

**CITY COUNCIL BUSINESS MEETING AGENDA  
BUSINESS MEETING  
1705 MAIN STREET, DAPHNE, AL  
JANUARY 22, 2013  
6:30 P.M.**

**1. CALL TO ORDER**

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

- 3. APPROVE MINUTES:** Council Meeting Minutes / January 7, 2013  
Council Work Session Minutes / January 14, 2013

**PUBLIC HEARING: Rezoning and Annexation: GCOF Retreat at Tiawasee**

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

**MUNICIPAL JUDGE POSITION**

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE - Conaway**

Review minutes / January 14<sup>th</sup>

**a.) Ordinances:**

- 1.) Appropriation Request: Police Bullet Proof Vest / Ordinance 2013-07
- 2.) Reclassification: Mayors Assistant to Executive Assistant / Ordinance 2013-08

**b.) Resolutions:**

- 1.) Lease Financing: Mowers, Garbage Truck & Fire Truck / Resolution 2013-03
- 2.) Bid Award: 2013-D-FD/Turnout Gear / Sunbelt Fire Apparatus / Resolution 2013-04

**c.) Motions:**

- 1.) Motion to continue the City's Insurance coverage with Robertson Insurance Agency, Inc. through February 2014 as presented for a total annual coast of \$459,331

**d.) Financial Reports:**

- a.) Treasurers Report / December 31, 2012
- b.) Sales & Use Tax Collections / November 30, 2012
- c.) Lodging Tax Collections / November 30, 2012
- d.) Summary Statement: Revenues & Expenditure w/Comparatives / September 30, 2012

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

**C. PUBLIC SAFETY COMMITTEE – Rudicell**

Review minutes / January 9<sup>th</sup>

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

Review minutes / January 9<sup>th</sup>

**E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - LeJeune**

Review minutes / December 17, 2012

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

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

Review minutes / October 4, 2012

Report for January 3<sup>rd</sup> meeting

**B. Downtown Redevelopment Authority – Conaway**

Presentation by Chairman / Casey Zito

- C. Industrial Development Board – Dane Haygood
- D. Library Board – Lake
- E. Planning Commission –Scott
- F. Recreation Board – LeJeune
- G. Utility Board – Fry

**6. REPORTS OF OFFICERS:**

- A. Mayor’s Report
- B. City Attorney’s Report  
Comments on Mayors Indefinite Medical Leave of Absence

**MOTION:** To approve the expenditure of the sum of \$1,000.00 payable to Lake Forest Property Owners' Association, Inc. (LFPOA) for partial reimbursement of costs incurred by the "LFPOA" for repairs to the Lake Forest Lake Dam as the same is deemed to constitute a public purpose by LFPOA'S attempt to maintain water levels in the Lake Forest Lake Dam to reduce erosion to City maintained streets, roads and drainage facilities during significant rain events.

**C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) Authorizing the Lease Purchase Financing of 6-Mowers, 1 Z-Track Mower, 1 Garbage Truck and 1 Fire Truck. .... /Resolution 2013-03
- b.) Bid Award: FD Turnout Gear / Sunbelt Fire Apparatus. .... /Resolution 2013-04

**ORDINANCES:**

**2<sup>ND</sup> READ**

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

**1<sup>ST</sup> READ**

- d.) Trash Ordinance. .... /Ordinance 2013-04
- e.) Rezone: GCOF Retreat at Tiawasee, LLC. .... /Ordinance 2013-05
- f.) Annexation: GCOF Retreat at Tiawasee, LLC. .... /Ordinance 2013-06
- d.) Appropriation: Bullet Proof Vests Replacement. .... /Ordinance 2013-07
- e.) Job Reclassification: Mayors Assistant. .... /Ordinance 2013-08
- f.) Contribution: Blue Print for a Better Tomorrow. .... /Ordinance 2013-09

**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

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

1

**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; Pat Rudicell John Lake Randy Fry; Ron Scott; Robin LeJeune; Dane Haygood.

Also present: Rebecca Hayes, Interim City Clerk; Jay Ross, City Attorney; Adrienne Jones, Planning Director; James White, Fire Chief; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Tonja Young, Library Director; Christine Ciancetta, Deputy Finance Director; Ashley Campbell, Environmental Programs Manager; Rick Whitehead, IT; Captain Danny Bell, Police Department; Jason Agee, Civic Center; Willie Robison, BZA; Joe Lemoine, Planning Commission.

Absent: Mayor Yelding; David Carpenter, Police Chief; Vickie Hinman, Human Resource Director; Margaret Thigpen, Civic Center Director; Richard Merchant, Building Official; Kim Briley, Finance Director.

**3. APPROVE MINUTES:**

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

**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

Mrs. Jones gave the presentation.

Council President Scott opened the Public Hearing at 6:33 p.m.

No one spoke for or against the proposed amendments.

Council President Scott closed the Public Hearing at 6:34 p.m.

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE** – Conaway

The next meeting will be January 14<sup>th</sup> at 4:00 p.m.

**B. Buildings and Property Committee – Haygood**

The committee met today, and the minutes will be in the next packet.

**C. PUBLIC SAFETY COMMITTEE – Rudicell**

The minutes for the December 12<sup>th</sup> meeting are in the packet, and the next meeting will be January 9<sup>th</sup> at 4:30 p.m.

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

The next meeting will be January 9<sup>th</sup> after the Public Safety meeting.

**E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – LeJeune**

The next meeting will be January 22<sup>nd</sup> at 5:00 p.m.

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

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

The board met to consider a variance on Belrose Avenue, which was approved. The board still needs one (1) alternate.

**B. Downtown Redevelopment Authority – Conaway**

The next meeting will be in January 28<sup>th</sup> at 5:30 p.m. The chairman will give an update at THE next council meeting.

**C. Industrial Development Board – Haygood**

There was not a meeting in November or December. The next meeting will be January 28<sup>th</sup>.

Nomination: Lynn Mitchell

Nomination: John Cox

**MOTION BY Robin LeJeune to appoint John Cox to the Industrial Development Board.  
*Seconded by Pat Rudicell.***

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

Council President Scott asked the City Clerk to inform Mr. Cox of his appointment, and to ask Ms. Mitchell to apply with other committees that need members.

**D. Library Board – Lake**

The next meeting will be Thursday at 4:00 p.m.. There is a new lecture series that starts tomorrow on WWII Remembered.

**E. Planning Commission – Scott**

The minutes for the November 15<sup>th</sup> meeting are in the packet.

**MOTION BY Councilman Lake to Set a Public Hearing date for February 18, 2013 to consider:**

**Amendment to the Land Use and Development Ordinance / 2011-54**

- 1.) Revisions to the Zoning Map**
- 2.) Appendix O, Low Impact Development & Green Infrastructure**

*Seconded by Councilman Haygood*

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

**F. Recreation Board - LeJeune**

The next meeting will be January 9<sup>th</sup> at 6:30 p.m.

**G. Utility Board – Fry**

The board had a special called meeting to approve a contract with JMF Solutions so they can put equipment on the water towers. The next meeting is January 30<sup>th</sup> at 5:00 p.m.

**6. REPORTS OF THE OFFICERS:**

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

No report.

***B. City Attorney's Report***

No report.

***C. Department Head Comments***

***Tonja Young – Library Director*** – reported that the painting and carpeting of the Library has been completed. She thanked the Mayor and Council, Mr. Lake and Mr. Palumbo for helping get the appropriation.

***Adrienne Jones – Planning Director*** – reminded council of the Planning Seminars coming up on the 25<sup>th</sup> and 26<sup>th</sup>. She said the doors are still open if council wanted to attend. She reminded everyone that there will be a joint meeting with Council and the Planning Commission to discuss the sign ordinance.

**7. PUBLIC PARTICIPATION**

*No one spoke.*

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

**RESOLUTIONS:**

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

**MOTION BY Councilman Lake to waive the reading of Resolutions 2013-01 and 2013-02.  
*Seconded by Councilwoman Conaway.***

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

**MOTION BY Councilman Lake to adopt Resolution 2013-01 and 2013-02. *Seconded by  
Councilwoman Conaway.***

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

**ORDINANCES:**

**2<sup>ND</sup> READ**

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

**1<sup>ST</sup> 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

MOTION BY Councilwoman Conaway to waive the reading of Ordinance 2012-72. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway to adopt Ordinance 2012-72. *Seconded by Councilman Haygood.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2013-01, 2013-02 and 2013-03 REMAIN 1<sup>ST</sup> READ.

9. COUNCIL COMMENTS

*No comments from Council.*

10. ADJOURN

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 6:49 P.M.**

Respectfully submitted by,

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Rebecca A. Hayes,  
Interim City Clerk

**Certification of Presiding Officer:**

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Ron Scott,  
Council President

**JANUARY 14, 2013**  
**CITY COUNCIL WORK SESSION**  
**1705 MAIN STREET**  
**DAPHNE, AL**  
**6:30 P.M.**

1

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

Also present: Rebecca Hayes, Interim City Clerk; Jay Ross, City Attorney; Richard Johnson, Public Works Director; Adrienne Jones, Planning Director; Planning Commission Members: Charles Smith; Ed Kirby; Joe Lemoine; Dan Gibson; Don Terry; Larry Chason. Willie Robison, BZA; Toni Fassbender, IDB; Philip Durant, BZA.

Absent: Mayor Yelding.

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

**1. JOINT MEETING WITH PLANNING COMMISSION / SIGN PROVISIONS:**

Council heard from citizens and business people in the community regarding changes to the Land Use and Development ordinance sign provisions. Residents were concerned that US 98 will become like Airport Boulevard with billboards everywhere and don't want any changes to the ordinance. They are concerned that Daphne will lose the quality of life and aesthetics that drew them to Daphne. The citizens are also concerned about the bright lights that go with signage which will be a nuisance. The businesses would like some relaxation to the sign provisions to allow them to advertise their businesses. They would like their signage visible not being blocked by trees. They would like tall signs for businesses in the commercial district by the interstate and Highway 181. They also want to keep the aesthetics of the community, and will keep signage tasteful.

The consensus of the Planning Commission is they recognize the need for signage for businesses, and some of them worked on past sign ordinance committees, would like citizens to bring specifics they would like to see or not see to the commission. They would also like council to send the changes they would like to see to the commission.

Council was appreciative of the turnout for the meeting and for the comments. Signage was a big issue during the campaign. They do not want billboards in the city, but feel they need to help businesses in this downturn economy. They want to amend the ordinance where businesses will be able to use banners and sandwich board signs. Council does not want to change the aesthetics of the city. They want to reach a balance within the ordinance.

Council President Scott thanked everyone for coming out to participate in the discussion. The next step is for staff to make recommendations for changes to the Planning Commission.

**2. BLUE PRINT FOR A BETTER TOMORROW / CHAMBER OF COMMERCE**

Ms. Darrelyn Bender, Eastern Shore Chamber of Commerce, presented council with a handout detailing what is accomplished through Blue Print for a Better Tomorrow. Helping council to see how the \$35,000 contribution will be used. It enhances and strengthens the Economy of the Eastern Shore by retention and expansion of existing businesses, recruitment of new projects and renewal by growing new businesses. State Representative Randy Davis spoke in support of the program.

Consensus of council is that it is a worthy program, but they will have to figure out where to find the funds to support it.

Council President Scott asked that the ordinance be place on the agenda for Monday.

**3. ROAD PROJECTS / RICHARD JOHNSON**

Mr. Johnson introduced Burt Johnson, Intern for Public Works, former Marine and engineering student, who has been a vital player in the project. He explained how they compiled the information on all the roads in Daphne, and the rating system created for evaluating roads. He presented the top five (5) worst roads. He said the estimate for bringing these roads up to par is \$1,129,713.91. They are looking at long term maintenance. He said there is 135 miles of road in Daphne, and on a 20 year plan the city should be repaving 7 miles per year. He said the goal for FY2013 has been met, and are even into FY2014. He is waiting to hear the recipients of the 2<sup>nd</sup> tier of ATRIP funds which should be released Friday.

**4. WHATEVER ELSE IS DEEMED NECESSARY**

Mr. Ross asked council for an Executive Session at Monday's council meeting to discuss pending real estate negotiations.

**6. ADJOURN**

There being no further business to discuss the meeting adjourned at 9:00 p.m.

Respectfully submitted by,

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

Certification of Presiding Officer:

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**Ron Scott,  
Council President**

**PUBLIC HEARING  
FOR COUNCIL MEETING  
JANUARY 22, 2013**

**TO CONSIDER:**

**GCOF Retreat at Tiawasee**

**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



December 10, 2012

Mrs. Adrienne Jones  
Planning Director, City of Daphne  
P.O. Box 400  
Daphne, Alabama 36526

**RE: ZONING AMENDMENT**

Dear Mrs. Jones:

This is a request to revise the previous Application for Rezoning Amendment of the 31.53 acres of property located south of The Estates of Tiavasee and north of French Settlement. The property is also proposed as an annexation to the City of Daphne. It is presently zoned as RSF-2 in Zoning District 15 of Baldwin County and we are modifying the request of being rezoned to R-3 to R-2 instead. The Master Plan has been revised to coincide with the modification of the application and two (2) copies are attached. Two (2) copies of the revised rezoning map are attached also.

If you have any questions or need any additional information please do not hesitate to call me.

Sincerely,

  
Steve Pumphrey  
Senior Planner

Cc: GCOF Retreat at Tiavasee, LLC  
File

9949 Bellaton Ave. Daphne, AL 36526  
251.990.9950 fax 251.990.9910

THE CITY OF DAPHNE  
PLANNING DEPARTMENT  
APPLICATION FOR ZONING AMENDMENT

Application Number: 222-03 Date Plat Submitted: Sept. 25, 2012  
Date Presented: Oct. 25, 2012

Name of Owner: GCOF RETREAT AT TIAWASEE  
Address: 32128 BROKEN BRANCH CR SPANISH FORT, AL 36527 Telephone# 621-1887  
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, If other than owner: PREBLE-RISH  
Address: 9490 BELLATON AVE DAPHNE, AL 36526 Telephone# 990-9950  
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: TO BE KNOWN AS THE RETREAT AT TIAWASEE

Lot(s): \_\_\_\_\_ Unit \_\_\_\_\_

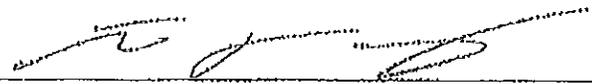
- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: Oct. 25, 12).

