ESTUARY PROGRAM and
City of Daphne, Alabama

RE: "Low Impact Development/Green Infrastructure Regulations and Incentives Program"

This amendment to the contract for professional services made by and between the Mobile Bay National Estuary Program (herein referred to as "Agency") and City of Daphne (herein referred to as Sub Contractor) is hereby incorporated into the original contract as follows:

Changes to be made:

ARTICLE 2 - PERIOD OF PERFORMANCE

This contract shall be in force from June 1, 2011 to March 31, 2013. If the term of this Agreement extends beyond March 31, 2013 this Agreement may be amended by the mutual written agreement of both parties.

In witness whereof, the parties hereto have executed this amendment on this 1 day of October 2012.

By: John Valentine
John Valentine, Ph.D, Executive Director
Dauphin Island Sea Lab

By: Roberta A Swann
Roberta Arena Swann, Director
Mobile Bay National Estuary Program

By: Bailey Yelding Jr
Bailey Yelding, Jr., Mayor
City of Daphne, Alabama

*extension
approved
- deadline
March 31, 2013*

LOW IMPACT DEVELOPMENT/GREEN INFRASTRUCTURE REGULATIONS AND INCENTIVES PROGRAM

PURPOSE

The purpose of this project is to develop a program which will initiate and encourage the use of low impact development practices, green infrastructure (LID/GI) and incentives for the City of Daphne. These practices will be used to supplement the City Subdivision Regulations and to provide alternatives to traditional stormwater management practices.

SCOPE OF SERVICES TO BE PERFORMED

The Daphne Community Development Department proposes to spearhead the process of developing a LID/GI program. A consultant with a strong background and with current certifications in site design, stormwater management, low impact development and green infrastructure design/practices will be hired. The consultant will: (1) educate those involved in making regulatory and land development decisions; (2) evaluate existing stormwater management regulations and existing plans for stormwater management, (3) devise appropriate goals, objectives, and LID/GI policies, alternatives, and incentives for implementation; and, (4) assist in adoption of these policies into law.

PROJECT DESIGN AND PERFORMANCE MEASURES

The project will follow the rational planning model and performance will be measured by the delivery of draft policies/regulations and final adoption by City Council as an amendment to the Daphne Land Use and Development Ordinance.

GEOGRAPHIC AREA SERVED: Daphne, Alabama, the extraterritorial planning jurisdiction.

PRINCIPAL INVESTIGATOR: Adrienne Jones, Director of Community Development.

PROJECT PARTNERS: Ashley Campbell, Daphne Environmental Programs Manager; Richard Johnson, P.E., Director of Daphne Public Works

RATIONALE

The City of Daphne has long been concerned about stormwater management, especially in regards to the impaired drainage basins of D'Olive Creek, the Unnamed Tributary of D'Olive Creek, Tiawasee Creek, Yancey Branch and Joe's Branch. In 2010, the City collaborated with other local municipalities and local governmental agencies in developing a Watershed Management Plan for D' Olive Watershed. Several critical coastal issues were identified in the Plan: one was the need to *"reduce outgoing sediment loads into D' Olive Bay and Mobile Bay estuary."* Also identified in the Plan was a way to accomplish that goal—*"to develop smart growth concepts for new development and re-developments using LID/GI techniques."*

*excerpt
from
application*

LOW IMPACT DEVELOPMENT/GREEN INFRASTRUCTURE REGULATIONS AND INCENTIVES PROGRAM

We anticipate that program implementation will reduce outgoing sediment loads, improve water quality, reduce runoff volume and mitigate future impacts of development in the watershed. Lasting and sustainable benefits of this project will be a **restored coastal habitat and significantly reduced pollutant loading of the bay**. An additional benefit will be the availability of a **model ordinance** for low impact development and green infrastructure regulations and incentives that could be used by other municipalities within Mobile and Baldwin County.

PROJECT TIME FRAME-KEY PROGRESS BENCH MARKS

ACTIVITY	MONTH											
	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th	11 th	12 th
<i>Identify steering committee</i>	x											
<i>Hire consultant</i>			x									
<i>Develop questionnaire</i>			x									
Meeting No.1 steering committee (Intro/educatlon workshop and presentation)				x								
<i>Compile info from questionnaire and Meeting No. 1</i>				x								
<i>Summarize findings; develop LID/GI techniques and recommendations.</i>				x								
<i>Meeting No. 2 Presentation of findings and recommendations/develop incentives program</i>					x							
<i>Compile info from questionnaire and Meeting No. 2</i>					x							
1st draft of LID/GI regs and incentives. Distribute for comments.					x							
<i>Comment deadline. Review comments from 1st draft and create 2nd draft of LID/GI regs and incentives</i>						x						
<i>Meeting No. 3 steering committee (work session to finalize draft of LID/GI regs and incentives)</i>						x						
<i>Final draft of LID/GI regs and incentives</i>								x				
Present Ordinance amendment for LID/GI regs and incentives to Planning Commisston								x				
Present Ordinance of LID/GI regs and incentives City Council work session										x		
Present for public hearing												x
*Key benchmarks in bold type												

Note: Benchmarks may change due to council scheduling and other unforeseen complications.

Planning Commission



Low Impact Development & Green Infrastructure Amendment to Land Use & Development Ordinance

**Low Impact Development / Green Infrastructure (LID/GI)
Project Application**

APPENDIX O

Table of Contents

1.	Bioretention	2
2.	Rainwater Harvesting	2
3.	Constructed Stormwater Wetlands.....	2
4.	Permeable / Porous Pavement	2
5.	Riparian Buffers	3
5.1	Overview.....	3
5.2	Application and Limitations	3
5.3	Design Considerations.....	3
5.4	Maintenance	4
6.	Level Spreaders	5
6.1	Overview.....	5
6.2	Application and Limitations	5
6.3	Design Considerations.....	5
6.4	Maintenance	7
7.	Maximize Native Plants / Minimize Sod.....	8
7.1	Overview.....	8
7.2	Application and Limitations	8
7.3	Design Considerations.....	8
7.4	Maintenance	9
8.	Swales / Dry Swales.....	10
8.1	Overview.....	10
8.2	Application and Limitations	10
8.3	Design Considerations.....	10
8.4	Maintenance	12
9.	Sand Filter/Oil and Grit Separation	13
9.1	Overview.....	13
9.2	Application and Limitations	13
9.3	Design Considerations.....	13
9.4	Maintenance	15
10.	Green Roofs.....	16
10.1	Overview.....	16
10.2	Application and Limitations	16
10.3	Design Considerations.....	16
10.4	Maintenance	18
	References:.....	19

1. Bioretention

Refer to Chapter 1 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

2. Rainwater Harvesting

Refer to Chapter 2 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

3. Constructed Stormwater Wetlands

Refer to Chapter 3 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

4. Permeable / Porous Pavement

Refer to Chapter 4 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

5. Riparian Buffers

5.1 Overview

Riparian buffer areas protect water quality by cooling water, stabilizing banks, mitigating flow rates, and providing for pollution and sediment removal by filtering overland sheet runoff before it enters the water. The Environmental Protection Agency defines buffer areas as, "areas of planted or preserved vegetation between developed land and surface water, [which] are effective at reducing sediment and nutrient loads." (SEMCOG, 2008)

5.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low/Med	<ul style="list-style-type: none"> • Improves water quality; • Reduces runoff velocity and flow; • Enhances aesthetics, habitat; • Reduces shore/bank erosion; • Improves flood control; and • Reduces water temperature. 	<ul style="list-style-type: none"> • Limited in reducing total runoff volumes; and • Size of lot and/ or project may reduce ability to protect riparian buffers.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	All		
Retrofit	Yes	Sun/Shade	Sun/p. shade		
Highway/Road	Limited	Stormwater Quantity Function	Low/ Med		
Recreational	Yes	Stormwater Quality Function	High/Med High		
Steep slopes	No	Habitat	Med/high		
Shallow Water Table	Yes	Drainage area	Small/med		
Poorly Drained Soils	Yes	Space required	med		

Source: SEMCOG, 2008.

5.3 Design Considerations

Applicant shall consider the following when protecting the proper riparian buffer area width and related specifications:

- Existing or potential value of the resource to be protected,
- Site, watershed, and buffer characteristics,
- Intensity of adjacent land use, and
- Specific water quality and/or habitat functions desired.

Riparian buffers shall be divided into different zones that include vegetation to enhance the quality of the body of water.

Zone 1

Also termed the "streamside zone," shall begin at the edge of the stream bank of the active channel and extend a minimum distance of 50 feet (*City of Daphne Land Use & Development Ordinance Article 18-3 C(3)*), measured horizontally on a line perpendicular to the water body. Undisturbed vegetated area shall protect the physical and ecological integrity of the stream ecosystem. The vegetative target for the streamside zone is undisturbed native woody species with native plants forming canopy, understory, and duff layer. Where such forest does not grow naturally, native vegetative cover appropriate for the area (such as grasses, forbs, or shrubs) shall be installed.

Zone 2

Also termed the "middle zone," shall extend immediately from the outer edge of Zone 1 for a minimum distance of 55 feet (ADEM 20-100'). This managed area of native vegetation shall protect key components of the stream ecosystem and provide distance between upland development and the streamside zone. The vegetative target for the middle zone is either undisturbed or managed native woody species or, in its absence, native vegetative cover of shrubs, grasses, or forbs. Undisturbed forest, as in Zone 1, is encouraged strongly to protect future water quality and the stream ecosystem. Otherwise, native vegetative cover appropriate for the area (such as grasses, forbs, or shrubs) shall be installed.

Zone 3

Also termed the "outer zone," shall extend a minimum of 20 feet immediately from the outer edge of Zone 2. This zone prevents encroachment into the riparian buffer area, filters runoff from adjacent land, and encourages sheet flow of runoff into the buffer. The vegetative target for the outer zone shall consist of native woody and herbaceous vegetation to increase the total width of the buffer; native grasses and forbs are acceptable.

5.4 Maintenance

The following maintenance activities are required with riparian buffers:

Task	Frequency/Notes
Irrigation	Twice per week for 6 weeks after planting; continued as needed during severe drought.
Dead vegetation removal and replacement	Annual.
Check for streambank erosion or gullies	Annual, repair as needed.
Mowing of turfgrass	As needed, more often in summer months. Minimum 3-5", max 12".
Check for invasive / nonnative plants	Annual, remove as needed.
Mowing of native grasses	Annual, before new growth in spring.
Correction of wildlife damage	As needed.
Repair damaged fencing	As needed (as applicable).
Tree thinning	As needed. Those with >2" diameter should not be removed. Thinning shall not occur until proper tree density or cover is present.

6. Level Spreaders

6.1 Overview

Level spreaders promote infiltration and improve water quality by evenly distributing flows over a stabilized, vegetated surface. This allows for better infiltration and treatment. There are two types of level spreaders:

Inflow

Inflow level spreaders are meant to evenly distribute flow entering into another structural BMP, such as a filter strip, infiltration basin, or vegetated swale. Examples of this type of level spreader include concrete sills and earthen berms.

Outflow

Outflow level spreaders are intended to reduce the erosive force of high flows while at the same time enhancing natural infiltration opportunities. Examples of this second type include earthen berms and a level, perforated pipe in a shallow aggregate trench and flow reaches the spreader via the solid pipe. (SEMCOG, 2008).

6.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low	<ul style="list-style-type: none"> • Low cost; • Wide applicability; • Ability to work with other BMPs in a treatment train; and • Avoids concentrated discharges and their associated potential erosion. 	<ul style="list-style-type: none"> • Low stormwater benefits by itself; and • Careful construction and design required to function properly.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	sandy		
Retrofit	Yes	Sun/Shade	Either		
Highway/Road	Yes	Stormwater Quantity Function	Low		
Recreational	Yes	Stormwater Quality Function	Low		
Steep slopes	No	Habitat	Med		
Shallow Water Table	No	Drainage area	Small		
Poorly Drained Soils	No	Space required	Large		

Source: SEMCOG, 2008.

6.3 Design Considerations

Level spreaders are considered a permanent part of a site's stormwater management system. Therefore, uphill development should be stabilized before any dispersing flow techniques are installed. If the level spreader is used as an erosion and sedimentation control measure, it must be reconfigured (flush perforated pipe, clean out all sediment) to its original state before use as a permanent stormwater feature. All contributing stormwater elements (infiltration beds, inlets, outlet control structures, pipes, etc) should be installed first. In addition, the following shall be implemented:

1. Provide as many outfalls as possible and avoid concentrating stormwater. This can reduce or eliminate the need for engineered devices to provide even distribution of flow.
2. Level spreaders are not applicable in areas with easily erodible soils and/or little vegetation. The slope below the level spreader shall be at a maximum eight percent in the direction of flow to discourage channelization. More gentle slopes (e.g., as low as one percent) are also acceptable.
3. The minimum length of flow after the level spreader (of the receiving area) shall be 15 feet.

4. Level spreaders shall not be constructed in uncompacted fill. Undisturbed virgin soil and compacted fill is much more resistant to erosion and settlement than uncompacted fill.
5. Most variations of level spreaders should not be used alone for sediment removal. Significant sediment deposits in a level spreader will render it ineffective. A level spreader may be protected by adding a forebay to remove sediment from the influent. This can also make sediment cleanout easier.
6. Perforated pipe used in a level spreader may range in size from 4-12 inches in diameter. The pipe is typically laid in an aggregate envelope, the thickness of which is left to the discretion of the engineer. A deeper trench will provide additional volume reduction and shall be included in such calculations. A layer of nonwoven geotextile filter fabric shall separate the aggregate from the adjacent soil layers, preventing migration of fines into the trench.
7. The length of level spreaders is primarily a function of the calculated influent flow rate. The level spreader shall be long enough to freely discharge the desired flow rate. At a minimum, the desired flow rate shall be that resulting from a 10-year design storm. This flow rate shall be safely diffused without the threat of failure (i.e., creation of erosion, gullies, or rills). Diffusion of the storms greater than the 10-year storm is possible only if space permits. Generally, level spreaders should have a minimum length of 10 feet and a maximum length of 200 feet.
8. Conventional level spreaders designed to diffuse all flow rates shall be sized based on the following:
 - For grass or thick ground cover vegetation:
 - 13 linear feet of level spreader for every one cubic feet per second (cfs)
 - Slopes of eight percent or less from level spreader to toe of slope
 - For forested areas with little or no ground cover vegetation:
 - 100 linear feet of level spreader for every one cfs flow
 - Slopes of six percent or less from level spreader to toe of slope
 For slopes up to 15 percent for forested areas and grass or thick ground cover, level spreaders may be installed in series. The above recommended lengths should be followed.
9. The length of a perforated pipe level spreader may be further refined by determining the discharge per linear foot of pipe. A level spreader pipe should safely discharge in a distributed manner at the same rate of inflow, or less. If the number of perforations per linear foot (based on pipe diameter) and average head above the perforations are known, then the flow can be determined by the following equation:

Where: $L = Q_P / Q_L$

L = length of level spreader pipe (ft.)

QP = design inflow for level spreader (cfs)

QL = level spreader discharge per length (cfs/ft.)

AND $Q_L = Q_0 \times N$

Where:

QL = level spreader discharge per length (cfs/ft.)

Qo = perforation discharge rate (cfs.)

N = number of perforations per length of pipe, provided by manufacturer based on pipe diameter (#/ft)

AND $Q_0 = C \times A \times \sqrt{2gH}$

Where:

Qo = perforation discharge rate (cfs)

Cd = Coefficient of discharge (typically 0.60)

A = Cross sectional area of one perforation (ft²)

g = acceleration due to gravity, 32.2 ft./sec²

H = head, average height of water above perforation (ft.) (provided by manufacturer)

10. Flows may bypass a level spreader in a variety of ways, including an overflow structure or upturned ends of pipe. Cleanouts/overflow structures with open grates can also be installed along longer lengths of perforated pipe. Bypass may be used to protect the level spreader from flows above a particular design storm.
11. Erosion control matting, compost blanketing, or riprap on top of filter fabric shall be implemented immediately downhill and along the entire length of the level spreader, particularly in areas that are unstable or have been recently disturbed by construction activities. Generally, low flows that are diffused by a level spreader do not require additional stabilization on an already stabilized and vegetated slope.

6.4 Maintenance

The following maintenance activities are required with level spreaders:

Task	Frequency/Notes
Inspect diverter box, clean and make repairs	Monthly and after rainfall >2". Look for clogged inlet/outlet pipes and trash/debris in box.
Inspect forebay and level spreader, clean and make repairs	Monthly and after rainfall >2". Look for: <ul style="list-style-type: none"> • Sediment in forebay and along level spreader lip; • Trash and/or leaf buildup; • Scour, undercutting; • Settlement of structure (see silt downhill below spreader) • Fallen trees; and • Stone from below the spreader lip washing downhill.
Inspect the filter strip and the bypass swale and make repairs as needed	Monthly and after rainfall >2". Look for: <ul style="list-style-type: none"> • Damaged turf reinforcement or riprap rolling downhill; • Erosion within the buffer or swale; and • Gullies or sediment flows from concentrated flows downhill of level spreader.
Remove any weeds or shrubs growing on level spreader or in swale	Annual.