Meeting Dates:

Planning Commission: October 25, 2012

City Council: \_\_\_\_\_

Reason(s) for requesting the Zoning Amendment:  
TO DEVELOP A SINGLE FAMILY RESIDENTIAL NEIGHBORHOOD

  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE (Nathan Cox)

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)  
COUNTY OF BALDWIN)  
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

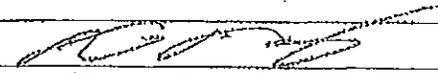
- a) Address \_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_ b) Name of Subdivision TO BE KNOWN AS THE RETREAT AT TIAWASEE
- \_\_\_\_\_ c) Lot numbers involved in change N/A
- \_\_\_\_\_ d) Total acreage of change 34.62 AC 21.53
- \_\_\_\_\_ e) Recorded in Map Book N/A Page \_\_\_\_\_
- \_\_\_\_\_ f) Owned in whole by the undersigned? YES
- \_\_\_\_\_ g) If owned in part, name(s) of co-owner(s) :  
\_\_\_\_\_  
\_\_\_\_\_

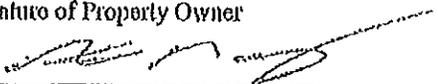
2) Zoning change requested:

- a) Present classification of property RSF-2 (BALDWIN COUNTY)
- b) Reclassification desired R-3
- \_\_\_\_\_ c) Character of neighborhood R-3 & R-2 & R-1 & R-4

3) Certifications:

- a) Owner's Name OGOF RETREAT AT TIAWASEE
- b) Address 32128 BROKEN BRANCH CIRCLE SPANISH FORT, AL 36627
- c) Telephone Number 621-1887
- \_\_\_\_\_ d) Date 9/24/2012

  
Signature of Property Owner

  
Signature of Property Owner

(Nathan L. Cox)

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

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**Ordinance to Rezone Property Located  
Southwest of the Intersection of Tiawasee Boulevard and County Road 13  
Also Known as GCOF Retreat at Tiawasee**

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WHEREAS, GCOF Retreat at Tiawasee, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property be pre-zoned from RSF-2, Single Family District, Baldwin County District 15 to R-2, Medium Density Single Family Residential, City of Daphne; and,

WHEREAS, said real property is Southwest of the intersection of Tiawasee Boulevard and County Road 13, and more particularly described as follows:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, REAL PROPERTY BOOK 256, PAGE 274; THENCE RUN SOUTH 00°00'19" EAST, 840.93 FEET TO THE NORTH RIGHT OF WAY OF PARKER ROAD (80' ROW); THENCE RUN ALONG THE SAID NORTH RIGHT OF WAY NORTH 89°32'20" EAST, 42.92 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD; THENCE RUN ALONG THE EAST RIGHT OF WAY SOUTH 00°00'19" EAST, 403.14 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89°50'14" EAST, 3490.21 FEET; THENCE RUN SOUTH 89°48'53" EAST, 786.31 FEET; THENCE RUN SOUTH 89°19'19" EAST, 51.02 FEET; THENCE RUN NORTH 89°49'05" WEST, 796.66 FEET; THENCE RUN SOUTH 00°05'47" EAST, 1327.82 FEET; THENCE RUN NORTH 89°48'41" WEST, 878.46 FEET; THENCE RUN NORTH 00°10'07" EAST, 1328.02 FEET; THENCE RUN NORTH 89°49'02" WEST, 2617.56 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD (80' ROW); THENCE RUN ALONG SAID EAST RIGHT OF WAY NORTH 00°00'19" WEST, 48.51 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING 31.53 ACRES, MORE OR LESS, LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the City of Daphne Planning Commission meeting on October 25, 2012, the Commission considered said request and set forth no recommendation to the City Council of the City of Daphne regarding said property rezoning request with the motion to set forth an unfavorable recommendation failing to pass; and,

WHEREAS, due notice of said proposed pre-zoning 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 21, 2013; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property is 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: ZONING**

That above described real property is hereby rezoned from Baldwin County District 15 RSF-2, Single Family District to City of Daphne Zone R-2, Medium Density Single Family Residential, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**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 upon the date of annexation of the above described property into the Corporate Limits of the City of Daphne, Alabama and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ day of \_\_\_\_\_, 2013.**

\_\_\_\_\_  
Bailey Yelding, Jr.,  
Mayor

**ATTEST:**

\_\_\_\_\_  
Rebecca A. Hayes,  
Interim City Clerk

GCOT RETREAT AT TIAWASSEE  
ZONING AMENDMENT REVIEW

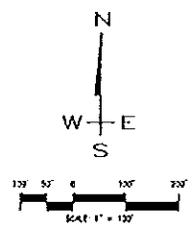
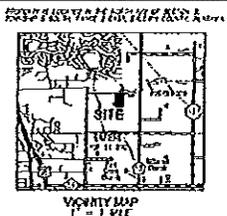
SOUTHWEST OF THE INTERSECTION OF TIAWASSEE  
BOULEVARD AND COUNTY ROAD 13

EXHIBIT "A"

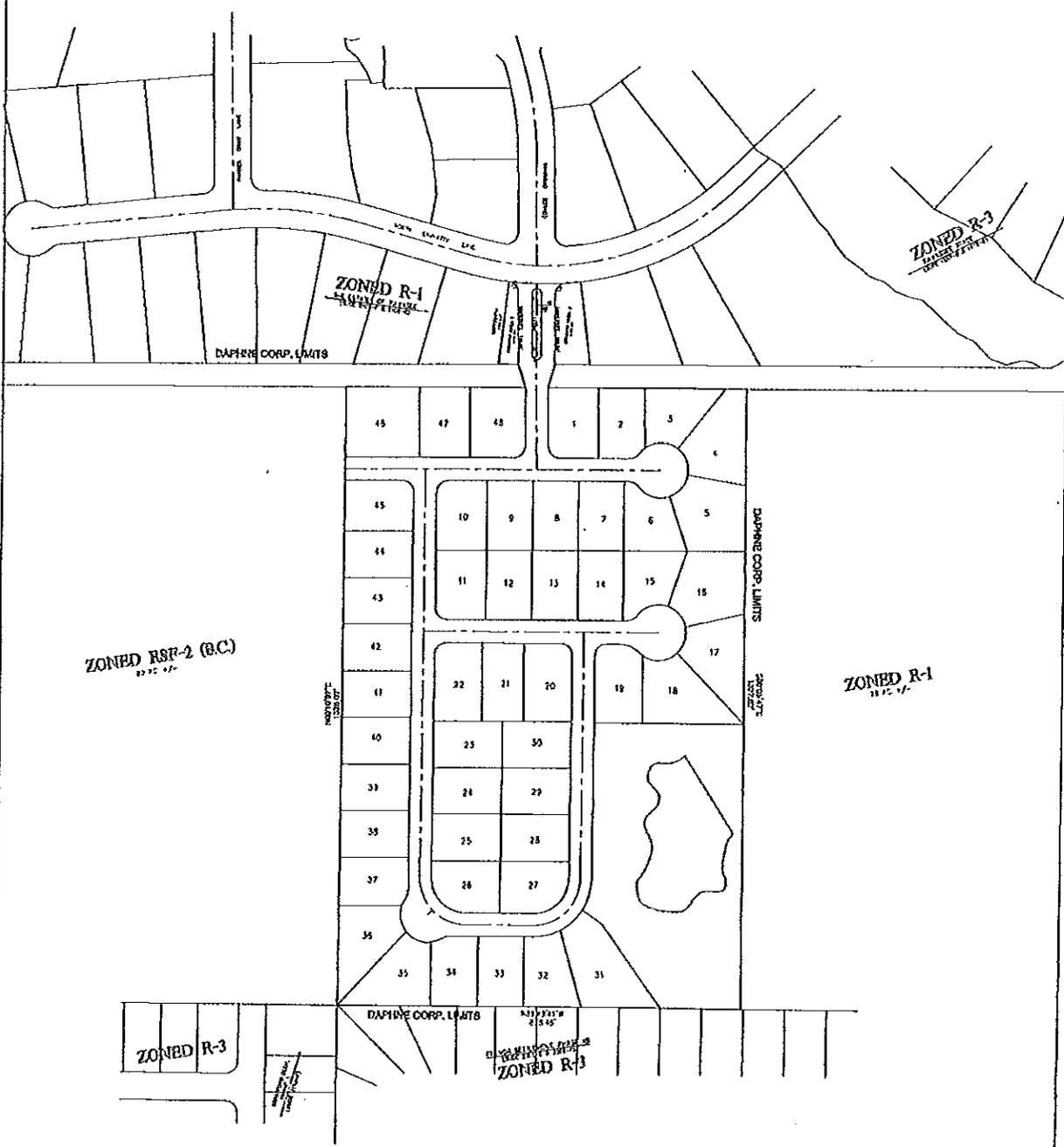
STATE OF ALABAMA)  
COUNTY OF BALDWIN)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, REAL PROPERTY BOOK 256, PAGE 274; THENCE RUN SOUTH 00°00'19" EAST, 840.93 FEET TO THE NORTH RIGHT OF WAY OF PARKER ROAD (80' R/W); THENCE RUN ALONG THE SAID NORTH RIGHT OF WAY NORTH 89°32'20" EAST, 42.92 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD; THENCE RUN ALONG THE EAST RIGHT OF WAY SOUTH 00°00'19" EAST, 403.14 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89°50'14" EAST, 3490.21 FEET; THENCE RUN SOUTH 89°48'53" EAST, 786.31 FEET; THENCE RUN SOUTH 11°19'19" EAST, 51.02 FEET; THENCE RUN NORTH 89°49'05" WEST, 796.66 FEET; THENCE RUN SOUTH 00°05'47" EAST, 1327.02 FEET; THENCE RUN NORTH 89°48'41" WEST, 870.46 FEET; THENCE RUN NORTH 00°10'07" EAST, 1328.02 FEET; THENCE RUN NORTH 89°49'02" WEST, 2617.56 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD (80' R/W); THENCE RUN ALONG SAID EAST RIGHT OF WAY NORTH 00°00'19" WEST, 48.51 FEET TO THE POINT OF BEGINNING, PARCEL CONTAINING 31.53 ACRES, MORE OR LESS, LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

REFERENCE: THE RETREAT AT TIAWASSEE



**SUMMARY**  
 TOTAL AREA 27.48 AC.  
 TOTAL LOTS 48  
 DENSITY 1.77/AO.  
 COMMON AREA 4.21 AC. (16%)  
 MIN. LOT SIZE 16,000 S.F.  
 TYP. LOT 100' X 160'



# The Retreat at Tiawasee Master Plan

**RR FREDERISH LLC.**  
 GENERAL PURPOSE & RECREATIONAL  
 USE - RESIDENTIAL - PLANNING  
 10000 W. 10TH AVENUE  
 DENVER, CO 80231

10-2012-0-02

REVISIONS/CHANGES  
 COPY REVIEWED BY: [Name]  
 DATE: [Date]  
 DRAWN BY: [Name]

STATE OF ALABAMA  
COUNTY OF BALDWIN

PETITION FOR ANNEXATION OF CERTAIN PROPERTY  
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY  
OF THE CITY OF DAPHNE, ALABAMA

(.....)

The undersigned, City of Daphne, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as City of Daphne property to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

1. Description Of Property: The description of the property which Petitioner requests to be annexed into the City of Daphne is described in Exhibit "A" attached hereto and made a part of this Petition as if fully set out herein (the "Property").

2. Map Of Property: Attached hereto as Exhibit "B" and made a part of this Petition, is a map of the Property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. Owner: The Petitioner, City of Daphne, is the owner of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. Specific Conditions: This Petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said Property into the corporate limits of the City of Daphne. Please state the requested zoning, if other than R-1, or any other conditions which may apply upon annexation:

R-3 zoning

.....

.....

.....

.....

5. Codes: This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 24th day of September, 2012

Respectfully submitted,

GCOF Retreat at Tallahassee  
Name of Corporation

By: [Signature]

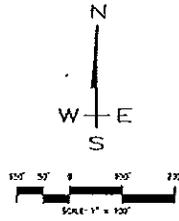
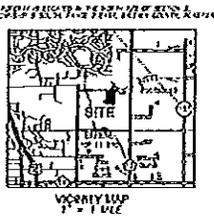
Its: MANAGER

STATE OF ALABAMA  
COUNTY OF BALDWIN

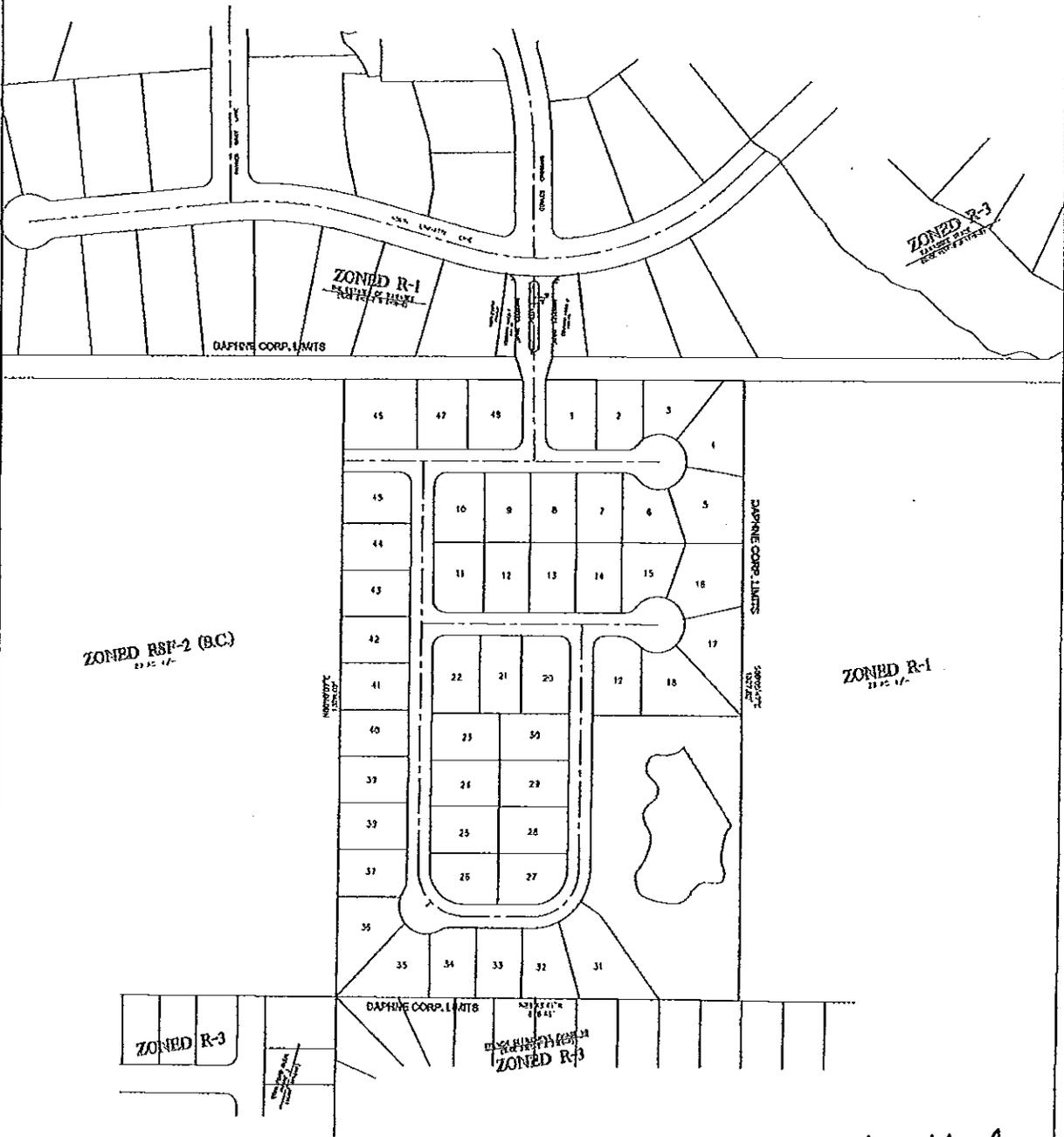
I, the undersigned Notary Public in and for said State and County, hereby certify that Nathan L. Cox, whose name as Manager of GCOF Retreat at Tallahassee, an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer and with full authority, executed the same voluntarily on the day same bears date.

GIVEN under my hand and official seal on this the 24th day of September, 2012.

Mary Dorgan Love (NOTARY SEAL)  
NOTARY PUBLIC  
my commission expires: June 13, 2015



**SUMMARY**  
 TOTAL AREA 27.49 AC.  
 TOTAL LOTS 48  
 DENSITY 1.77 AC.  
 COUNCIL AREA 4.21 AC. (15%)  
 MIN. LOT SIZE 18,000 S.F.  
 TYP. LOT 100' X 100'



**The Retreat at Tiawasee  
 Master Plan**

*Submitted  
 for City Council  
 Public Hearing  
 per discussion  
 on 12/3/12.*

**PRELBERISH LLC**  
 1000 PINE BLVD. SUITE 100  
 FORT WORTH, TEXAS 76102  
 TEL: 817.335.1111 FAX: 817.335.1112

PLANNED 12-5-12

REVISION 02/12  
 1000 PINE BLVD. SUITE 100  
 FORT WORTH, TEXAS 76102  
 TEL: 817.335.1111 FAX: 817.335.1112



**ORDINANCE 2013-**

**FOR THE ANNEXATION OF CERTAIN PROPERTY INTO THE CORPORATE  
LIMITS OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA**

**GCOF Retreat at Tiawasee  
(Property located Southwest of the intersection of Tiawasee Boulevard and County  
Road 13)**

**WHEREAS**, on the 24<sup>th</sup> day of September, 2012, GCOF Retreat at Tiawasee, being the owner of all real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

**WHEREAS**, said petition did contain the signatures of all owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

**WHEREAS**, said petition has been presented to the Planning Commission of the City of Daphne on October 25, 2012, the Commission considered said request and set forth no recommendation to the City Council of the City of Daphne regarding said property annexation request with the motion to set forth an unfavorable recommendation failing to pass;

**WHEREAS**, after proper publication, a public hearing was held by the City Council on January 21, 2013 concerning the petition for annexation; and

**WHEREAS**, the City Council of the City of Daphne, Alabama did determine that it is in the public interest that said property be annexed into the City of Daphne, Alabama and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20, et seq., Code of Alabama, 1975;

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

**SECTION I: ANNEXATION**

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section 2 of this Ordinance into the City of Daphne, Alabama effective from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law.

**SECTION II: DESCRIPTION OF TERRITORY**

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Owner: GCOF Retreat at Tiawasee

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, REAL PROPERTY BOOK 256, PAGE 274; THENCE RUN SOUTH 00°00'19" EAST, 840.93 FEET TO THE NORTH RIGHT OF WAY OF PARKER ROAD (80' ROW); THENCE RUN ALONG THE SAID NORTH RIGHT OF WAY NORTH 89°32'20" EAST, 42.92 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD; THENCE RUN ALONG THE EAST RIGHT OF WAY SOUTH 00°00'19" EAST, 403.14 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89°50'14" EAST, 3490.21 FEET; THENCE RUN SOUTH 89°48'53" EAST, 786.31 FEET; THENCE RUN SOUTH 8°19'19" EAST, 51.02 FEET; THENCE RUN NORTH 89°49'05" WEST, 796.66 FEET; THENCE RUN SOUTH 00°05'47" EAST, 1327.82 FEET; THENCE RUN NORTH 89°48'41" WEST, 878.46 FEET; THENCE RUN NORTH 00°10'07" EAST, 1328.02 FEET; THENCE RUN NORTH 89°49'02" WEST, 2617.56 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD (80' ROW); THENCE RUN ALONG SAID EAST RIGHT OF WAY NORTH 00°00'19" WEST, 48.51 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING 31.53 ACRES, MORE OR LESS, LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**SECTION III: THE PROPERTY**

That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

**SECTION IV: MAP OF PROPERTY.**

The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this Ordinance.

**SECTION V: PUBLICATION**

This Ordinance shall be published as provided by law and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

\_\_\_\_\_  
Bailey Yelding, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Rebecca A. Hayes, Interim City Clerk

GC OF RETREAT AT TIAWASSEE

ANNEXATION LEGAL DESCRIPTION

SOUTHWEST OF THE INTERSECTION OF TIAWASSEE  
BOULEVARD AND COUNTY ROAD 13

EXHIBIT "A"

STATE OF ALABAMA)  
COUNTY OF BALDWIN)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, REAL PROPERTY BOOK 256, PAGE 274; THENCE RUN SOUTH 00°00'19" EAST, 846.93 FEET TO THE NORTH RIGHT OF WAY OF PARKER ROAD (80' R/W); THENCE RUN ALONG THE SAID NORTH RIGHT OF WAY NORTH 89°32'20" EAST, 42.92 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD; THENCE RUN ALONG THE EAST RIGHT OF WAY SOUTH 00°00'19" EAST, 403.14 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89°50'14" EAST, 3490.21 FEET; THENCE RUN SOUTH 89°48'53" EAST, 786.31 FEET; THENCE RUN SOUTH 11°19'19" EAST, 51.02 FEET; THENCE RUN NORTH 89°49'05" WEST, 796.66 FEET; THENCE RUN SOUTH 00°05'47" EAST, 1327.82 FEET; THENCE RUN NORTH 89°48'41" WEST, 870.46 FEET; THENCE RUN NORTH 00°10'07" EAST, 1328.02 FEET; THENCE RUN NORTH 89°49'02" WEST, 2617.56 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD (80' R/W); THENCE RUN ALONG SAID EAST RIGHT OF WAY NORTH 00°00'19" WEST, 48.51 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING 31.53 ACRES, MORE OR LESS, LYING IN SECTION 9, TOWNSHIP 3 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

REFERENCE: THE RETREAT AT TIAWASSEE



**APPLICANTS  
FOR  
DAPHNE MUNICIPAL JUDGE**

**Bolin, Christina May**

**Brackin, Buddy**

**Britt, Brian P.**

**Collins, Patrick**

**Dasinger, Brian A.**

**Dasinger, Michael A.**

**D'Olive, Harry, Jr.**

**Dunagan, D. Greg**

**Hitson, Kenneth A.**

**Hoyt, Michael J.**

**Jordan, Buzz**

**Moorer, Larry Charles**

**Richerson, Brantley T.**

**Scully, William E., Jr.**

**Stankoski, D. Robert, Jr.**

**Stankoski, J. Clark**

**Sweet, James H.**

**York, David P.**

**CITY COUNCIL MEETING  
STANDING COMMITTEE RECOMMENDATIONS:**

**FINANCE COMMITTEE REPORT**

**BUILDINGS & PROPERTY COMMITTEE REPORT**

**PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT**

**PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT**

**PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT**

**CITY OF DAPHNE  
FINANCE COMMITTEE MINUTES  
JANUARY 14, 2013  
4:00 P.M.**

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

The meeting was called to order at 4:02 p.m. Present were Chairwoman Tommie Conaway, Councilman John Lake, Councilman Ron Scott, Finance Director Kim Briley, Senior Accountant Suz anne Henson and Accounting Technician Sue Moody.

Councilman Dane Haygood arrived at 4:07.

Also in attendance were Human Resources Director Vickie Hinman, Civic Center Director Margaret Thigpen, Public Works Director Mr. Richard Johnson, Police Chief Carpenter, Fire Chief White, IT Coordinator Rick Whitehead, Councilman Pat Rudicell and Mayor's Executive Assistant Jane Ellis.

**II. PUBLIC PARTICIPATION**

Annual Insurance Renewal: Robertson Insurance Agency, Inc., Mr. Robbie Robertson

Mr. Robertson provided a handout summarizing the City's insurance coverage and he reviewed the Insurance Renewal Policies as follows:

- Comprehensive General Liability
- Public Official Liability
- Law Enforcement Liability
- Employee Benefit Liability
- Vehicle Coverage
- Boardwalk Coverage and Highway 98 Streetlight Coverage

Ms. Briley provided a comparative report on budgeted insurance premiums for Fiscal Year 2013 and premiums paid for Years 2001-2012. Ms. Briley noted FY12 total premium only increased \$ 7,063 with a total premium of \$459,331. (Total budgeted for 2013 \$ 522,540.)

***Motion by Mr. Lake to continue the City's Insurance coverage with Robertson Insurance Agency, Inc. as presented for a total annual cost of \$459,331. Seconded by Mr. Scott. Motion carried.***

**III. HUMAN RESOURCES BUSINESS**

A. Update on Human Resources Department Activity

Ms. Vickie Hinman reviewed the Human Resource Report.

<b>Positions</b>	<b>Status</b>
Sales Manager	(81) Applications being reviewed
City Clerk	(67) Applications being reviewed
Municipal Judge	(18) Resumes reviewed by Council

**Safety Committee Meeting**

No meeting due to holidays.

Human Resource projects include:

Social Media Policy training w/Directors – Dec. 5, 2012  
Conference calls with Kronos regarding new server and upgrades.  
Reviewing Personnel Handbook (revisions needed) This is scheduled for February Work Session  
Reclassification of Mayor's Assistant position to Executive Assistant  
W-2's Payroll meeting guidelines for Patient Protection and Affordable Care Act (PPACA)  
IT received web filter software quotes for computer security

Ms. Hinman discussed the new insurance fee of approximately \$ 63 per employee per year.

Ms. Hinman discussed the job reclassification recommendation from Archer Company for the Mayor's Assistant position. Archer is recommending the reclassification of the Mayor's Administrative Assistant at a Grade 13 to Executive Assistant at a Grade 14. Mrs. Briley noted the FY 13 cost is \$ 3,255 and that this would come out of the funds allotted in the budget for position upgrades, so no appropriation is required. Councilman Haygood asked if there would be more job classifications upcoming. Ms. Hinman advised there were some other jobs being reviewed and pending Archer's review. Discussion continued on the process of Archer's review of positions in the City's Pay plan and that all changes are presented to Council for their review and approval.

***Motion by Mr. Scott to adopt an Ordinance to Reclassify the Mayor's Administrative Assistant: Grade 13 to Executive Assistant: Grade 14 as recommended by the Archer Company. Seconded by Mr. Lake. Motion carried.***

## **IV. CURRENT BUSINESS**

### **A. Financial Reports**

1. Treasurer's Report: December 31, 2012

The Treasurer's Report totaling \$17,997,594.97 was presented by Ms. Briley. Ms. Briley noted that the cash was down \$360,000 from last month.

***Motion by Mr. Scott to accept the Treasurer's Report as of December 31, 2012, in the amount of \$17,997,594.97. Seconded by Mr. Haygood. Motion carried.***

2. Sales and Use Taxes: November 30 , 2012

The Sales and Use Tax collection for November were as follows:

- Sales & Use Tax - \$ 910,116.86
  - ES park Collections - \$ 101,697.10
- \$1,011,813.96

3. Lodging Tax Collections, November 30, 2012

The Lodging Tax Collections report shows \$43,459.48 collected for November 2012.

Ms. Briley noted that Lodging Taxes were down from last two years.

4. Summary Statement: Revenues & Expenditures w/comparatives, Sept 30, 2012

Ms. Briley noted that Fiscal Year 2012 has been closed out at the fund level. Ms. Briley noted that a significant deviation in revenues was in Court fines which were down approximately \$70,000 from the previous year. Ms. Briley also noted that the expenditures were more than income primarily due to the transfer of \$1.4 million to the Capital Reserve Fund for Road Projects.

5. Report: New Business Licenses – December 2012

The list of new businesses, and businesses closed, in December was included in the packet. One business closed in December.

6. Bills Paid Reports – November 2012

The Bills Paid Report was included in Packet #2.

Ms. Henson noted the FY12 Bills Paid Report shows the last FY12 expenditures.

**B. Bid Recommendations: (Resolution)**

1. 2013-D-FD/Turnout Gear

Chief White had received 2 bids in and he recommended that Sunbelt Fire be awarded the bid in the amount of \$ 2,178.00. Chief White stated that the Fire Department plans on ordering 10 new Turnout Gear outfits a year. Discussion continued that the turnout gear is a budgeted item in the FY13 Budget.

***Motion by Mr. Scott to recommend Council adopt a resolution to award the Turnout Gear bid to Sunbelt Fire a bid in the amount of \$2,178 for a complete set of turnout gear. Seconded by Mr. Lake. Motion carried.***

**A. Appropriation Request**

1. Police Department Bullet Proof Vest

Chief Carpenter discussed the need to replace some of the Police Department's bullet proof vests because they only have a 5 year warranty. Chief Carpenter noted that 20 vests are needed at a cost of \$695/each. Ms. Briley noted that the Office of Justice Programs (OJP) would reimburse 50% but it usually takes about a year to receive the reimbursement. Chief Carpenter noted that OJP mandates a specific quality be maintained on the vest before the 50% will be reimbursed and part of this requirement is the vest replacement. Discussion continued that the total cost is \$ 13,900 and with the 50% reimbursement, an appropriation is needed for the remaining 50% which totals \$6,950.

***Motion by Mr. Haygood to recommend to council to approve Appropriation Request in the net amount of \$6,950 for the purchase of Bullet Proof Vest Seconded by Mr. Lake. Motion carried.***

**B. Discuss Lease Purchase Financing-3 Year leases: 1.5% (Resolution)**

6-Mowers & 1-Z-Track - \$208,000 (Budgeted FY2013)

Garbage Truck- \$234,910 (Funds Appropriated ORD: 2012-67)

Fire Pumper Truck - \$373,310 (Bid: 2012-P-Fire Pumper Truck-Pending Approval of Funds)

Discussion was made on the need for the mowers, garbage truck, and the Fire Truck. Councilman Pat Rudicell discussed the need to have a long range plan for replacing capital equipment. Discussion continued that the mowers are in the FY 13 budget and the Garbage truck has already been approved. Ms. Briley discussed leasing equipment as an option for the capital equipment requested and stated that she would recommend financing all equipment at the same time. It will save money on the costs of issuance. Mrs. Briley stated that she has already checked on the financing and the interest rate would be around 1.5%.