7. Maximize Native Plants / Minimize Sod

7.1 Overview

The goal of utilizing and maximizing native plants while minimizing sod area in the landscape is set forth to:

- Improve developed green space as habitat
- Improve water quality
- Lessen water consumption, and
- Reduce long-term maintenance costs.

This goal is applicable to all landscape/green space requirements set forth currently by the Zoning Ordinance of the City of Daphne. This allows for space that is already allocated as green space to achieve additional performance benefits through the use of LID techniques.

7.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low/Med	<ul style="list-style-type: none"> • Improves water quality; • Reduces runoff velocity and flow; • Enhances aesthetics, habitat; • Lessens fertilizer usage and subsequent runoff; and • Reduces maintenance requirements over time, thereby reducing pollution, etc. 	<ul style="list-style-type: none"> • Limited where open field recreation and/or land uses are required; and • Projects with phased construction or large lots that would normally employ turfgrass will incur higher front end costs.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	All		
Retrofit	Yes	Sun/Shade	All		
Highway/Road	Yes	Stormwater Quantity Function	Med/High		
Recreational	Yes	Stormwater Quality Function	Med/High		
Steep slopes	Yes	Habitat	High		
Shallow Water Table	Yes	Drainage area	All		
Poorly Drained Soils	Yes	Space required	N/A		

7.3 Design Considerations

When utilizing this method, a sequence of performance criteria shall be met as follows:

- First, the required landscape/green space area for the project shall be a maximum of 20% turfgrass. This satisfies the "Minimize Sod" goal of the credit.
- Second, the 80% balance of the landscape/green space area for the project shall be planting area. Planting area is defined as a planting space that has trees, shrubs, groundcover, and other plants that are located within a bed area that has a reasonable continuous organic mulch layer throughout.
- Finally, within the planting area, 70% of the area shall utilize native plant species. The native species shall be designated as such in the plant schedule on the required landscape planting plan for the project. The City reserves the right to reject a species submitted as "native" at its discretion.

A landscape plan implementing this method shall include a landscape area diagram that shows sod area vs. native species planting area vs. ornamental species planting area for the site with percentage calculations included. Note: include prohibition on invasive species? References list source.

7.4 Maintenance

The following maintenance activities are required when this technique is employed:

Task	Frequency/Notes
Irrigation	Deep, frequent irrigation to supplement inadequate rainfall is needed in the first year of planting. After this, irrigation should only be needed during extended drought periods if at all.
Dead vegetation removal and replacement	Periodic, as needed for aesthetics.
Mowing of turfgrass	As needed, more often in summer months.
Check for invasive / nonnative plants	Remove as needed.
Correction of wildlife damage	As needed.

8. Swales / Dry Swales

8.1 Overview

A swale is a narrow, gently sloping landscaped depression that collects and conveys stormwater runoff. The densely planted swale filters stormwater as it flows the length of the structure and allows infiltration of water into the ground. The swale discharges to a storm sewer or other approved discharge point. Compared to vegetated swales, LID/GI swales may be shorter and narrower, but require deeper levels of amended soil and a subsurface drain rock layer to compensate for the smaller size and to function effectively (Clean Water Services, et. al, 2009).

8.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low	<ul style="list-style-type: none"> • Can replace curb and gutter for site drainage and provide significant cost savings; • Water quality; and • Peak and volume control with infiltration. 	<ul style="list-style-type: none"> • Limited application in areas where space is a concern; and • Unless designed for infiltration, there is limited peak and volume control.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	Any		
Retrofit	Limited	Sun/Shade	Any		
Highway/Road	Yes	Stormwater Quantity Function	Low/med		
Recreational	Yes	Stormwater Quality Function	Medium		
Steep slopes	Yes	Habitat	Low		
Shallow Water Table	Yes	Drainage area	Small		
Poorly Drained Soils	Yes	Space required	Low		

Source: Clean Water Services, et. al, 2009 and SEMCOG, 2008.

8.3 Design Considerations

The following design factors shall be considered when implementing this methodology:

Sizing

The size of the swale shall depend upon the infiltration rate of existing soils. A sizing factor of 0.06 assumes the site infiltration rate is less than 2 in/hr. For example, the size of a swale managing 1,500 square feet of total impervious area would be 90 square feet (1,500 x 0.06). Size may be decreased if:

- Demonstrated infiltration rate is greater than 2 in/hr using ASTM D3395-09 method; or
- Amended soil depth is increased.

Geometry/Slopes

A swale's slope end to end shall be at least 0.5% and no more than 6%. For sites with steeper slopes, check dams may be incorporated into the design. Side slopes from the bottom to the top of the swale shall be 3:1 or less. The minimum bottom width shall be 2 feet with a minimum depth of 1 foot.

Piping for LIDA Swales

If needed, stormwater may be directed from impervious surfaces to swales by piping per plumbing code requirements, or may flow directly into the swale via curb openings. A LID/GI swale shall have no underdrain. An overflow drain shall allow no more 6 inches of water depth to collect in the swale. The overflow drain and piping must meet plumbing code requirements and direct excess stormwater to an approved disposal point.

Setbacks

The City of Daphne Land Use & Development Ordinance site-specific setback requirements shall apply.

Soil Amendment/Mulch

Amended soils with appropriate compost serve numerous benefits: infiltration; detention, retention; better plant establishment and growth; reduced summer irrigation needs; reduced fertilizer need; increased physical/chemical/microbial pollution reduction; and reduced erosion potential. Primary treatment shall occur in the top 18 inches of the swale. Amended soil in the treatment area shall be composed of imported soil, mix of one part organic compost, one part gravelly sand, and one part top soil. Compost shall be weed-free, decomposed, non-woody plant material; animal waste is not allowed. Water velocities and potential erosion shall be reduced by providing energy dissipaters such as river rock at entrances to the swale. Check with the District or local jurisdiction for Seal of Testing Approval Program (STA) Compost provider – Chad checking into this. To avoid erosion, appropriate erosion control BMPs shall be implemented.

Vegetation

The entire swale area including side slopes and treatment areas shall be planted with vegetation appropriate for the soil conditions. Planting conditions vary from wet to relatively dry within the swale. The flat bottom will be inundated frequently and shall be planted with species such as rushes, sedges, perennials, ferns, and shrubs well-suited to wet-to-moist soil conditions. The side slope moisture gradient varies from wet at the bottom to relatively dry near the top where inundation rarely occurs. The moisture gradient will vary depending upon the designed water depth, the swale depth, and side slope steepness. The transition zone from the bottom of the swale to the designed high water line or top of freeboard shall be planted with sedges, rushes, perennials, ferns, and shrubs that can tolerate occasional standing water and wet-to-moist planting conditions. The areas above the designed high water line and immediately adjacent to the swale will not be regularly inundated and shall be planted with self-sustaining, low maintenance grasses, perennials, and shrubs suitable for the local climate and site.

Native plants are encouraged, but appropriate, noninvasive ornamentals are acceptable for aesthetic and functional value. All vegetation should be densely and evenly planted to ensure proper hydrological function of the swale.

Quantities:

Bottom of the swale (wet-to-moist zone, per 100 sf) shall include at a minimum:

- 115 herbaceous plants, 1' on center spacing, ½-gal container size; or
- 100 herbaceous plants, 1' on center, and 4 shrubs, 1-gal container size, 2' on center

Side slopes and top of the swale (wet-to-moist transition zone and dry zone) shall include at a minimum:

- 1 tree per 300 sq. ft, minimum 2-gal container size by 2 ft-tall and
- 10 shrubs (1-gal) and 70 groundcovers (½-gal) per 100 sf

Side slope trees shall be selected by adaptability to wet-to-moist conditions and size at maturity. An area twice the width of the tree rootball and the depth of the rootball plus 12" (or total depth of 30", whichever is greater) shall be backfilled with amended soil for optimal growth, with no sub-surface rock layer (Clean Water Services, et. al, 2009.)

8.4 Maintenance

The following maintenance activities are required with swales:

Task	Frequency/Notes
Irrigation	As needed, water efficient irrigation shall be applied for the first two years after construction of the facility, particularly during the dry summer months, while plantings become established. Irrigation after two years is at the discretion of the owner.
Landscape maintenance (replanting and nonnative species removal).	At least twice annually, in spring and fall, evaluate and replant as necessary to ensure a minimum of 80% survival rate of the required vegetation and 90% facility coverage. Remove nonnative, invasive plant species when found in the facility. Design swales so that they do not require mowing.
Debris removal	At least twice annually, in spring and fall, remove garbage, landscaping debris and other material that may impede water flow and clog the system.
Structural inspection and maintenance	At least twice annually, in spring and fall, Check inlet pipes and outlet structure for damage or missing pieces. Inlet pipes and outlet structures shall be free of obstructions and heavy vegetation.