***Motion by Mr. Scott to recommend Council adopt a resolution to pursue Lease to Purchase Financing at 1.5% for the mowers, garbage truck and the fire truck. Seconded by Mr. Haygood. Motion carried.***

### **C. Uniformed Officers in Public Schools**

Chief Carpenter noted there is a lot of discussion throughout the state, county, and city concerning placing uniformed officers in public schools. Chief Carpenter noted Daphne already has some officers placed in the schools. Chief said there were no answers yet as to how many officers need to be placed in the schools but that the cost to place the officer is approximately \$100,000.

### **V. OLD BUSINESS**

No old business was discussed.

### **VI. ADJOURN**

The meeting was adjourned at 5:04 p.m.

**Insurance Premiums: Fiscal Year Summary**

<u>Org.#</u>	<u>Object</u>	<u>Object</u>	Budget														
			<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>	<u>2004</u>	<u>2003</u>	<u>2002</u>	<u>2001</u>		
123400	53543	ERRORS & OMISSIONS	8,000	6,282	6,282	7,426	7,426	7,426	7,387	7,387	7,387	7,387	6,968	1,440	1,360	2,175	1,475
842521	53544	PROFESSIONAL LIABILITY	46,675	43,483	41,497	43,146	38,614	39,760	33,751	32,873	30,977	26,867	25,527	24,250			
123400;764542; 786000; 786500	53545	PROPERTY/LIABILITY	331,050	286,716	274,471	249,696	242,789	196,994	185,793	172,576	156,441	152,333	140,082	114,646	100,942		
	53546	VEHICLE INSURANCE	136,815	115,787	118,105	123,812	124,145	118,726	125,066	125,237	107,397	89,059	84,793	67,029	49,529		
<b>TOTAL</b>			<b>522,540</b>	<b>452,268</b>	<b>440,355</b>	<b>424,080</b>	<b>412,974</b>	<b>362,906</b>	<b>351,997</b>	<b>338,073</b>	<b>301,783</b>	<b>269,699</b>	<b>251,762</b>	<b>209,313</b>	<b>176,196</b>		

**PREMIUM SUMMARY**

<b>COMPREHENSIVE GENERAL LIABILITY</b>	<b>\$141,423</b>
<i>Company – Alabama Municipal Insurance Corp.</i>	
<b>PUBLIC OFFICIALS LIABILITY (Included Above)</b>	
<i>Company – Alabama Municipal Insurance Corp.</i>	
<b>LAW ENFORCEMENT LIABILITY (Included Above)</b>	
<i>Company – Alabama Municipal Insurance Corp.</i>	
<b>COMMERCIAL AUTOMOBILE</b>	<b>\$120,926</b>
<i>Company – Employers Mutual Companies</i>	
<b>EQUIPMENT</b>	<b>\$27,101</b>
<i>Company – Employers Mutual Companies</i>	
<b>PROPERTY</b>	<b>\$157,089</b>
<i>Company – Employers Mutual Companies</i>	
<b>BOARDWALKS AND STREETLIGHTS</b>	<b>\$12,792</b>
<i>Company -- Employers Mutual Companies</i>	

459,331

**I. COMPREHENSIVE GENERAL LIABILITY**

**A. LIMIT**

1. \$5,000,000 Per Occurrence
2. \$5,000,000 Products and Completed Operations Aggregate
3. \$5,000 Premises Medical Payments
4. \$100,000 Damage to Premises Rented To You
5. No Aggregate

**B. COVERAGE**

1. Premises and Operations
2. Products and Completed Operations
3. Personal and Advertising Injury
4. Occurrence Form
5. \$1,000 Deductible
6. Non-Auditable Policy

**II. PUBLIC OFFICIAL LIABILITY**

**A. LIMIT**

1. \$5,000,000 Per Occurrence
2. \$5,000,000 Aggregate Limit

**B. COVERAGE**

1. Occurrence Form
2. \$1,000 Deductible
3. Employee Related Lawsuits - Included

**III. LAW ENFORCEMENT LIABILITY**

**A. LIMIT**

1. \$5,000,000 Per Occurrence
2. No Aggregate Limit

**B. COVERAGE**

1. Occurrence Form
2. \$1,000 Deductible

**IV. EMPLOYEE BENEFIT LIABILITY**

**A. LIMIT**

1. \$5,000,000 Per Occurrence
2. \$5,000,000 Aggregate Limits

**V. VEHICLE COVERAGE**

**A. LIMIT**

1. \$1,000,000 Combined Single Limits Bodily Injury and Property Damage
2. \$40,000 Uninsured Motorists
3. \$1,000,000 Hired and Non-Owned Automobile Liability
4. Comprehensive - See Schedule
5. Collision - See Schedule

**B. COVERAGE**

1. 182 Vehicles

**VI. INLAND MARINE COVERAGE**

**A. LIMIT**

1. \$4,987,832

**B. COVERAGE**

1. All Risk Form
2. \$1000 Deductible - Data Processing Equipment and Copiers
3. \$1000 Deductible - All Scheduled Equipment

**VII. PROPERTY COVERAGE**

**A. LIMIT**

1. \$50,529,324
2. Schedule Attached

**B. COVERAGE**

1. Special Form - Including Theft
2. Replacement Cost Valuation
3. \$5,000 Per Occurrence Deductible, All Peril Except:
4. Wind and Hail Deductible - Refer to Schedule

VIII. BOARDWALK COVERAGE and HIGHWAY 98 STREETLIGHT  
COVERAGE

A. LIMITS

1. \$2,106,893
2. See Attached

B. COVERAGE

1. Special Form
2. Replacement Cost Valuation
3. \$1,000 Per Occurrence Deductible
4. Policy Excludes Wind and Hail

*3 yr term - started FY12*

**Bailey Yelding, Jr.**  
Mayor

**Vickie Hinman**  
Human Resources Director



*The Jubilee City*

**Sherree Hilburn**  
Payroll and Benefits Coordinator

**Michele Hanson**  
Human Resources Assistant

January 9, 2013

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

**Positions**

**Status**

Sales Manager	(81) Applications being reviewed
City Clerk	(67) Applications being reviewed
Municipal Judge	(18) resumes reviewed by Council
Parts Tech	DOH: 12/13/2012
(2) Communication Officers	DOH: 12/27/2012

**Safety Committee Meeting:**

No meeting due to Holidays.

**Other Human Resources' projects or meetings:**

- Social Media Policy training w/Directors – Dec. 5, 2012
- Conference calls with Kronos regarding new server and upgrades.
- Reviewing Personnel Handbook (revisions needed)
- Reclassification of Mayor's Assistant position to Executive Assistant
- W-2's- Payroll meeting guidelines for Patient Protection and Affordable Care Act (PPACA)
- I T received web filter software quotes for computer security



**Corporate Headquarters:**  
 Charlotte, NC - Rock Hill, SC  
 451 South Anderson Road, #100 - 530  
 Rock Hill, South Carolina 29730  
 (803) 366-2100 • Fax: (803) 366-1082

**Atlanta, Georgia:**  
 1151 Della Park Way  
 Conley, Georgia 30014  
 (770) 260-3634

**Columbus, Ohio:**  
 7652 Sawmill Road, Suite 205  
 Dublin, OH 43016  
 (614) 291-7034

**Chicago, Illinois:**  
 1053 Maple Blvd, Suite 350  
 Southbrook, IL 60082-4133  
 (815) 313-5516

**Affiliates Inc:**  
 California  
 Colorado  
 Virginia

*A National Human Resources  
 Management & Organizational  
 Development Consulting Firm*

December 17, 2011

Vickie C. Hinman, Interim Director  
 Daphne Human Resources  
 PO Box 400  
 Daphne, Alabama 36526

Re: Request for reclassification – Jane Ellis

Dear Vickie:

Per your request, the Archer Company has reviewed the information submitted by Jane Ellis, Administrative Assistant in the Mayor's Office. We utilized the Archer Job Evaluation System in order to objectively evaluate the classification and place it in a recommended pay grade; this is in keeping with the methodology used to make recommendations for all of the positions in the City's pay plan. Our recommendations are as follows:

**Observations & Analysis:**

- Ms. Ellis' position is currently classified as an Administrative Assistant; overall, the duties and responsibilities of this position fit well into the Administrative Assistant classification.
- According to Ms. Ellis' estimates, roughly 55% of her job consists of tasks that relate to the role of an Administrative Secretary; it is noted, however, that these functions (maintaining the calendar, fielding phone calls, preparing for meetings, etc.) are performed in direct support of the Mayor.
- Approximately 15% of the job is dedicated to routine public relations and outreach (e.g. preparing newsletters, social media, web page content, assisting with city-wide event planning, etc.); this is not akin to high-level marketing, nor is this position responsible for crafting a strategic image for the City.
- This position supervises two employees in the Mayor's office; this is not unique to the classification, as there are other Administrative Assistants that serve in a lead / coordinating role.
- It is noted that this position provides administrative support at the highest (executive) level of City government. As such, the position is subject to higher visibility requiring a higher degree of interaction with various officials and dignitaries, and wherein client relations are more sensitive, confidential, and considered critical to the operations of the City. Work often requires a broader knowledge and comprehension of City operations and government.

**Recommendation:** On the strength of these observations and the job evaluation, we recommend the following:

- **Create a new classification, 0025 Executive Assistant, and place the classification in pay grade 14 of the City's pay plan.**
  - *This classification should be considered a single incumbent class that is reserved for one position providing direct administrative support to the Mayor at the highest level of the administrative / clerical job family.*
- **Reclassify the position held by Ms. Ellis as 0025 Executive Assistant.**

Vickie Hinman, City of Daphne  
Re: Request for Reclassification -- Jane Ellis  
December 17, 2012  
Page 2 of 2

The Archer Company will prepare a classification specification for the new class and submit it to the City under separate cover.

Thank you for your continued interest in working with the Archer Company to maintain the county's pay plan. If you have any questions or require further assistance, please do not hesitate to call me.

Sincerely,



Chip King  
Regional Director

Enclosures  
/ck



# TREASURER'S REPORT

As of December 31, 2012

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>		
MMA ACCT	COMPASS	\$5,226,618.28
OPERATING ACCT	COMPASS	(\$226,638.57)
PAYROLL ACCT	COMPASS	\$0.00
CREDIT CARD DONATION ACCT (\$500 transf frm GF to open acct)	COMPASS	\$443.64
		<u>\$5,000,423.35</u>
<b>INVESTMENT FUND</b>	RAYMOND JAMES (Investment \$4,828,875.15)	\$5,214,769.80
<b>AGENCY FUNDS</b>		
MUNICIPAL COURT	COMPASS	\$384,457.25
<b>SPECIAL REVENUE FUNDS</b>		
SAIL SITE	PNC BANK	\$3,196.77
4 CENT GAS TAX	PNC BANK	\$340,180.77
7 CENT GAS TAX	PNC BANK	\$353,786.00
		<u>\$697,163.54</u>
<b>CAPITAL PROJECT FUNDS</b>		
CAPITAL RESERVE	WELLS FARGO	\$1,175,631.11
2012 CONSTRUCTION	REGIONS	\$135,344.23
2012 CONSTRUCTION INVESTMENT ACCT	RAYMOND JAMES	\$2,590,453.18
		<u>\$3,901,428.52</u>
<b>DEBT SERVICE FUNDS</b>		
DEBT SERVICE	WELLS FARGO	\$2,694,004.72
2006 DEBT SERVICE	PNC	\$105,347.79
		<u>\$2,799,352.51</u>
		<u>\$17,997,594.97</u>

PRIOR YEAR BALANCE December 31, 2011

\$19,961,251.77

# SALES & USE TAXES

## ACTUAL COLLECTIONS

	FY 2013 BUDGET/ACTUAL COMPARISONS													
	2007	2008	2009	2010	2011	2012	2012 Eastern Shore Park		2013 Eastern Shore Park		Actual-2013	Budget	Monthly Variance	YTD Variance
October	944,542.36	867,190.18	806,503.85	764,641.13	800,512.03	864,727.27	-	919,399.50	99,665.87	1,019,065.37	925,163	93,902.37	93,902.37	10.15%
November	918,837.95	915,890.97	801,075.91	761,955.37	819,834.09	845,342.45	-	910,116.86	101,697.10	1,011,813.96	924,116	87,697.76	87,697.76	9.49%
December	1,182,584.39	1,120,005.09	1,078,330.45	1,004,037.20	1,121,383.45	1,165,135.62	-	-	-	-	1,252,860	-	-	0.00%
January	914,876.33	822,020.87	755,541.41	729,504.28	817,230.14	809,785.59	-	-	-	-	894,947	-	-	0.00%
February	877,975.60	863,623.93	748,620.87	733,335.60	840,768.01	845,101.34	-	-	-	-	921,098	-	-	0.00%
March	1,071,598.38	998,616.04	863,535.78	916,657.55	976,181.39	1,018,721.43	-	-	-	-	1,108,559	-	-	0.00%
April	960,140.54	963,691.85	823,173.33	809,588.73	916,536.59	911,438.60	-	-	-	-	1,004,237	-	-	0.00%
May	1,021,498.14	957,167.20	829,099.81	862,254.54	889,945.33	911,839.30	-	-	-	-	1,014,317	-	-	0.00%
June	1,066,433.32	997,274.15	887,262.68	887,262.68	946,206.78	995,894.44	-	-	-	-	1,122,289	-	-	0.00%
July	933,216.66	888,690.34	808,113.93	839,192.33	902,457.24	898,566.91	-	-	-	-	1,047,748	-	-	0.00%
August	954,421.57	964,628.26	831,984.35	790,713.80	871,437.04	909,570.34	-	-	-	-	1,021,896	-	-	0.00%
September	965,107.35	919,551.15	825,257.74	841,035.40	863,630.36	898,557.39	106,103.65	-	-	-	1,031,560	-	-	0.00%
<b>Totals</b>	<b>11,871,233.19</b>	<b>11,279,349.93</b>	<b>10,039,546.95</b>	<b>9,934,178.61</b>	<b>10,766,122.45</b>	<b>11,074,680.68</b>	<b>447,682.33</b>	<b>1,829,516.36</b>	<b>201,362.97</b>	<b>2,030,879.33</b>	<b>12,268,550</b>	<b>181,600.13</b>	<b>181,600.13</b>	