Note: If public, the permittee is responsible for the maintenance of the swale for a minimum of two years following construction and acceptance of the facility. All publicly maintained facilities not located in the public right-of-way must have a public easement. If private, the property owner is responsible for ongoing maintenance per a recorded maintenance agreement (Clean Water Services, et. al, 2009).

9. Sand Filter/Oil and Grit Separation

9.1 Overview

Constructed filters are structures or excavated areas containing a layer of sand, compost, organic material, peat, or other media that reduce pollutant levels in stormwater runoff by filtering sediments, metals, hydrocarbons, and other pollutants. Constructed filters are suitable for sites without sufficient surface area available for bioretention.

9.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Limited	Construction Cost	Med/high	<ul style="list-style-type: none"> • Good water quality performance; • Variations for different applications; and • Can be effective pretreatment for other BMPs. 	<ul style="list-style-type: none"> • Limited water quantity benefits; • Relatively high cost; and • High maintenance needs.
Commercial	Yes	Maintenance	High		
Industrial	Yes	Soils	n/a		
Retrofit	Yes	Sun/Shade	n/a		
Highway/Road	Yes	Stormwater Quantity Function	Low/high*		
Recreational	Yes	Stormwater Quality Function	High/med flow (temp)		
Steep slopes	n/a	Habitat	n/a		
Shallow Water Table	n/a	Drainage area	Max 5 acre		
Poorly Drained Soils	n/a	Space required	low		

*Function is low without infiltration and increases when infiltration is provided. Source: SEMCOG, 2008.

9.3 Design Considerations

The following design factors shall be considered when implementing this methodology:

1. All constructed filters shall be designed so that larger storms may safely overflow or bypass the filters. Flow splitters, multi-stage chambers, or other devices may be used. A flow splitter may be necessary to allow only a portion of the runoff to enter the filter. This would create an "off-line" filter, where the volume and velocity of runoff entering the filter is controlled. If the filter is "on-line", excess flow shall be designed to bypass the filter and continue to another water quality BMP.
2. Entering velocity shall be controlled. A level spreader may be used to spread flow evenly across the filter surface during all storms without eroding the filter material. Level spreaders for this purpose should use a concrete lip or other non soil material to avoid clogging as a result of failure of the level spreader lip. Parking lots may be designed to sheet flow into filters. Small rip-rap or landscaped riverstone edges may be used to reduce velocity and distribute flows more evenly.
3. Contributing areas shall be stabilized with vegetation or other permanent soil cover before runoff enters filters. Permanent filters shall not be installed until the site is stabilized. Excessive sediment generated during construction can clog the filter and prevent or reduce the anticipated post construction water quality benefits.
4. Pretreatment may be necessary in areas with especially high levels of debris, large settled particulates, etc. Pretreatment may include a forebay, oil/grit separators, vegetated filter strips, or grass swales. These measures will settle out the large particles and reduce velocity of the runoff before it enters the filter. Regular maintenance of the pretreatment is critical to avoid wastes being flushed through and causing the filter to fail.
5. There shall be sufficient space (head) between the top of the filtering bed and the overflow of the filter to allow for the maximum head designed to be stored before filtration.

6. The filter media may be a variety of materials (sand, peat, GAC, leaf compost, pea gravel, etc.) and in most cases should have a minimum depth of 18 inches and a maximum depth of 30 inches, although variations on these guidelines are acceptable if justified by the designer. Coarser materials allow for greater hydraulic conductivity, but finer media filter particles of a smaller size.

Sand has been found to provide a good balance between these two criteria, but different types of media remove different pollutants.

The filter media shall have a minimum hydraulic conductivity (k) as follows:

- Sand 3.5 feet/day;
- Peat 2.5 feet/day; and
- Leaf compost 8.7 feet/day.

Depending on the characteristics of the stormwater runoff, a combination of filter materials will provide the best quality results. In addition to determining the degree of filtration, media particle size determines the travel time in the filter and plays a role in meeting release rate requirements.

7. A gravel layer at least six inches deep is required beneath the filter media.
8. Underdrain piping shall be four-inch minimum (diameter) perforated pipes, with a lateral spacing of no more than 10 feet. A collector pipe can be used, (running perpendicular to laterals) with a slope of one percent. All underground pipes shall have clean-outs accessible from the surface. Underdrain design must minimize the chance of clogging by including a pea gravel filter of at least three inches of gravel under the pipe and six inches above the pipe.
9. Infiltration filters shall be underlain by a layer of permeable nonwoven geotextile.
10. A total drawdown time of not more than 72 hours is recommended for constructed filters, though the surface should drawdown between 24 and 48 hours. The drawdown time can be estimated using the filter surface area and the saturated vertical infiltration rate of the filter media. If the storage does not drawdown in the time allowed, adjust pretreatment depth, filter media depth, and surface area. Adjust the design until the volume (if applicable) and drainage time constraints are met.
11. The filter surface area may be estimated initially using Darcy's Law, assuming the soil media is saturated:

$A = V \times d_f / [k \times (h_f + d_f) \times t_d]$, where:

A = Surface area of filter (square feet)

V = Water volume (cubic feet)

d_f = Depth of filter media (min 1.5 ft; max 2.5 ft)

t_d = Drawdown time (days), not to exceed 3 days

h_f = Head (average head in ft; typically $\frac{1}{2}$ the maximum head on the filter media, which is typically \leq to 6 ft)

k = Hydraulic conductivity (ft/day)

12. For vegetated filters, a layer of nonwoven geotextile between non-organic filter media and planting media shall be required.

9.4 Maintenance

The following maintenance activities are required with sand filter/oil and grit separation:

Task	Frequency/Notes
Filter media inspection and maintenance, replacement as necessary	Four times per year. Check for accumulated sediment in pore space, and reduced hydraulic conductivity. Symptoms include: <ul style="list-style-type: none"> • Standing water – any water left in a surface filter after the design drain down time indicates the filter is not functioning according to design criteria. • Film or discoloration of any surface filter material – this indicates organics or debris have clogged the filter surface.
Remove trash and debris	Four times per year
Rake scrape silt if collected on top of the filter	Four times per year
Till and aerate filter area	Four times per year
Replenish filtering medium	Four times per year, if scraping/removal has reduced depth of filtering media
Repair leaks from the sedimentation chamber or deterioration of structural components	Four times per year
Clean out accumulated sediment from filter bed chamber and/or sedimentation chamber	Four times per year
Clean out accumulated sediment from underdrains	Four times per year

Note: In areas where the potential exists for the discharge and accumulation of toxic pollutants (such as metals), filter media removed from filters must be handled and disposed of in accordance with all state and federal regulations.

10. Green Roofs

10.1 Overview

A green roof (or ecoroof) is a lightweight vegetated roof system with waterproofing material, drainage, growing medium, and specially selected plants. A green roof can reduce site impervious area and manage stormwater runoff. Green roofs reduce peak runoff to near predevelopment rates and reduce annual runoff volume by at least 50% (Cost Benefit Evaluation of Ecoroofs, Portland Bureau of Environmental Services, 2008). Green roofs also help mitigate runoff temperatures by keeping roofs cool and retaining most of the runoff in dry seasons. Green roofs typically have thin layers of lightweight growing medium (4 to 8 inches) and low growing succulent vegetation. Alternatively, roof gardens that are designed to be walked on have deeper soils (8+ inches) and are more heavily planted. Professional design consultation is necessary to ensure the structural requirements of building codes are met. Green roofs must be low maintenance and use irrigation only to sustain the health of vegetation.

10.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Varies	<ul style="list-style-type: none"> • Increased energy efficiency; • Improved air quality; • Reduced temperatures in urban areas; • Noise reduction; • Improved aesthetics; • Extended roof life; and • Improved stormwater management. 	<ul style="list-style-type: none"> • Complex engineering and design factors, • Higher initial cost than conventional; • Climate limitations; and • Potentially costly repairs.
Commercial	Yes	Maintenance	Moderate/high		
Industrial	Yes	Soils	n/a		
Retrofit	No	Sun/Shade	Sun		
Highway/Road	n/a	Stormwater Quantity Function	Varies		
Recreational	n/a	Stormwater Quality Function	Good		
Steep slopes	n/a	Habitat	Good		
Shallow Water Table	n/a	Drainage area	Roof Size		
Poorly Drained Soils	n/a	Space required	Small		

Source: Clean Water Services, et. al, 2009 and SEMCOG, 2008.

10.3 Design Considerations

Sizing

Green roofs replace impervious area at a 1:1 ratio. They shall not receive water from other impervious areas such as an adjacent conventional roof.

Slope

Maximum roof pitch is 4:12 (3H:1V slope) unless the applicant provides documentation of runoff retention and erosion control on steeper slopes.

Waterproofing

On the roof surface a waterproofing material such as modified asphalt, synthetic rubber, or reinforced thermal plastics is required. Waterproofing materials also may act as a root barrier. Waterproof membranes shall be thoroughly tested to identify and remedy potential defects and leaks prior to installation of any green roof components.

Protection boards or materials (recommended)

These materials protect the waterproof membrane from damage and are usually made of soft fibrous materials. They may be required to maintain the waterproofing warranty, depending on the membrane used. Consult with roofing manufacturer for requirements.

Ballast (optional)

Gravel ballast may be placed along the roof perimeter and at air vents or other vertical elements to separate roofing elements and vegetation. The need for ballast depends on the type of roof and rooftop flashing details. Ballast or rooftop pavers may be used to provide access, especially to vertical elements that require maintenance.

Header/separation board (optional)

If needed, a header or separation board may be placed between gravel ballast and soil or drains.

Root barrier

A root barrier may be required, depending on the waterproofing material, warranty requirements, and the types of vegetation proposed. Root barriers impregnated with pesticides, metals, or other chemicals that could leach into stormwater shall not be applied unless documentation that leaching does not occur is provided. If a root barrier is used it must extend under any gravel ballast and the growing medium, and up the side of any vertical elements.

Drainage

A method of drainage shall allow excess water to flow into drains when soils are saturated. A manufactured drain mat, filter fabric, aggregate or gravel layers, or the growing medium itself may be used if water drains when soils are saturated. The green roof shall have an approved discharge location and drain or drains.

Growing medium

The growing medium depth is 3 to 4 inches or more, depending on the project. This material shall be lightweight and provide a good base for plant growth. Mixes range from 5% organic/95% inorganic to 30% organic/70% inorganic, depending on specific vegetation needs. Growing media shall be stable over time and not break down into fine particles that might increase compaction and clog drainage layers. Components include pumice, perlite, paper pulp, digested organic fiber, and water retention components such as expanded slate, diatomaceous earth, or polymers. For growing media specification, include all constituent elements and their percent composition, and a saturated weight per cubic foot (pcf) that has been tested by a third party lab.

Vegetation and coverage

Green roof vegetation traits:

- Adapted to seasonal drought, excess heat, cold and high winds and other harsh conditions;
- Fire resistant;
- Requires little or no irrigation once established;
- Predominately self-sustaining, low maintenance, with minimal fertilizer;
- Perennial or self-sowing annuals that are dense and mat-forming; and
- Diverse palette to increase survivability and good coverage.

Examples of appropriate species: Sedum, ice plant, blue fescue, sempervivum and creeping thyme. Other herbs, forbs, grasses, and low groundcovers can provide additional benefits and aesthetics, but may need more watering and maintenance to survive and may be prone to additional fire risk if allowed to dry out. Planting lists shall be City-approved and based on reliable sources from this region including local growers and plant suppliers.

Species shall achieve 90% plant coverage within the 2 year maintenance period. At least 70% of the green roof should be evergreen species. No more than 10% of the green roof may be non-vegetated components such as gravel ballast or pavers for maintenance access. Mechanical units may protrude through the green roof, but are not considered elements of the green roof and may be removed from square foot totals.

Exposed areas during establishment periods shall be mulched with an approved, biodegradable mesh blanket, straw, gravel, and pebbles or pumice to protect exposed soil from erosion.

10.4 Maintenance

The following maintenance activities are required with sand filter/oil and grit separation:

Task	Frequency*/Notes
Remove drain debris	Monthly during rainy season.
Remove dead plants and replant	As needed in spring and fall to maintain the required 90% plant coverage.
Remove weeds and undesirable plant growth	During first growing season monthly, and in late spring and early fall in subsequent years.
Fertilization	As needed, non-chemical, organic and slow release as approved by the City of Daphne.
Weed/pest abatement	Pesticides and herbicides of any kind are prohibited, unless approved by the City of Daphne to contain a detrimental outbreak of weeds or other pests.
Irrigation	As needed, minimal irrigation may be necessary to maintain vegetation health and ecological function of green roofs. Harvested rainwater is highly recommended for irrigation. Green roofs larger than 1,000 square feet should have an automatic irrigation system for more efficient coverage and to eliminate the need for hand watering. Those larger than 5,000 square feet also should have an irrigation flow meter to monitor water usage.

*The level of maintenance will vary depending on soil depth, vegetation type, and location.

References:

Brantley, Eve (Auburn University) Dylewski, Katie (Auburn University), Roberts, Jess (Auburn University), Shelton, Michael (Weeks Bay National Estuarine Research Reserve). September 30, 2010. Low Impact Development Guidebook, Phase I Edition V1.0.

SEMCOG (Southeast Michigan Council of Governments Information Center. www.semcoq.org) and Michigan Department of Environmental Quality. Low Impact Development Manual For Michigan. A Design Guide for the Implementers and Reviewers. 2008.

Clean Water Services, Tualatin Basin Natural Resources Coordinating Committee's Public Education and Outreach Committee, and Oregon Department of Environmental Quality (DEQ). July 2009. Low Impact Development Approaches Handbook.

Low Impact Development / Green Infrastructure (LID/GI) Project Application

Applicant: _____ Project Name: _____

_____ LID/GI Techniques have been considered for this project but are not being implemented for the following reason(s) _____

_____ LID/GI Techniques and have been considered and are being implemented in exchange for incentives as requested below. Plans illustrating proposed technique are included in submittal package.

Selected ✓	LID/GI Technique*	Point Value	Applicant's Description of Technique <i>(including scale/ extent of use in project)</i>	Reference Plan Sheet	Points Requested
	Bioretention	7			
	Constructed Stormwater Wetlands	7			
	Permeable / Porous Pavement	4			
	Riparian Buffers	7			
	Level Spreaders	5			
	Maximize Native Plants / Minimize Sod	5			
	Swales / Dry Swales	3			
	Rainwater Harvesting	4			
	Sand Filter / Oil and Grit Separation	4			
	Green Roofs	1			

*Refer to Appendix O for LID/GI technique requirements.

Total Technique Points: _____

Low Impact Development / Green Infrastructure (LID/GI) Project Application (Continued)

Selected ✓	Incentive Description	Final Point Value	Points Used
	Reduced parking requirements Option A _____		
	Reduced parking requirements Option B _____		
	Waived permit fees		
	Reduced permit fees		

Total Technique Points: _____

Note: Total technique points must be greater than or equal to total incentive points.

_____ I certify that all of the LID/GI techniques and incentives have been analyzed and selected, as applicable, for the design of this project as indicated above. I also certify that the techniques selected, as applicable, will be implemented for this project as referenced on Plan Sheets provided in the application package.

Signature of Applicant/Authorized Agent

Date

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2013-__

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance
Appendix O, Low Impact Development & Green Infrastructure**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on December 20, 2012, considered certain proposed amendments to the City of Daphne Land Use and Development Ordinance, Ordinance No. 2011-054, and any amendments to the same; and,

WHEREAS, after such consideration the Planning Commission sent a favorable recommendation to the City Council of the City of Daphne for the approval of said amendments to the City of Daphne Land Use and Development Ordinance; 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 February 18, 2013; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission, deemed that said amendments to the City of Daphne Land Use and Development Ordinance are proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and,

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

SECTION I. AMENDMENT

- a. Table of Contents to said Ordinance shall be amended to include **Appendix O: Low Impact Development/Green Infrastructure (LID/GI) Project Application;**
- b. Article 18-1(A) shall be amended to read in its entirety as follows:

18-1 GENERAL

A. Purpose:

The purpose of this section is to provide a guide for development wherein the ecological impacts to the environment are minimized through appropriate design, landscaping, erosion control, stormwater management, and proper planning. The intent of the City of Daphne is to protect valuable natural resources, the natural environment and the quality of life for all its citizens. In order to preserve the integrity, stability and the value of land, the City encourages the use of innovative, LEED-certified (Leadership in Energy and Environmental Design) and/or other "green" practices in development design. Where such methods/practices are proposed for a development said practices shall be designed in accordance with Appendix O, The Low Impact Development and Green Infrastructure Project application and certified by a credentialed professional in his/her design field.

- c. Appendix O: Low Impact Development/Green Infrastructure (LID/GI) Project Application as attached to this Ordinance, shall be added to the Land Use Ordinance in its entirety.

All other sections, articles, and/or content of the City of Daphne Land Use and Development Ordinance shall remain the same and shall be unchanged by this Ordinance.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION 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 after publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2013.

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

BAILEY YELDING, JR., MAYOR

ATTEST:

**REBECCA A. HAYES,
INTERIM CITY CLERK**

PLEASE Publish in the Bulletin Legal Section on Tuesday, January 15, 2013.