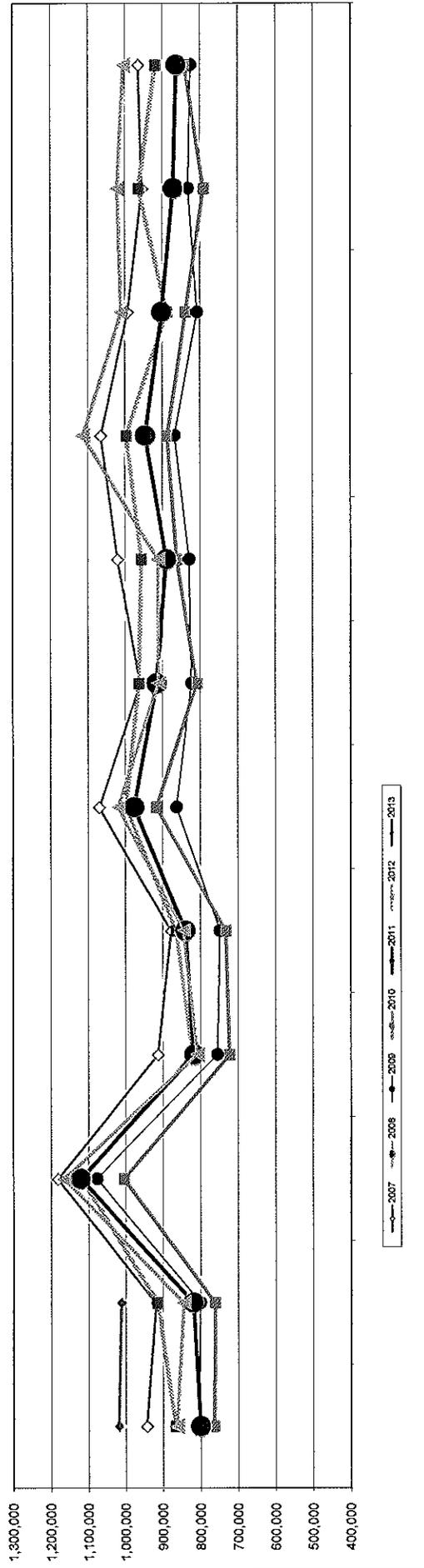
## FISCAL YEAR COMPARISONS

	FISCAL YEAR COMPARISONS												
	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	Percent Change		2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
October	(77,352.18)	(60,686.33)	(41,862.72)	35,870.90	64,215.24	154,338.10	October	2007-2008	-7.00%	-5.19%	4.69%	8.02%	17.85%
November	(2,946.98)	(114,815.06)	(39,120.54)	57,878.72	25,508.36	166,471.51	November	-12.54%	-4.88%	7.60%	3.11%	19.69%	
December	(62,579.30)	(41,674.64)	(74,283.25)	117,346.25	43,752.17	-	December	-3.72%	-6.89%	11.69%	3.90%	-	
January	(92,855.46)	(68,479.46)	(32,037.13)	93,725.86	(7,444.55)	-	January	-10.15%	-4.24%	12.95%	-0.91%	-	
February	(12,949.77)	(117,004.96)	(15,285.27)	107,432.41	4,333.33	-	February	-1.41%	-2.04%	14.65%	0.52%	-	
March	(72,982.94)	(135,080.26)	53,121.77	59,523.94	42,540.04	-	March	-13.53%	6.15%	6.49%	4.36%	-	
April	3,551.31	(140,518.52)	(13,584.60)	106,947.86	(5,087.99)	-	April	-14.58%	-1.65%	13.21%	-0.56%	-	
May	(64,330.94)	(128,067.39)	33,154.73	27,690.79	21,893.97	-	May	-6.30%	4.00%	3.21%	2.46%	-	
June	(69,159.77)	(128,964.63)	18,953.16	58,944.10	167,942.75	-	June	-12.93%	2.18%	6.64%	17.75%	-	
July	(104,526.32)	(80,576.41)	31,078.40	63,264.91	107,735.84	-	July	-9.07%	3.85%	7.54%	11.94%	-	
August	10,204.69	(132,641.91)	(41,270.55)	80,723.24	149,830.72	-	August	-10.52%	-4.96%	10.21%	17.19%	-	
September	(46,556.20)	(99,299.41)	15,777.66	22,594.96	141,030.68	-	September	-10.16%	1.91%	2.69%	16.33%	-	
<b>Annual \$ Change</b>	<b>(591,883.26)</b>	<b>(1,239,802.98)</b>	<b>(105,368.34)</b>	<b>831,943.84</b>	<b>756,240.56</b>	<b>Annual % Cha</b>	<b>-4.99%</b>	<b>-10.99%</b>	<b>8.37%</b>	<b>7.02%</b>	<b>0.00%</b>		

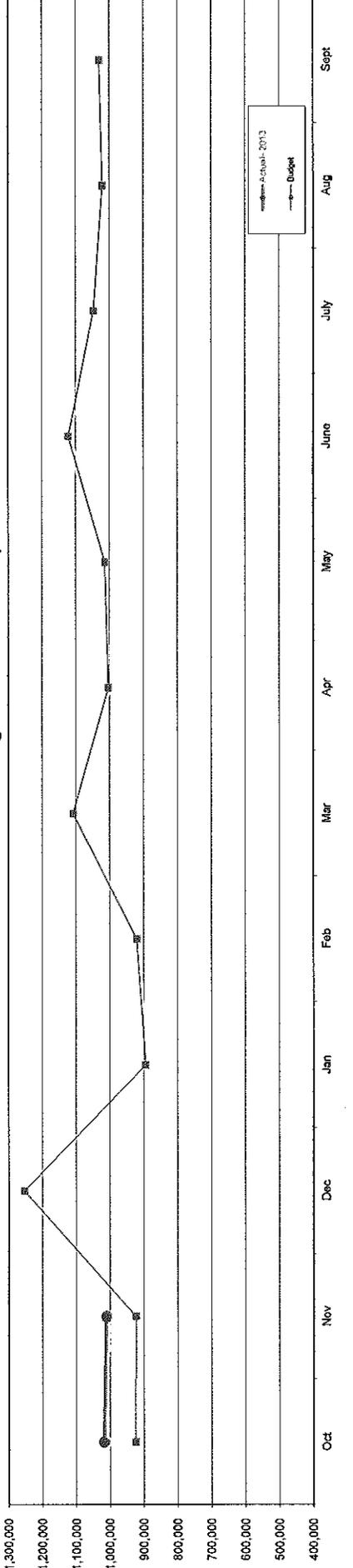
TOTAL collections thru: 10-31-12	2,030,879
Budgeted thru: 11-30-12	1,849,279
Actual Coll < Budget, 11-30-12	181,600
% Over/Under Budget, 11-30-12	9.82%

TOTAL collections: FY 12	11,522,363
TOTAL est. bdgt coll: FY 13	12,268,590
Budgeted Dollar Variance 12 & 13	746,227
Budgeted Percent Variance 12&13	6.48%

### Sales & Use Tax Comparisons



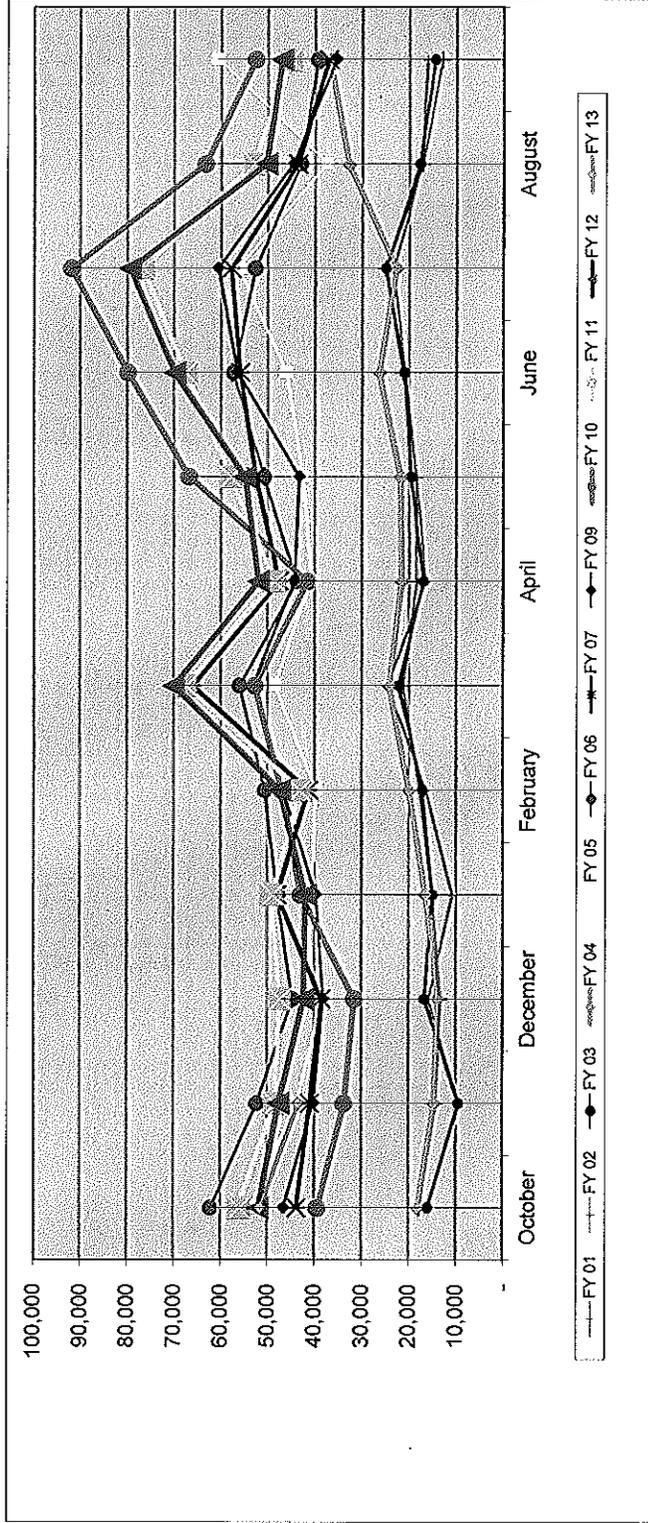
### Fiscal 2013 Sales & Use Tax Budget vs. Actual Comparison



### Monthly Lodging Tax Collections

FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13	
16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	46,543.20	39,405.56	56,001.39	52,002.53	51,578.40	
9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69	33,763.37	48,329.73	47,568.08	43,459.48	
15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	38,144.69	31,571.38	47,210.56	42,279.22		
10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	39,706.04	42,883.70	49,006.12	41,917.34		
16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	46,699.01	46,998.32	43,052.68	47,346.50		
24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	53,230.85	52,771.52	67,422.43	70,058.33		
16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	44,277.75	41,531.05	48,487.83	51,939.06		
18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	43,293.74	66,820.96	57,880.48	54,740.45		
20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	56,494.11	79,822.84	67,544.77	69,822.91		
23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	60,619.78	91,906.47	76,631.86	79,417.80		
17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	44,636.82	63,323.58	52,820.33	50,417.73		
16,116.04	12,997.60	14,563.86	36,847.13	60,635.33	39,398.90	37,180.99	49,698.91	35,430.62	52,662.79	45,216.75	46,968.89		
205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	549,255.30	643,461.54	659,604.93	654,478.84	95,037.88	
													6,417,309.60

Ord 1997-28 adopted December 8, 1997 incr levy from 3% to 4%.



**GENERAL FUND**

Summary Statement of Revenues and Expenditures  
For the Month Ended September 30, 2012

with comparatives: 9-30-2006; 9-30-2007; 9-30-2008; 9-30-2009; 9-30-2010; and 9-30-2011

	9/30/2006	9/30/2007	9/30/2008	9/30/2009	9/30/2010	9/30/2011	9/30/2012	Adopted Budget	Amended Budget	Budgetary Variance Over/(Under)	% Budget	
<b>Revenues</b>												
Sales, Use, & Luxury Taxes	12,288,352	12,465,597	11,905,876	10,696,734	10,613,491	11,440,013	12,252,685	11,603,435	11,603,435	649,250	106%	
Payment in Lieu of Taxes	1,475,563	1,716,258	1,861,149	2,046,309	1,952,460	2,269,687	2,234,494	2,250,000	2,250,000	(15,506)	99%	
Ad Valorem Taxes	3,496,126	3,703,278	4,322,745	5,539,305	5,603,130	5,048,884	4,915,408	4,581,000	4,581,000	334,408	107%	
Licenses & Permits	2,015,129	2,434,848	2,348,757	1,913,500	1,733,817	1,840,438	1,864,731	1,866,975	1,832,975	31,756	102%	
Other Revenues	1,881,621	1,733,464	1,619,095	1,608,088	1,787,048	2,080,055	1,639,745	1,362,467	1,609,636	30,109	102%	
<b>Total Revenues</b>	<b>21,156,792</b>	<b>22,053,444</b>	<b>22,057,622</b>	<b>21,803,936</b>	<b>21,639,946</b>	<b>22,679,076</b>	<b>22,907,064</b>	<b>21,663,877</b>	<b>21,877,046</b>	<b>1,030,018</b>	<b>105%</b>	
<b>Expenditures</b>												
<b>General Government</b>												
Personnel Operating	1,591,656	1,743,498	1,882,365	1,918,785	1,843,561	1,788,171	1,810,357	1,904,576	1,975,419	(165,062)	92%	
Capital	1,016,114	1,084,191	1,242,472	1,380,362	1,104,620	1,776,257	1,396,697	1,553,003	1,572,913	(176,216)	89%	
	385,151	289,663	38,979	70,862	-	31,502	28,741	16,470	37,355	(8,614)	77%	
	2,992,922	3,117,352	3,163,815	3,370,010	2,948,180	3,595,929	3,235,795	3,474,049	3,585,687	(349,892)	90%	
Personnel Operating	4,797,314	5,739,443	6,812,672	7,221,736	7,396,224	7,317,862	7,526,053	7,620,542	7,715,927	(189,874)	98%	
Capital	1,257,227	1,343,623	1,380,301	1,299,083	1,020,103	1,105,799	1,244,831	1,088,111	1,200,958	43,873	104%	
	382,399	497,153	402,122	133,120	168,939	507,512	770,547	-	777,885	(7,338)	99%	
	6,436,940	7,580,219	8,595,095	8,653,939	8,585,266	8,931,173	9,541,430	8,708,653	9,694,770	(153,340)	98%	
Personnel Operating	2,085,262	2,263,382	2,113,505	2,270,754	2,208,728	2,220,588	2,385,330	2,402,891	2,386,047	(717)	100%	
Capital	1,219,925	1,326,219	1,394,966	1,218,529	1,008,791	1,132,137	1,337,003	1,642,559	1,508,473	(171,470)	89%	
	1,474,150	628,614	337,263	238,530	1,084,373	375,397	613,021	-	629,853	(16,832)	97%	
	4,779,337	4,218,216	3,845,735	3,727,812	4,301,892	3,728,121	4,335,354	4,045,450	4,524,373	(189,019)	96%	
Personnel Operating	1,004,205	1,083,545	1,252,573	1,266,536	1,198,270	1,162,539	1,184,339	1,223,404	1,223,404	(39,065)	97%	
Capital	702,286	616,264	690,680	601,899	589,364	655,416	659,170	689,588	702,123	(42,953)	94%	
	121,234	256,357	234,388	260,541	478,179	458,005	32,659	-	157,000	(124,341)	21%	
	1,827,725	1,956,166	2,177,620	2,128,976	2,265,813	2,275,960	1,876,168	1,912,992	2,082,527	(206,359)	90%	
<b>Total Departmental</b>	<b>9,478,437</b>	<b>10,829,868</b>	<b>12,061,115</b>	<b>12,677,811</b>	<b>12,646,782</b>	<b>12,489,160</b>	<b>12,906,078</b>	<b>13,151,413</b>	<b>13,300,797</b>	<b>(394,719)</b>	<b>97%</b>	
Personnel Operating	4,195,552	4,370,297	4,708,399	4,499,873	3,722,878	4,669,608	4,637,701	4,973,261	4,984,467	(346,766)	93%	
Capital	2,362,934	1,671,788	1,012,752	703,052	1,731,491	1,372,415	1,444,968	16,470	1,602,093	(157,125)	90%	
	16,036,924	16,871,953	17,782,265	17,880,737	18,101,151	18,531,183	18,988,747	18,141,144	19,887,357	(898,610)	95%	
<b>Other Financing Sources &amp; Uses</b>												
Debt Proceeds	-	-	-	146,678	506,969	-	-	-	-	-	-	-
Transfers to Debt Service	(2,483,006)	(2,668,795)	(2,640,775)	(2,610,186)	(2,892,612)	(2,808,244)	(2,875,483)	(2,875,483)	(2,875,483)	-	100%	
Other Transfers & Uses	(165,796)	(1,375,997)	(672,825)	(913,585)	(815,584)	(2,627,918)	(1,914,670)	(1,001,380)	(2,000,008)	(85,338)	96%	
<b>Total Other Financing Sources/Uses</b>	<b>(2,648,802)</b>	<b>(4,044,792)</b>	<b>(3,313,600)</b>	<b>(3,377,094)</b>	<b>(3,201,227)</b>	<b>(5,436,162)</b>	<b>(4,730,153)</b>	<b>(3,876,863)</b>	<b>(4,875,491)</b>	<b>(85,338)</b>	<b>98%</b>	
<b>Total Revenues Over Expenditures</b>	<b>2,471,065</b>	<b>1,136,699</b>	<b>961,756</b>	<b>546,105</b>	<b>387,568</b>	<b>(1,288,268)</b>	<b>(871,836)</b>	<b>(354,130)</b>	<b>(2,885,802)</b>	<b>2,013,966</b>		
Unreserved Fund Balance, 10-01	5,968,130	8,795,401	10,050,583	10,510,392	11,226,993	12,087,465	10,965,330					
Unreserved Fund Balance, 9-30	8,795,401	10,050,583	10,510,392	11,226,993	12,087,465	10,965,330	9,946,859					