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on February 18, 2013 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use and Development Ordinance / Appendix O, Low Impact Development & Green Infrastructure as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2013-___**

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance
Appendix O, Low Impact Development & Green Infrastructure**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on December 20, 2012, considered certain proposed amendments to the City of Daphne Land Use and Development Ordinance, Ordinance No. 2011-054, and any amendments to the same; and,

WHEREAS, after such consideration the Planning Commission sent a favorable recommendation to the City Council of the City of Daphne for the approval of said amendments to the City of Daphne Land Use and Development Ordinance; 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 February 18, 2013; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission, deemed that said amendments to the City of Daphne Land Use and Development Ordinance are proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and,

PLEASE Publish in the Bulletin Legal Section on Tuesday, January 22, 2013

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on January 15, 2013, that the City Council of the City of Daphne will hold a Public Hearing on February 18, 2013 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance amending the Land Use and Development Ordinance / Appendix O, Low Impact Development & Green Infrastructure as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2013-__**

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance
Appendix O, Low Impact Development & Green Infrastructure**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on December 20, 2012, considered certain proposed amendments to the City of Daphne Land Use and Development Ordinance, Ordinance No. 2011-054, and any amendments to the same; and,

WHEREAS, after such consideration the Planning Commission sent a favorable recommendation to the City Council of the City of Daphne for the approval of said amendments to the City of Daphne Land Use and Development Ordinance; 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 February 18, 2013; and,

/END SYNOPSIS

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

Resolution 2013-01

Agreement: Alabama Dept of Economic and Community Affairs (ADECA)
Construction of Boardwalk Connector Bridge from
Gator Alley Park to the Eastern Shore National Recreation Trail
SubGrant No. 12-RT-54-03

WHEREAS, the City Council of the City of Daphne did heretofore submit an application to the Alabama Department of Economic and Community Affairs (ADECA) for the construction of a boardwalk connector bridge from “Gator Alley” to the Eastern Shore Trail Sidewalks; and

WHEREAS, the City of Daphne has received notification from ADECA that such grant application has been approved and accepted; and

WHEREAS, 80% of the project will be funded through the grant (maximum \$ 80,000) and the remaining 20% and any amounts over the \$ 80,000 grant maximum will be funded by the City of Daphne.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Daphne as follows:

- 1) The City shall enter into an agreement entitled “Gator Alley Park- Eastern Shore NRT Trail Connector: Project 12-RT-54-03” with the State of Alabama acting by and through the Alabama Department of Economic and Community Affairs; AND
- 2) The Mayor is hereby authorized to execute such agreement for and on behalf of the City of Daphne; AND
- 3) The City Clerk is hereby authorized to attest such agreement and affix the Seal of the City of Daphne to the same; AND
- 4) The City of Daphne hereby appropriates match funds in the amount of \$ 20,000 and from the Lodging Tax Fund for the purpose of completing such grant project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this ___ day of __, 2013.

Bailey Yelding, Jr, Mayor

ATTEST:

I, the undersigned qualified and acting City Clerk of the City of Daphne, Alabama, do hereby certify that the above and foregoing is a true copy of a Resolution lawfully passed and adopted by the City Council of the City of Daphne, at the regular meeting held on the ___ day of _____, 2013, and that such resolution is on file in the City Clerk’s office.

Rebecca A. Hayes, Interim City Clerk

**CITY OF DAPHNE
RESOLUTION NO. 2013 - 02**

REVISIONS TO CITY OF DAPHNE STREET MAP

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on December 20, 2012, approved a favorable recommendation to the City Council of the City of Daphne, Alabama for a revision to the City of Daphne Street Map and presented at said meeting; and

WHEREAS, said revision to street map is necessary due to additional streets being added to and accepted by the City; and

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

WHEREAS, the City Council of the City of Daphne, Alabama, after due consideration, and upon the recommendation of the Planning Commission of the City of Daphne, believes it is in the best interest of the health, safety and welfare of the citizens of the City to accept the revisions to the City of Daphne Street Map; and

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

SECTION I: ADOPTION OF MAP

THAT the City of Daphne Street Map was considered by the City of Daphne Planning Commission on December 20, 2012, and having made a favorable recommendation to the City Council and said revised map being attached hereto as Exhibit "A" is hereby adopted as the official "City of Daphne Street Map."

SECTION II: REPEALER

THAT Resolution No. 2006-22, Resolution No. 2006-66, and Resolution No. 2007-05, Resolution 2007-69, Resolution 2008-02, 2008-41, Resolution 2009-06, Resolution 2009-72, Resolution 2010-22, Resolution 2010-76 and Resolution 2011-09, 2011-62, 2012-05 and 2012-55 entitled "City of Daphne Street Map" are hereby repealed in their entirety and any Resolution(s) or parts of Resolution(s) conflicting with the provisions of this Resolution are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

THAT This Resolution shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne, Alabama.

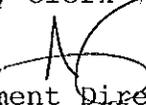
ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2013.

:

**BAILEY YELDING, JR.,
MAYOR CITY OF DAPHNE**

ATTEST:

**REBECCA A. HAYES,
INTERIM CITY CLERK**

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Revised City of Daphne Street Map
Date: December 28, 2012

MEMORANDUM

At the December 20, 2012, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a **favorable recommendation** of the above-mentioned revision to the street map.

Attached please find the appropriate documentation and action of the Daphne Planning Commission for placement on the City Council agenda of Monday, January 7, 2013 City Council agenda.

The City Attorney has been given the pertinent information to prepare said Resolution.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Street Map (display)

ORDINANCE 2012-72

Sidewalk Improvements for FY2013

WHEREAS, the Fiscal Year 2013 Budget is being considered by the City Council; and

WHEREAS, prior to the adoption of the Fiscal Year 2013 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2013 budget; and

WHEREAS, certain sidewalk installations are needed for safe passage along City streets for the following locations:

- Wilson Avenue-Northside US Hwy 98 to Watts Lane
- CR 64 – Southside Beverly Street to Essex Street
- Gregor Street, Historic Malbis – St Barbara to back alley
- Whispering Pines – Northside Brookhaven to Stratford Glen
- US Hwy 98 – Westside Service Road to D'Olive Creek
- Daphmont – Warren Drive
- Daphmont – Cedar Drive
- Daphmont – Maple Drive

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$74,304.36 from the Capital Reserve Fund are hereby appropriated and made a part of the Fiscal Year 2013 budget for 1.5 miles of Sidewalk Improvements.

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

Bailey Yelding, Jr., Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk

**CITY OF DAPHNE
ORDINANCE 2013-01**

**AN ORDINANCE CONSENTING TO THE LEASE OF CERTAIN PROPERTY BY THE
UTILITIES BOARD OF THE CITY OF DAPHNE TO THE CITY OF DAPHNE**

WHEREAS, the Utilities Board of the City of Daphne (“Daphne Utilities”) is required to receive the consent of the City of Daphne under the provisions of Ala. Code § 11-50-314(a)(10) before it leases property; and

WHEREAS, the management of Daphne Utilities has determined that it is in the best interest of Daphne Utilities to lease certain of its property to JMF Solutions, LLC as described in detail on Exhibit “A”; and

WHEREAS, the Board of Directors of Daphne Utilities has approved the lease of the property to JMF Solutions, LLC as described in Exhibit “A”.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Daphne does hereby consent to the lease by Daphne Utilities of the property described on Exhibit “A” to JMF Solutions, LLC.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA** on this ____ day of _____, 2013.

**Bailey Yelding, Jr.,
Mayor**

ATTEST:

**Rebecca A. Hayes,
Interim City Clerk**



COMMUNICATIONS SITE LEASE AGREEMENT

This Communications Site Lease Agreement ("Agreement") is entered into this 17th day of Dec, 2012 between JMF Solutions, Inc., an Alabama Corporation, ("Lessee"), and The Utilities Board of the City of Daphne ("Lessor").