# NEW BUSINESSES

## December-12

CITY LIMITS		CONTRACTORS	
<b>RETAILERS</b>		KENNETH EGGERS	1
JUBILEE SQUARE 12	1	SHEHAN CONSTRUCTION	1
		LA FLOOR COMPANY	1
<b>ALL OTHER</b>		BAY WINDOWS	1
COASTAL AUTO CARE	1	WALLER MARINE CONSTRUCTION	1
ENDLESS GRACE BOUTIQUE	1	MR EVERYTHING	1
		ROBERT J BARLOW INC	1
<b>TOTAL CITY LIMITS</b>	<b>3</b>	M6 CONSTRUCTION COMPANY	1
		PAUL MCDUFFIE	1
<b>OUTSIDE CITY LIMITS</b>		ENVIRONMENTAL PRODUCTS & SERVICES	1
RETENTION POND SERVICES	1	KNIGHT PLUMBING & PIPING	1
A & W FOOD	1	RADSECURITY	1
AIMEE REYNOLDS PHOTOGRAPHY	1	ALASEASON LLC	1
DIRECT CAPITAL CORP.	1		
OUTSIDE THE BOX DESIGNS	1	<b>TOTAL CONTRACTORS</b>	<b>13</b>
POWER SHACK	1		
<b>TOTAL OUTSIDE CITY LIMITS</b>	<b>6</b>	<b>INSURANCE</b>	
		<b>TOTAL INSURANCE</b>	<b>0</b>
		<b>TOTAL NEW BUSINESSES IN DAPHNE</b>	<b>22</b>
		<b>CLOSED BUSINESSES IN DAPHNE</b>	
		RIDGWAY'S	1
		<b>TOTAL CLOSED BUSINESSES IN DAPHNE</b>	<b>1</b>

To Public Safety Committee  
From Lt. Kenny Hempfleng  
Date January 03, 2013  
RE: Bullet Proof Vest

As of this year the police department has twenty officers that have bulletproof vests that expire and need to be replaced. Officers are required to wear the Bullet Proof Vest with the City of Daphne. The cost of the vest is \$695.00 for a total cost of \$13,900.00. This is a must. The Bullet Proof Vest has a life of five years. After five years the warranties for them expire and they should no longer be worn. This is a great expense, but will save the life of an officer.

If you have any questions, please contact me at 251-680-5514.

Request: \$13,900.00

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## Public Safety Committee

Wednesday, January 9, 2013

Councilman Pat Rudicell  
Councilman Randy Fry  
Councilman Robin LeJeune  
Fire Chief James White  
Public Works, Melvin McCarley

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

### **Committee Members Attending:**

Councilman Ron Scott, Councilman Pat Rudicell, Councilman Randy Fry, Councilman Robin LeJeune, Captain Scott Taylor, Chief James White, Melvin McCarley.

### **CALL TO ORDER**

Councilman Rudicell convened the meeting at 4:25 p.m.

**PUBLIC PARTICIPATION** – Becky Hayes was in attendance. A scout for The Band Perry was looking to do a photo shoot at Bayfront Park for their new album cover. They would like to shoot off Roman Candles during the photo shoot. She was told to get a permit from the fire department. She will also check with Finance to check on liability issues. Councilman Scott, Lejeune, and Rudicell were all in agreement that this would be good for the City of Daphne for the photo shoot to be held in our city.

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

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

### **POLICE DEPARTMENT**

- A. **New Business** – Captain Taylor went over the stats. He pointed out the biggest item on the stats was the Vehicle B&E's. Captain Taylor also asked them to read the attached memo on the bulletproof vest appropriation request. He stated that it was an oversight on our part in the budget. Councilman Scott made a motion to bring before council the acquisition and funding of the bulletproof vests. Councilman Lejeune seconded and the motion passed. Councilman Fry asked about our staffing levels and Captain Taylor responded that the PD was fully staffed with exception of the four additional officers we asked for in this years' budget. Councilman Rudicell asked if security requests at the schools have gotten any better since the incident in Connecticut. Taylor said he attended a meeting with Dr. Lee on security for the schools. They have formed a committee to review security/lockdown plans. He stated that we in Daphne have two officers in our schools and our other officers check out at the schools and walk the campuses.

Bulletproof Vest  
\$13,900



- B. **Old Business** – None

### **FIRE DEPARTMENT**

- A. **New Business** – Chief White went over his stats. He introduced Battalion Chief Joey Holasz who was in attendance. Chief White has requested from HR and the Mayor a firefighter to fill the vacant Fire Inspector position. He explained that the 29 minutes response was on a "mental patient call". They were staged away from the scene until police cleared them



thus resulting in the response time being 29 minutes. In the last meeting, Chief White stated the need to start replacing pumper trucks. He handed out a justification sheet (see attached). He advised that he has already talked to the Mayor and Kim Briley. Kim thought it a great idea and started searching bank contacts for leasing options. One truck has already been ordered. Chief called E-One and they will work out a deal to where if he were to order another one soon, they would charge him the same as the one already on order. They would be on a 5 year payment plan. Each year the funds for that years' payment would be appropriated. Kim will present at the Finance Meeting next week. The plan is to replace a truck every two years until all older pumpers are replaced. This needs to be put in the city's strategic plan.

Councilman Scott recommended presenting this to council, to allow the Fire Chief to order an additional pumper truck with delivery in 2014 with the approval of Finance. Councilman LeJeune seconded the motion and the motion passed.

**B. Old Business-**

**OTHER BUSINESS :**

**ADJOURN**

There being no further business to discuss, Mr. LeJeune made a motion to adjourn the meeting at 5:10 p.m. Mr. Fry seconded. The next meeting will be Wednesday, February 13, 2013 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,  
Daphne Public Safety Committee



**City of Daphne Fire Department**  
**MEMORANDUM**

**Date:** January 8, 2013  
**To:** Suzanne Henson  
**From:** Chief White *J. Jr.*  
**Subject:** Turnout Bid

---

After carefully reviewing the two bids that were submitted for the turnout gear for Daphne Fire Department, it is our recommendation that Sunbelt Fire be awarded the bid based on their bid of \$2,178.00 compared to the bid of Mitchell and Associates at \$2,229.00. Sunbelt Fire did not present any exceptions to the specifications set forth by Daphne Fire Department and their delivery time on products is shorter.

**CITY OF DAPHNE**  
**2013-D-TURNOUT GEAR**  
**JANUARY 7, 2013**  
**11:30AM**

Those present were as follows:

James White	Fire Chief
Suzanne Henson	Senior Accountant

6 bid invitations were mailed/picked up, 2 sealed bids were received.  
 Andy Ray opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
Mitchell & Assoc., LLC <i>Delivery 9-10 Weeks</i>	Veridian Lmtd. Coat & Pants \$1,729.00
	Servus Boots \$115.00
	Fire Dex Helmet \$275.00
	Gloves & Hood \$110.00
	\$2,229.00
Sunbelt Fire <i>Delivery: 45-60 Days</i>	Globe Coat & Pants \$1,619.00
	Ranger Rubber Boots \$145.00
	Cairns Helmet \$313.00
	GloveCrafters Gloves&Majestic Hood \$101.00
	\$2,178.00



\_\_\_\_\_  
 Suzanne Henson, Senior Accountant

2012-P - Fire Pumper Truck  
 \$373,310  
 Sunbelt Fire

Date: January 9, 2013

To: Mayor Yelding, Finance Committee, & Public Safety Committee

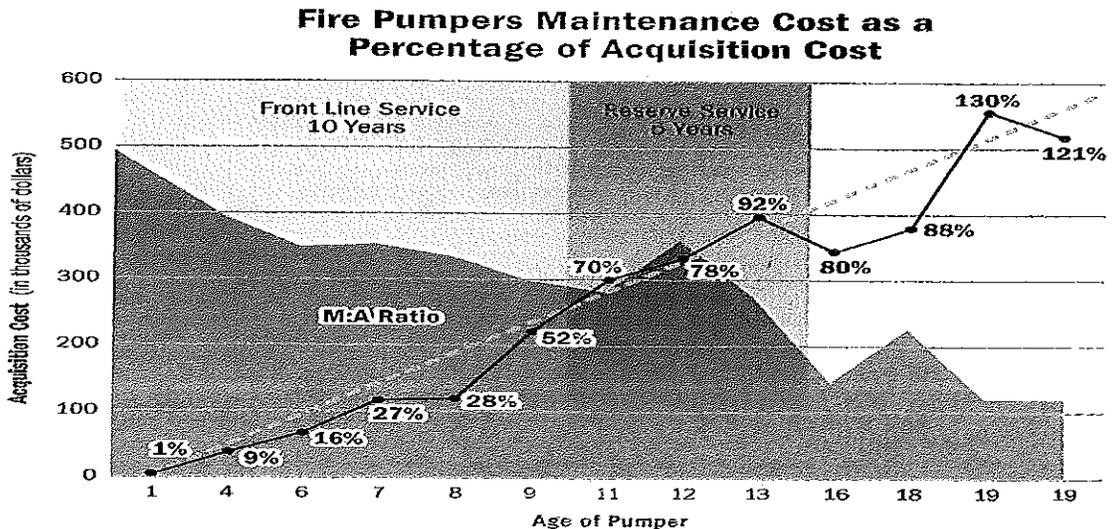
From: Chief White

RE: Pumper Acquisition

The Daphne Fire Department will seek to replace a fire truck when it's maintenance cost exceeds the original acquisition cost. This measurement is expressed as a ratio of maintenance to acquisition (M:A). The thinking here is we will not ask tax payers to invest more money into repairing a truck than what they paid for it when it was new.

The (M:A) ratio can be used as a predictor of the life cycle for Daphne Fire Department apparatus. Our pumpers hit the 60% M:A threshold at about 10 years of service and then hit the 100% mark at about 15 years.

If the department waits until a unit has met the end of its useful life before it becomes a reserve unit, that unit cannot perform reliably in that role. Reserve vehicles should have a M:A ratio between 60% and 100%. Looking at apparatus replacement planning in terms of maintenance to acquisition ratio makes decision making easier. Delaying the decision to get started on replacing older trucks has additional costs. Fire truck inflation is around 5% to 7% per year. The typical fire truck based on \$400,000 will cost \$20,000-\$28,000 more in each passing year.



# City of Daphne Fire Department

## MEMORANDUM

**Date:** October 12, 2011

**To:** Daphne City Council & Public Safety Committee

**From:** Chief White *JW*

**Subject:** Fire Apparatus

---

There are no hard facts about the service life of fire engines. The criteria used by most industries and fire departments are based on age. There are other critical factors that can be tracked to determine replacement such as out of service time, mileage, work order history, cost per mile and technology changes. The recommendation of the Daphne Fire Department is to use a 10-15 year replacement cycle for guidelines.

Below please find an inventory of our firefighting fleet and the year that they were acquired:

1979	Ford Chass Cab Truck	1000 GPM Pumper
1988	E-One	1250 GPM Pumper
1993	E-One	1250 GPM Pumper
1996	E-One Aerial Ladder Truck	
2000	E-One Freightliner	1250 GPM Pumper
2003	E-One	1250 GPM Pumper
2005	E-One	1250 GPM Pumper

## Public Safety Committee

*Wednesday, January 9, 2013*

Councilman Pat Rudicell  
Councilman Randy Fry  
Councilman Robin LeJeune  
Fire Chief James White  
Public Works, Melvin McCarley

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

### **Committee Members Attending:**

Councilman Ron Scott, Councilman Pat Rudicell, Councilman Randy Fry, Councilman Robin LeJeune, Captain Scott Taylor, Chief James White, Melvin McCarley.

### **CALL TO ORDER**

Councilman Rudicell **convened** the meeting at 4:25 p.m.

**PUBLIC PARTICIPATION** – Becky Hayes was in attendance. A scout for The Band Perry was looking to do a photo shoot at Bayfront Park for their new album cover. They would like to shoot off Roman Candles during the photo shoot. She was told to get a permit from the fire department. She will also check with Finance to check on liability issues. Councilman Scott, Lejeune, and Rudicell were all in agreement that this would be good for the City of Daphne for the photo shoot to be held in our city.

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

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

### **POLICE DEPARTMENT**

- A. New Business** – Captain Taylor went over the stats. He pointed out the biggest item on the stats was the Vehicle B&E's. Captain Taylor also asked them to read the attached memo on the bulletproof vest appropriation request. He stated that it was an oversight on our part in the budget. Councilman Scott made a motion to bring before council the acquisition and funding of the bulletproof vests. Councilman Lejeune seconded and the motion passed. Councilman Fry asked about our staffing levels and Captain Taylor responded that the PD was fully staffed with exception of the four additional officers we asked for in this years' budget. Councilman Rudicell asked if security requests at the schools have gotten any better since the incident in Connecticut. Taylor said he attended a meeting with Dr. Lee on security for the schools. They have formed a committee to review security/lockdown plans. He stated that we in Daphne have two officers in our schools and our other officers check out at the schools and walk the campuses.

- B. Old Business** – None

### **FIRE DEPARTMENT**

- A. New Business** –Chief White went over his stats. He introduced Battalion Chief Joey Holasz who was in attendance. Chief White has requested from HR and the Mayor a firefighter to fill the vacant Fire Inspector position. He explained that the 29 minutes response was on a "mental patient call". They were staged away from the scene until police cleared them

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Councilman Scott recommended presenting this to council, to allow the Fire Chief to order an additional pumper truck with delivery in 2014 with the approval of Finance. Councilman LeJeune seconded the motion and the motion passed.

**B. Old Business-**

**OTHER BUSINESS :**

**ADJOURN**

There being no further business to discuss, Mr. LeJeune made a motion to adjourn the meeting at 5:10 p.m. Mr. Fry seconded. The next meeting will be Wednesday, February 13, 2013 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,  
Daphne Public Safety Committee



Date: January 9, 2013

To: Mayor Yelding , Finance Committee, & Public Safety Committee

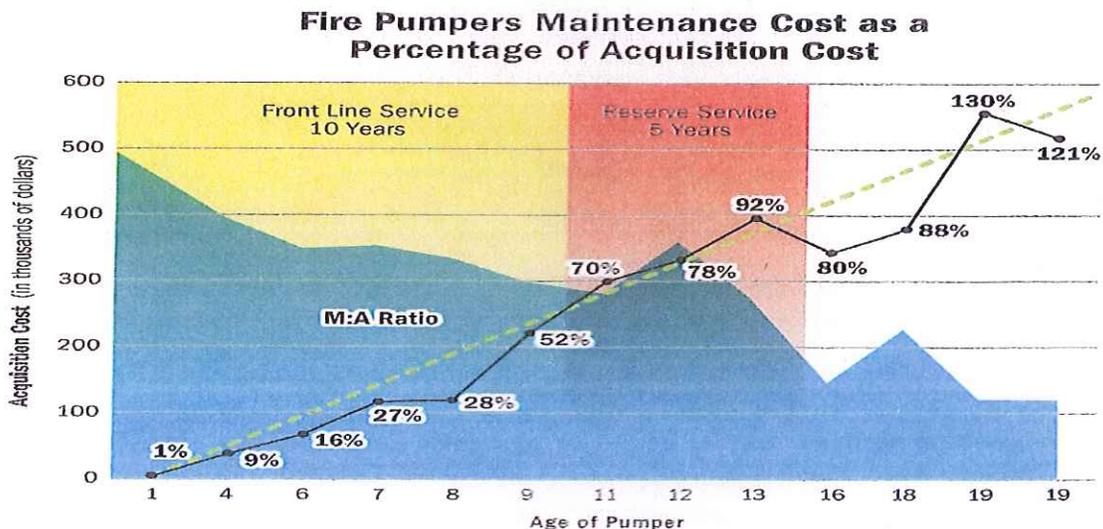
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RE: Pumper Acquisition

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# City of Daphne Fire Department

## MEMORANDUM

**Date:** October 12, 2011

**To:** Daphne City Council & Public Safety Committee

**From:** Chief White *J.W.*

**Subject:** Fire Apparatus

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There are no hard facts about the service life of fire engines. The criteria used by most industries and fire departments are based on age. There are other critical factors that can be tracked to determine replacement such as out of service time, mileage, work order history, cost per mile and technology changes. The recommendation of the Daphne Fire Department is to use a 10-15 year replacement cycle for guidelines.

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2003	E-One	1250 GPM Pumper
2005	E-One	1250 GPM Pumper

Parol Division	Detective Division:	JAIL:	Animal Control	Crimes Reported This Month:
(Capt. Bell/Lt. Hempleng)	(Capt. Bell/Lt. Beedy)	(Capt. Taylor/Lt. Yelding)	(Capt. Taylor/ Lt. Yelding)	
# Complaints	1,004	# New Cases Received:	74	Total Arrestees Received & Processed:
# Misd. Arrests	47	# Previous Unsolved Cases:	71	171
# Felony Arrests	4	# Cases Solved:	44	355
DUI Arrests	8	Resulting in Total Arrests:	27	#Complaints
Alias Warrant Arrests	20	Felonies:	25	#Follow-ups
Citations	268	Misdemeanors:	2	#Citations
Close Patrols	378	Houses Searched	0	#Fines Captured
Warnings	176	Other Agencies	0	#Canines Captured
Motorist Assists	260	Warrants:		#Returned to Owner
Roadway Accidents	53	Served	45	#Adopted Out
Private Property Accidents	12	Agency Assists	6	#Euthanized
Traffic Homicide	0	Recalls (Pd Fines)	6	
DRUG REPORT		Total Warrants Served	57	
ROUTINE PATROL/SPECIAL OPS		Sex Offender:		
# Misd. Marijuana Arrest	2	New Registration:	0	
# Felony Marijuana Arrest	1	Contact Verification	2	
# Controlled Substance Arrest:	3	Total # registered in Daphne	8	
# Drug Paraphernalia Arrest	2	DARE:		
Vehicles Searched	19	# Hours Report Writing:	0	
		# Students Instructed SRO	0	
		# Students Instructed DARE	200	
Drugs Seized:	0	# Police Reports by SRO	0	
Type:	0	# Arrest by SRO	0	
Money Seized	0	CODE ENFORCEMENT:		
Vehicles Seized	0	Warnings:	1	
		Citations	0	
Commercial Vehicle Inspections	46	Warning Compliance	16	
		Follow - Up	18	

*David Carpenter*

To Public Safety Committee  
From Lt. Kenny Hempfleng  
Date January 03, 2013  
RE: Bullet Proof Vest

As of this year the police department has twenty officers that have bulletproof vests that expire and need to be replaced. Officers are required to wear the Bullet Proof Vest with the City of Daphne. The cost of the vest is \$695.00 for a total cost of \$13,900.00. This is a must. The Bullet Proof Vest has a life of five years. After five years the warranties for them expire and they should no longer be worn. This is a great expense, but will save the life of an officer.

If you have any questions, please contact me at 251-680-5514.

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

	Current:	FY to Date:
<b>Suppression:</b>		
<b>1-Fire/Explosion:</b>	-	-
10-Fire, Other	0	2
11-Structure Fire/Commercial	2	9
11-Structure Fire/Residential	0	18
12-Fire in Mobile Property used as fixed structure	0	12
13-Mobile Property (vehicle) Fire	1	13
14-Natural Vegetation Fire	0	10
15-Outside Rubbish Fire	0	8
16-Special Outside Fire	1	3
17-Cultivated Vegetable Crop Fire	0	1
<b>2-Overpressure Rupture:</b>	0	1
<b>3-Rescue Call and Emergency Medical Service Incidents:</b>	180	1571
<b>4-Hazardous Conditions (No fire):</b>	1	36
<b>5-Service Call:</b>	22	154
<b>6-Good Intent Call:</b>	14	218
<b>7-False Alarm &amp; False Call:</b>	14	230
<b>8-Severe Weather &amp; Natural Disaster:</b>	1	5
<b>9-Other Situation:</b>	0	1
<b>Total Emergency Calls:</b>	<b>231</b>	<b>2203</b>
<b>Monthly Total Calls:</b>	<b>235</b>	<b>2299</b>
<b>Highest:</b>		
	29:00	29:00
<b>Lowest:</b>		
	<1:00	<1:00
<b>Average (Minutes/Seconds) :</b>		
	5:42	5:42
<b>Miscellaneous Reports:</b>		
<b>Training Hours</b>	344.25	7445.35
<b>Property Loss - \$</b>	5400.000	871,600.00
<b>Fire Personnel Injuries by Fire/Civilian Injuries by Fire</b>	0	2
<b>Advance Life Support Rescues</b>	117	632
<b>Number of Patients Treated</b>	175	856
<b>Child Passenger Safety Seat Inspections/Installations</b>	11	410
<b>Pre- Plans</b>	26	1441
<b>Classes</b>		
	6	46
<b>Persons Attending</b>		
	88	1753
<b>Plan Reviews</b>		
	2	66
<b>Final/Certificate of Occupancy</b>		
	0	1
<b>General/Annual Inspections</b>		
	31	204
<b>General/Re-Inspections (Violation Follow-up - Annual)</b>		
	42	296
<b>Business Licenses</b>		
	4	155
<b>All Other/Misc. Activities</b>		
	0	0
<b>Total Activities:</b>	<b>79</b>	<b>725</b>

Authorized by:

*James White*

# **Ordinance Committee**

*Wednesday, January 9, 2012*

*1705 main Street*

*Daphne, AL*

*City Hall Council Chambers*

*5:30 p.m.*

*Councilman Randy Fry, Chairman*

*Councilman Ron Scott*

*Councilman Robin LeJeune*

*Councilman Pat Rudicell*

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

Chairman Fry called the meeting to order at 5:30 p.m.

**MEMBERS PRESENT:** Randy Fry, Chairman; Pat Rudicell; Ron Scott; Robin LeJeune.

Also present: Rebecca Hayes, recording secretary; Captain Scott Taylor; Mrs. Louise Grace, Mr. Grace; Mrs. Beth Pierce .

## **II. APPROVE MINUTES /NOVEMBER 14, 2012:**

**MOTION BY Ron Scott to approve the November 14, 2012 minutes. Robin LeJeune seconded the motion.**

**Motion carried unanimously.**

## **III. PUBLIC PARTICIPATION:**

Mrs. Beth Pierce requested that the time limit in the noise ordinance be waived for her daughter's wedding reception being held on her property next to Jackson Oaks. The reception will be down by the water, and there is a bluff shielding the noise from neighbors. She said her daughter is not getting married until 6:30 p.m. in Mobile, and by the time they get over here there would not be much time for the reception.

The committee discussed the ordinance, and asked that the city attorney prepare an amendment to the noise ordinance which includes a clause where the full council can, at their discretion, extend the time limit for special events for one (1) hour for the February 4, 2013 council packet.

Mrs. Grace reported a problem they were having in the Oldfield subdivision regarding construction workers starting work at 6:30 a.m., and working on holidays starting at 6:30 a.m. She requested the noise ordinance be changed for construction to be started at 8:00 a.m. on weekends, and no work on holiday's.

Richard Johnson will get with Richard Merchant the Building Official and speak with the builder to solve the problem.

Mrs. Grace also reported that the old house on the property that used to be the club house has a pool behind it that has three (3) feet of stagnant water, and asked if anything could be done to remedy the situation due to the dangers involved.

Richard Johnson will get with Adrienne Jones to see what the requirements are for pools.

She also spoke to the committee regarding the street lights in the development.

**ORDINANCE COMMITTEE MEETING  
PAGE 2**

**IV. ORDINANCE REVIEW/DISCUSSION**

**a.) Amending the Trash Ordinance**

Mr. Johnson said there has not been an increase in the trash fees since the 1990's, and the Public Works Committee recommended increasing the following revisions:

Residential / Over 15 Cubic Feet / Full Load / \$100.00  
Half Load / \$60.00

Commercial / \$200 Full Load  
\$120.00 Half Load

**MOTION BY Ron Scott to send a recommendation for an amendment to the trash ordinance reflecting increases in fees: Residential: Over 15 Cubic Feet / Full Load / \$100.00 and Commercial: \$200.00 / Full Load / \$120.00 Half Load. Seconded by Pat Rudicell.**

**Motion carried unanimously.**

**VI. OTHER BUSINESS**

None

**VII. ADJOURN**

There being no further business to discuss, Pat Rudicell made a motion to adjourn the meeting at 6:15 p.m. and was seconded by Robin LeJeune.