For good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Premises.** Lessor is the owner, operator and or designated representative of a parcel of land (the "Land"), communication structures (the "Structures") and buildings (the "Buildings") located in Daphne, AL, commonly known as Daphne Utilities (the Buildings, the Structures and the Land are collectively, the "Property"). The Land, the Buildings and the Structures are more particularly described in Exhibit A annexed hereto. Lessor hereby leases to Lessee and Lessee leases from Lessor space as described in Exhibit A annexed hereto.
2. **Use.** Lessee's use of Lessor's Property is limited to any activity in connection with the provision of communications services as Competitive Access Provider or CAP. Lessor agrees to cooperate with Lessee, at Lessee's expense, in making application for and obtaining all licenses, permits and any and all other necessary approvals that may be required for Lessee's intended use of the Premises.
3. **Term.** The term of this agreement shall be three (3) years commencing upon the first day of construction or execution of all signatures of both parties to this agreement, whichever first occurs ("Commencement Date") and terminating on the 3rd anniversary of the Commencement Date (the "Term") unless otherwise terminated as provided in Paragraph 8. Lessee shall have the right to extend the Term for Four (4) successive one (1) year periods (the "Renewal Terms") on the same terms and conditions as set forth herein. The Agreement shall automatically be extended for each successive Renewal Term unless either party notifies other. (See # 8 Termination).
4. **Rent and Compensation.** Within fifteen days of the execution of all signatures of both parties to this agreement, Lessee shall pay to Lessor as rent One & 00/100 DOLLARS (\$1.00) per year ("Rent"), and on or before the anniversary of each successive year thereafter, as long as this lease is continued in full force and effect per the terms and conditions of this agreement. Additionally, Lessee shall compensate Lessor with the following ("Compensation"); Refer to Exhibit B annexed hereto.
5. **Facilities; Utilities Access.**
 - a. Lessee has the right to erect, maintain and operate on the Premises radio communications facilities, as necessary to provide adequate services to the community and the outlying communities. In connection therewith, Lessee has the right to do all work necessary to install transmission lines connecting the antennas to the transmitters and receivers. Any work performed on Lessor's Property shall only commence after submission and approval by Lessor of a plan and description of work to be performed. All of Lessee's construction and installation work shall be performed at Lessee's sole cost and expense and in a good and workable manner, and approved by the Lessor. All of Lessee Facilities shall remain Lessee's personal property and are not fixtures. Lessee shall remove all Lessee Facilities at its sole expense on or before the expiration or earlier termination of the Agreement.
 - b. Lessee shall furnish documentation as to electrical requirements and consumption in lieu of a separate meter where Lessor owned power is readily available; otherwise, Lessee will need to install its own metered power at its expense. Lessee shall have the right to draw electricity from the existing Lessor utilities where available on the Property with connection to it and use thereof at Lessee expense. Lessee shall have access to power, and when made available, to the Lessee emergency power. Maximum power consumption is limited to 120 Amps 110 volts per location.
 - c. Lessee, Lessee's employees and sub-contractors shall have access to the Premises with not less than 2-hours notice to Lessor (twenty-four (24) hours a day, seven (7) days a week, at no charge.
6. **Interference.** Lessee shall operate the Lessee Facilities, both now and in the future, in a manner that will not cause interference to Lessor and other lessees or licensees of the Property. All operations by Lessee shall be in compliance with all Federal Communications Commission ("FCC") requirements.
7. **Taxes.** If personal property taxes are assessed, Lessee shall pay any portion of such taxes directly attributable to the Lessee Facilities. Lessor shall pay all real property taxes, assessments and deferred taxes on the Property.
8. **Termination.** This Agreement may be terminated without further liability on thirty (30) days prior written notice as follows: (i) by either party upon a default of any covenant or item hereof by the other party, which default is not cured within (60) sixty days of written notice of default, or (ii) by Lessee if it does not obtain or maintain any license, permit or other approval necessary for the

construction and operation of Lessee Facilities, or (iii) by Lessee if Lessee is unable to occupy and utilize the Premises due to an action of the FCC, including without limitation, a take back of channels or change in frequencies, or (iv) by Lessee if Lessee determines that the Premises are not appropriate for its operations. In the event of termination by Lessee, Lessee shall have thirty (30) days from the date of termination to pay all amounts due to Lessor under this contract and to remove all equipment from Lessor's property. Lessee shall make all reasonable efforts to return the property to its original condition upon removal of any equipment for any reason.

9. **Insurance.** Lessee, at Lessee's sole cost and expense, shall procure and maintain on the Premises and on the Lessee Facilities, bodily injury and property damage insurance with a combined single limit of at least One Million and 00/100 Dollars (\$1,000,000.00) per occurrence. Such insurance shall insure, on an occurrence basis, against liability of Lessee, its employees and agents arising out of or in connection with Lessee's use of the Premises, all as provided for herein. Lessee shall provide to the other a certificate of insurance or equivalent evidencing the coverage required by this paragraph within thirty (30) days of the Commencement Date showing the Utilities Board of the City of Daphne as an additional insured.

10. **Repairs.** Lessee shall not be required to make any repairs to the Premises or Property unless such repairs shall be necessitated by reason of the default or neglect of Lessee. Except as set forth in Paragraph 5(a) above, upon expiration or termination hereof, Lessee shall restore the Premises to the condition, which existed upon execution hereof.

11. **Hazardous Substances.** Lessee agrees that it will not use, generate, store or dispose of any Hazardous Material on, under, about or within the Land in violation of any law or regulation. Lessee agrees to defend, indemnify and hold harmless the Lessor partners, affiliates, agents and employees against any and all losses, liabilities, claims and/or costs (including reasonable attorneys' fees and costs) arising from any acts of hazardous material, and of any representation, warranty or agreement contained in this paragraph. As used in this paragraph, "Hazardous Material" shall mean petroleum or any petroleum product, asbestos, any substance known by the state in which the Land is located to cause cancer and/or reproductive toxicity, and/or any substance, chemical or waste that is identified as hazardous, toxic or dangerous in any applicable federal, state or local law or regulation. This paragraph shall survive the termination of this Agreement.

12. **Liability and Indemnity.** Lessee shall indemnify and hold Lessor harmless from all claims (including attorneys' fees, costs and expenses of defending against such claims) arising from the conduct or alleged conduct of Lessee or Lessee's agents or employees in or about the Property. The duties described in Paragraph 13 survive termination of this Agreement.

13. **Representations and Warranties:** Lessor represents and warrants to Lessee that it is the Owner/Property Manager of the Property, or the duly authorized agent of the Owner/Property Manager of the Property, and has full authority and power to enter into this Agreement and the right of entry granted herein, and that the execution and performance of the Agreement by Owner/Property Manager does not conflict with or violate any other instrument, document or obligation of Owner/Property Manager, either contractual or otherwise.

14. **Miscellaneous.**

a. This Agreement constitutes the entire agreement and understanding between the parties, and supersedes all offers and negotiations and other agreements concerning the subject matter contained herein. Any amendments to this Agreement must be in writing and executed by both parties.

b. Any notice or demand required to be given herein shall be made by digitally signed email or certified or registered mail, return receipt requested or reliable overnight courier with signature to the address of the respective parties set forth below.

Lessor:
Utilities Board of the City of Daphne

Lessee:
JMI Solutions, Inc.
1203 US Hwy 98 Suite 2-D
Daphne, AL 36526
251.517.5070

Lessor or Lessee may from time to time designate any other address for this purpose by written notice to the other party.

c. In any case where the approval or consent of one party hereto is required, requested or otherwise to be given under this Agreement, such party shall not unreasonably condition, delay or withhold its approval or consent.

c. All Riders and Exhibits annexed hereto form material parts of this Agreement.

15. **Corporate Authority.** The Parties have the appropriate corporate authority and have obtained any authorizations necessary for them to enter into this Agreement and to perform all acts contemplated by this Agreement.

16. **Independent Counsel.** Each of the Parties hereto has had the benefit of independent legal advice of counsel by its own selection prior to entering this Agreement, and has executed this Agreement only after undertaking a thorough investigation and consideration of all relevant facts and circumstances surrounding those actions.

17. **Applicable Law.** The Parties agree that the laws of the State of Alabama shall apply to the interpretation, effect, and enforcement of this Agreement.

18. **Venue.** Should any litigation arise involving this subject matter of this Agreement, venue shall lie in Baldwin County, Alabama.

19. **Agreement.** The Parties also agree that this Agreement has been drafted and negotiated as a collaborative effort, and that no ambiguity shall be construed against any party as the drafter of this Agreement.

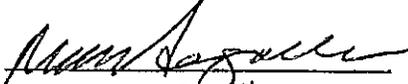
20. **Attorneys' Fees.** The prevailing Party to any action to enforce the terms of this Agreement shall be entitled to attorneys' fees, expert fees, paralegal fees and costs incurred at trial or appeal of such action.

21. **Execution in Counterparts; Effective Date of Agreement.** The Parties each acknowledge and agree that this Agreement may be executed in counterparts and by fax or email and that each and every term and provision hereof shall be binding and effective as to the respective obligations of the parties as of the last date of execution by or on behalf of the Parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

LESSOR

Utilities Board of the City of Daphne


By: Robert Segalla

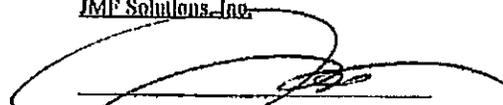
Date: December 17, 2012

Title: Chairman

Tax ID#: _____

LESSEE

IME Solutions, Inc.


By: Mike Pinnels, CEO
IME Solutions, Inc.

Date: 12/17/12

Title: CEO

Tax ID# 20-3804987

EXHIBIT A
DESCRIPTION OF LAND

Attached to and made a part hereof to the Communications Site Lease Agreement (Building and Property) dated 12/12/12 2012, by and between the Utilities Board of the City of Daphne as Lessor, and JMF Solutions, Inc.

The Land is described and/or depicted as follows:

LEASE SITE:

- 1.) 6th St. Water Tank & Site – A portion of the water tank and land under the tank located on Lots 29 & 30 of Dryer's Subdivision, Daphne, Alabama, and more particularly described as no more than eight (8) antennas mounted on the handrail of the tank, wiring from the handrails to the ground and a 10'X10' parcel below the tank.
- 2.) Stanton Rd. Tank & Site – A portion of the water tank and land under the tank located on Parcel A [from the Northwest corner of Section 20, Township 5 South, Range 2 East, run South 1650 feet; thence run East 1548.89 feet; thence run S 00° 29' E 1141.8 feet, thence run N 89° 56' E 958.75 feet, thence run N 00° 20' W 125 feet to an iron pipe for the POINT OF BEGINNING; thence run N 89° 56' E 150 feet to an iron pipe; thence run S 89° 56' W 150 feet to an iron pipe; thence run S 00° 20' E 175 feet to the POINT OF BEGINNING, containing 0.60 acre.] and Parcel B [from the Northwest corner of Section 20, Township 5 South, Range 2 East, run South 1650 feet; thence run East 1548.89 feet; thence run S 00° 29' E 1141.8 feet for the POINT OF BEGINNING; thence continue N 89° 56' E 150 feet along the right of way of Stanton Road to an iron pipe; thence run N 00° 20' W 125 feet to an iron pipe; thence run S 89° 56' W 150 feet to an iron pipe; thence run S 00° 20' E 125 feet to the POINT OF BEGINNING, containing 0.43 acres], and more particularly described as no more than eight (8) antennas mounted on the handrail of the tank, wiring from the handrails to the ground and a 10'X10' parcel below the tank.
- 3.) Additional Tanks & Sites – As mutually agreed upon and deemed appropriate by Daphne Utilities.

Parcel A: From the Northwest corner of Section 20, Township 5 South, Range 2 East, run South 1650 feet; thence run East 1548.89 feet; thence run S 00° 29' E 1141.8 feet; thence run N 89° 56' E 958.75 feet; thence run N 00° 20' W 125 feet to an iron pipe for the POINT OF BEGINNING; thence run N 89° 56' E 150 feet to an iron pipe; thence run N 00° 20' W 175 feet to an iron pipe; thence run S 89° 56' W 150 feet to an iron pipe; thence run S 00° 20' E 175 feet to the POINT OF BEGINNING, containing 0.60 acre.

Parcel B: From the Northwest corner of Section 20, Township 5 South, Range 2 East, run South 1650 feet; thence run East 1548.89 feet; thence run S 00° 29' E 1141.8 feet for the POINT OF BEGINNING; thence continue N 89° 56' E 150 feet along the right of way of Stanton Road to an iron pipe; thence run N 00° 20' W 125 feet to an iron pipe; thence run S 89° 56' W 150 feet to an iron pipe; thence run S 00° 20' E 125 feet to the POINT OF BEGINNING, containing 0.43 acre.

EXHIBIT B
LESSOR COMPENSATION

JMF will install Internet and maintain Hardware & Equipment to provide Internet access services at the following Lessor site(s) which will include at no charge to the Lessor monthly internet access of a minimum of 12mbs X 12mbs:

- 1.) Daphne Utilities Main Office – 900 Daphne, Ave
- 2.) Daphne Utilities Water Reclamation Facility – Main St.
- 3.) Daphne Utilities Central Services Building – Well Rd.
- 4.) Daphne Utilities Additional Locations – As mutually agreed upon and deemed appropriate by JMF Solutions, Inc.



ORDINANCE 2013-02

Establishing Public Works Equipment Use Policy

WHEREAS, the Mayor and City Council of the City of Daphne recognize the importance of promoting the health and welfare of its citizens; and

WHEREAS, it is the intention of the City of Daphne, through the Department of Public Works, to support the sporting events, festivals, fundraisers, parades, and all other special events of the Municipalities, Schools, Charities, and Civic Groups of Baldwin County; and

WHEREAS, Public Works in the past has made available to these groups for their events barricades, tents, tables, chairs, water coolers, and ice; and

WHEREAS, there is an expense associated with the purchase, maintenance, transportation, and the wear and tear of these items.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that in order to insure these materials are available and in good repair at all times, the following policy is established:

SECTION I APPLICATION OF POLICY

For all groups described above, except Schools (and associated entities) within Daphne attendance zones, this policy shall apply.

SECTION II NUMBER OF USE REQUEST

- a.) Each group described above will be afforded one equipment use request, for a singular event, per calendar year.
- b.) For each subsequent equipment use request the below rental fee schedule will apply on a unit basis.

SECTION III REQUEST AND USE DETAILS

- a.) The request must be made in writing a minimum of 30 days prior to pick-up or delivery
- b.) The request must indicate items, quantities, dates of pick-up/delivery and return
- c.) The request must include name of group, description of event, and contact person with full contact information
- d.) For events outside of the City of Daphne the requesting group will be responsible for transportation of requested equipment

- e.) Only Municipal/County vehicles may tow City barricade trailers. Nongovernmental groups shall pay the haul rate below
- f.) Equipment will be inspected upon return. Borrower will be responsible for cost of any damage
- g.) The Mayor, at his discretion, may waive any part of or all requirements of this policy.

SECTION IV RENTAL FEE SCHEDULE

<u>ITEM</u>	<u>PRICE PER UNIT</u>
Barricades	\$5.00 EA
Barricade Trailers (150 capacity)	\$75.00 EA
Tent (20x40)	\$300.00 EA
Tent (10x10)	\$25.00 EA
Table (6 & 8 Foot Folding)	\$5.00 EA
Chairs (Metal Folding)	\$2.00 EA
Trailer Haul Rate	\$0.75 /Mile

SECTION V SEVERABILITY

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

SECTION VI: EFFECTIVE DATE

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

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2013.

Bailey Yelding, Jr.
Mayor

Rebecca A. Hayes,
Interim City Clerk

CITY OF DAPHNE, ALABAMA

ORDINANCE NO. 2013-03

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance
Article 9, District Provisions – Section 12(g) Accessory Structures
and Article 8, Definitions**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on September 27, 2012, considered the 3rd and 4th proposed amendments to the City of Daphne Land Use and Development Ordinance No. 2011-54; and,

WHEREAS, the Planning Commission considered an amendment to Article 9, District Provisions, to add and include 12(g) clarifying the use of prefabricated accessory structures; and after such consideration the Planning Commission set forth a favorable recommendation to the City Council of the City of Daphne for the addition of said 12(g) to Article 9 of the Land Use and Development Ordinance; and,

WHEREAS, the Planning Commission considered an amendment to Article 8, Definition of Terms, to clarify and define terms associated with the amendment to include in Article 9, Section 12(g); and after such consideration the Planning Commission set forth a favorable recommendation to the City Council of the City of Daphne for said amendments to the Definition of Terms; and,

WHEREAS, due notice of said proposed amendments 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 January 7, 2013; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission, deemed that said amendments to the City of Daphne Land Use Ordinance are proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and,

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

SECTION I. AMENDMENTS

Article 9, District Provisions shall be and is hereby amended to include the following:

12(g)

Prefabricated accessory structures are intended for storage. Any and all prefabricated accessory structures shall conform to the following requirements:

- (1) Shall be no more than 18 ft (eighteen feet) in length;
- (2) Shall not be used as a habitable unit;
- (3) Shall not be served by heat or sanitary plumbing;
- (4) Does not need to be placed on a permanent foundation; and
- (5) Shall be no more than 220 square feet in area.

Article 8, Definition of Terms shall be and is hereby amended to include the following:

Prefabricated (prefab or factory built). Any structure, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. A building which is wholly or in substantial part manufactured at an off-site location to be assembled on-site.

Accessory Structures, Prefabricated. An accessory structure that is pre-built or purchased in a kit in prefabricated sections. It is not designed or intended to be used as a habitable unit and is not designed to be served by central heat or sanitary plumbing and does not need to be placed on a permanent foundation. A non-habitable unit that is pre-built in a kit in prefabricated sections.

All other language, sections, uses, conditions and/or content of Ordinance 2011-054, and any amendments thereto, shall remain the same and shall be unchanged by this Ordinance; this Ordinance shall only amend Article 8 and Article 9 as specifically set out hereinabove.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION 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 after publication as required by law.

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

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

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

**REBECCA A. HAYES,
INTERIM CITY CLERK**