Respectfully submitted

Code Enforcement / Ordinance Committee



**CITY OF DAPHNE**  
**PUBLIC WORKS COMMITTEE MEETING**  
**Time: 4:00 PM on December 17, 2012**  
**Location: City Hall Council Chambers**

Councilman Tommie Conaway, District 1  
CHAIRMAN Councilman Robin LeJeune, District 2  
Councilman John Lake, District 3  
Councilman Ron Scott, District 5

**I. CALL TO ORDER**

The December meeting of the Public Works Committee was called to order at 4:00 PM

Present: Councilwoman Tommie Conaway, Councilman John Lake, Richard D. Johnson-Director Public Works, Jaye Robertson-HMR Engineers, Councilman Robin LeJeune, Councilman Ron Scott, Dorothy Morrison-Daphne Beautification Committee, Andy Bobe-Preble-Rish, Joe Bullock-Preble Rish, Daryl Russell-McCrory & Williams, Billy Wilkerson-McCrory & Williams, Deborah Martin-Jade Consulting, Scott Hutchinson-HMR Engineers, John Peterson-HMR Engineers, Mrs. Ward-Jade Consulting,

**II. PUBLIC PARTICIPATION & CORRESPONDENCE**

- A. **Work Request Report** – November reports reviewed.
- B. **Vehicle/Equipment Maintenance Report** – November reports reviewed. The Fire department had \$4,000 in non-routine maintenance. Also have a transmission replacement coming up next month.
- C. **Public Participation** – None
- D. **Correspondence** – Angel Ride Foundation Re: Candice
- E. **Correspondence** – Billy Mayhand Re: Street Department Project
- F. **Correspondence** – Watts Family Re: Appreciation of Condolences

**III. OLD BUSINESS**

- A. **Minutes – November 19, 2012. Motion made by Councilwoman Conaway to accept the minutes as presented. Motion seconded by Councilman Scott. Motion carried.**
- B. **Mosquito Reports** – Spraying season ended in October.
- C. **Street Sweeper Reports** – November reports reviewed. Green is noted as time spent traveling and red indicates spraying/sweeping.
- D. **Public Works Equipment Usage** – Other municipalities and entities routinely use our barricades. It is Richard's recommendation that we change our policy to charge for the rental of city equipment. Daphne schools would be exempt. His recommendation is that each entity gets one comp per year, and then charged for each additional rental. This would include pickup or delivery, trailer usage, barricades, etc. Councilman Scott indicated that he had no problem with that as long as there was a provision for exemptions at the Mayor's discretion during local disasters. **Councilman Scott made a motion to adopt the Resolution as outlined by Public Works Director, Richard Johnson. Motion was seconded by Councilwoman Conaway. All in favor. Motion approved.**

**IV. NEW BUSINESS**

- A. **Engineering Professional Services** – Per Resolution 2009-73, HMR was designated as primary engineers for the City of Daphne. Richard questioned whether this was fair to the other Engineering entities in the area. Councilman Scott stated that the Resolution began with a misunderstanding. It was understood that each municipality should have a designated engineering firm. It was noted that HMR has done an outstanding job for the City. Richard stated that the way most government organizations typically do is a RFQ for each request based on the needs of the City. Other engineering firms can help us find grants to further our needs. Randy Davis-Volkert Engineering stated that he has worked with the City on numerous projects. He believes that there should be more equitable distribution of opportunities for other engineering firms. Joe-Preble Rish stated that his firm has been located in Daphne for many years and he also feels that the City should consider utilizing several firms based on each firm's specialties. Debbie Martin-Jade Consulting stated that she

would also like the opportunity to bid on projects with the City of Daphne. Councilman Scott would like to continue the City's working relationship with HMR. Daryl Russell-McCrory & Williams appreciates any opportunity to do projects with the City of Daphne. They have just purchased Rester Coleman. Scott Hutchinson-HMR stated that HMR has been blessed with the ability to serve the City of Daphne. He noted that HMR has rejected other projects in honoring their agreement with the City. It was recommended that Richard Johnson, Public Works Director, be designated as the City Engineer and possibly rotate the various engineering firms. . The councilmembers requested that this be sent to the next council work session for further discussion along with minutes of this meeting. If the council chooses to make a change. The committee will need to draft a proposal. A system would need to be in place to ensure where every firm would be pre-qualified every three years and that distribution of projects would be fair and equitable. For each project, a RFQ would need to be sent to the council. The Ordinance would contain each of the engineering services. Richard stated that the council needs to determine whether a change is necessary and give each of the engineering firms an opportunity to speak at the council work session.

- B. **Street Striping** – The City has plans to stripe 9.12 miles of streets. The City will work up a price and submit estimates. Will need approval at this time to move forward with Main Street. Main Street will be striped once the weather (rain) clears up.
- C. **Lake Forest Mailboxes** – During Phase II of the Lake Forest ATRIP paving project, the city had to guarantee removal of all non-yielding support mailboxes. Richard met with the Daphne Post Master. There will be no expense to the resident. The City will replace each of the mailboxes. The City's ROW ordinance states that non-yielding mailboxes are not permitted within the City limits. The mailboxes will be replaced within 10 days of the letter being sent to the home owner.
- D. **Bay Front and Main Street** – Drainage improvements done by the City for a fee. We have worked up prices. We need to be flexible in timeline. Will help renovate property to bring in revenue for the City. He will be building professional business office space.

#### V. DIRECTOR'S REPORT

- A. .

#### VI. SOLID WASTE AUTHORITY

- A. **Monthly Equipment Use Report** – This report shows equipment use by the hour.
- B. **Monthly Recycle Tonnage Report** (Tonnage Comparison). Tonnage up 23 tons this month which translates into \$1171.
- C. **Solid Waste New Customer Report** – New carts are in and being delivered daily. Fourteen new residents moved into the City (this number does NOT include residents who relocated within the City)

#### VII. MUSEUM COMMITTEE

- A. **Minutes** – None submitted. November meeting cancelled due to Veteran's Day holiday.

#### VIII. BEAUTIFICATION COMMITTEE

- A. **Minutes** – December 5, 2012 minutes.
- B. Twenty-eight new Willow Oaks will be placed on Whispering Pines Road
- C. Need new members in each district.

#### IX. ENVIRONMENT ADVISORY COMMITTEE

- A. Minutes – November Meeting Cancelled

#### X. ENGINEER REPORT

- A. **HMR Update** – LF Phase II ATRIPP design sent in. Meeting to be scheduled after the first of the year. Richard commented that some areas will be challenging. He is in the process of putting together plan. New streets in Lake Forest still need curbing.

**XI. FUTURE BUSINESS**

B. **Next Meeting** – January 22, 2013

**XII. ADJOURNMENT**

The meeting adjourned at 4:58 PM.

**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:**

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CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF OCTOBER 4, 2012 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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

**Call of Roll:**

Members Present:

Frank Lamb  
Willie Robison, Chairman  
Larry Cooke  
Jim Moss

Members Absent:

Billy Mayhand

Staff Present:

Adrienne D. Jones, Director of Community Development  
Jennifer Holifield, BZA Attorney  
Pat Houston, Recording Secretary

**Chairman:** we have a quorum. The first order of business is approval of the August 2nd, 2012 meeting minutes. If there are no other corrections, additions or deletions to the minutes, The Chair will entertain a motion.

**Approval of Minutes:**

The minutes of the August 2nd, 2012 meeting were considered for approval.

A **Motion** was made by **Mr. Moss** and **Seconded** by **Mr. Lamb** to **approve the minutes.**

**The Motion carried unanimously.**

**Chairman:** I want to say that Mr. Swaney has resigned and we certainly thank him for all of his years of faithful service on the BZA. Ms. Pat, please send a letter to this effect.

**New Business:**

**Appeal #2012-06 Eastern Shore Loving Arms, LLC**

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF OCTOBER 4, 2012 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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**Chairman:** next item on the agenda is Appeal #2012-06 Eastern Shore Loving Arms, LLC, a special exception request to allow the operation of an in-home institution for the aged, i.e., elderly residential care. The property is located at 2375 Pollard Road, which is zoned R-1, Low Density, Single Family Residential. Ms. Jones if you would please take us through this.

**Ms. Jones:** (displayed a Power Point Presentation of 2375 Pollard Road) as you know the purpose of this review is to establish whether or not the proposed location, design and activities will or will not adversely affect the public health, safety, morals and general welfare of the surrounding neighborhood by allowing a special exception for an in-home institution for the elderly to service three or four residents who would be adopted through a foster care program administered by the Department of Human Resources and the homeowner/director, Cynthia Pierce, would be classified as a duly-authorized custodial authority according to the agent, Kristole Pierce. Also, the relationship between the applicant and the residents would be that of a full-time caregiver/guardian who would offer in-home assistance living in a foster family setting. The property is located south of the intersection of Whispering Pines Road and Pollard which is a mixed use area that includes low density residential and high density residential apartments to the north and directly across the street the land is in Baldwin County. The subject property and abutting properties to the north and south are zoned R-1 and there are residences on each adjacent parcel. According to the Land Use Ordinance, Section 35-3, Permitted Uses, the proposed, an institution for children or the aged, daycare and an extended care facility which are closely related are both allowed in an R-1 district by special exception. The Public Works Director and the Building Official have both granted favorable recommendations for this proposal. The proposed location is an existing residence and no expansion is planned. Thus the plot plan shows the existing residence, the driveway and available parking. Upon approval of the special exception a site plan shall then be submitted to the Planning Commission for review. The impact of this use should be minimal and should not cause any interruption or disruption to the general welfare of the surrounding neighbors or community at large and because this institution will be run like a typical family unit Community Development recommends approval contingent upon DHR's approval of the application for Eastern Shore Loving Arms, LLC at this location.

**Chairman:** is there anyone here that wishes to speak on behalf of this appeal? Would you please step up to the podium and state your name and address for the record.

**CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF OCTOBER 4, 2012 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

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**Ms. Pierce:** good evening, it is an honor to be able to stand before you tonight. My purpose is to have my property located at 2375 Pollard Road considered for a special exception to Daphne's Land Use & Development Ordinance. My name is Cynthia Pierce, and Kristole Pierce, which Ms. Jones spoke of, is my daughter. I live at 2375 Pollard Road. I am 50 years old, and I am employed by the Department of Transportation. In 1985 I moved to Baldwin County and I have raised two children here, Mike and Kristole, and I hope to leave this business for them. Both of them have graduated and gone on to receive college degrees. I currently own two homes and four parcels of land in the City of Daphne. In 1991 I acquired this property and it is my vision to start a home base business that provides for the care, safety, security and comfort of handicapped or mentally disabled individuals. I recognize the fact, that we all have family or parents that will need some form of care, and I would like to provide that form of care from my home. I plan to house three Down syndrome clients. Since I was a child I have always cared for handicapped and older individuals, making friends and taking care of them while other children poked fun. Plus it is the Christian thing to do. My business will afford me the opportunity to continue to help them and provide employment to individuals, CNA's, a nurse to take vitals, dispense and administer medicines, and make appointments for clients. The provision of jobs will help stimulate the economy. I have gone out into the neighborhood within the city limits of Daphne and spoken with numerous people about my plans. I submit to you over one hundred signatures in support of my business venture at my residence here in Daphne. In conclusion I would like to say that I did not speak with one individual that did not support my having or operating out of my residence. In fact, there were many others that wanted to sign my petition, but I was advised to limit it to Daphne residents. Now if anyone has any questions I am more than willing to answer them. Mr. Cooke came to my home to inspect it and caught me cutting the grass so he can give you first-hand information on what it looks like inside and out.

**Mr. Cooke:** it was quite nice and clean.

**Chairman:** thank you. Does anyone else have any questions? Thank you Ms. Pierce. Is there anyone else that would like to speak in favor of this appeal? Is there anyone that would like to speak in opposition to this appeal? If not, public participation is closed. The Chair will entertain a motion and it must be done in the affirmative.

A Motion was made by Mr. Lamb and Seconded by Mr. Moss to approve Appeal #2012-06, Eastern Shore Loving Arms, LLC, for a special exception to allow the operation of an in-home institution for the aged, i.e., elderly residential care. The property is located at 2375 Pollard Road, and it is in an R-1, Low Density, Single Family Residential Zone.

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF OCTOBER 4, 2012 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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Upon roll call vote, the motion carried unanimously.

Mr. Lamb	Aye
Mr. Moss	Aye
Mr. Robison	Aye
Mr. Cooke	Aye

Chairman: your request for a special exception is approved. You can pick up your paperwork in the Community Development office in the morning after nine o'clock. Thank you.

Election of Officers

Chairman: we have under new business tonight the Election of Officers. The Chair will entertain a motion for Chairman.

Mr. Lamb: if Mr. Robison will consent to continue leading this organization I move that he remain Chairman. He has done a very good job as Chairman.

Mr. Moss: I second.

Chairman: any other nominations? If not, nominations are closed.

A Motion was made by Mr. Lamb and Seconded by Mr. Moss for Mr. Willie Robison as Chairman.

The Motion carried unanimously.

Chairman: nominations for Vice Chairman.

Mr. Moss: I nominate Mr. Lamb.

Mr. Cooke: I second.

Chairman: any other nominations? If not, nominations are closed.

A Motion was made by Mr. Moss and Seconded by Mr. Cooke for Mr. Frank Lamb as Vice Chairman.

The Motion carried unanimously.

Chairman: nomination for Secretary.

Mr. Cooke: I nominate Mr. Moss.

Mr. Lamb: I second.

Chairman: any other nominations. If not, nominations are closed.

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF OCTOBER 4, 2012 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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A Motion was made by Mr. Cooke and Seconded by Mr. Lamb for Mr. Jim Moss for Secretary.

The Motion carried unanimously.

Chairman: if there is no other business, the Chair will entertain a motion to adjourn.

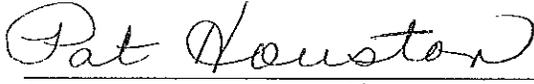
Adjournment:

A Motion was made by Mr. Moss and Seconded by Mr. Cooke to adjourn.

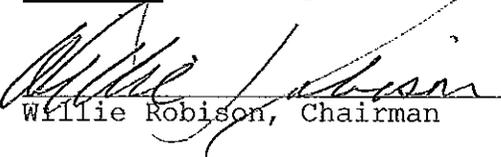
The motion carried unanimously.

There being no further business the meeting was adjourned at 6:35 p.m.

Respectfully submitted by:

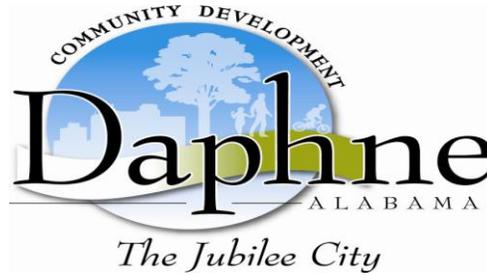
  
\_\_\_\_\_  
Pat Houston, Recording Secretary

APPROVED: January 3, 2013

  
\_\_\_\_\_  
Willie Robison, Chairman

/ph

This is a summarization of the minutes of the meeting due to tape recorder failure.



**CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT AGENDA  
JANUARY 3, 2013 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

1. **CALL TO ORDER** – 6:00 p.m.
2. **CALL OF ROLL** – Present Robison, Lamb, Mayhand, Cooke, and Durant.
3. **APPROVAL OF MINUTES**  
**October 4, 2012** – Approved as written.
4. **OLD BUSINESS**
5. **NEW BUSINESS**

**Appeal #2012-07 Angele G. Trione** – Approved to establish the lot area to be twelve thousand, nine hundred and eighty-five square feet (12,985), in lieu of the required fifteen thousand square feet (15,000) in order to build a residence.

A request for a Variance has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would establish the lot area as twelve thousand, nine hundred and eighty five square feet, in lieu of the required fifteen thousand square feet. The property is Lot 29 & 30, Block 3, Yuille Belrose Wharf, which is zoned R-2, Medium Density, Single Family Residential.

6. **ADJOURNMENT**

**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

## **CITY ATTORNEY'S REPORT**

Motion to approve the expenditure of the sum of \$1,000.00 payable to Lake Forest Property Owners' Association, Inc. (LFPOA) for partial reimbursement of costs incurred by the "LFPOA" for repairs to the Lake Forest Lake Dam as the same is deemed to constitute a public purpose by LFPOA'S attempt to maintain water levels in the Lake Forest Lake Dam to reduce erosion to City maintained streets, roads and drainage facilities during significant rain events.

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

**RESOLUTION 2013-03**

**A Resolution Authorizing the Lease Purchase Financing of 6-Mowers,  
1 Z-Track Mower, 1-Garbage Truck, & 1-Fire Truck**

**WHEREAS**, subsequent to the adoption of the Fiscal 2013 budget, it has been determined that the Public Works and Fire Departments are in need of replacement of certain capital equipment; and

**WHEREAS**, the City did heretofore accept bids for a fire truck and the mowers and garbage truck are available for purchase through state-approved cooperative contracts; and

**WHEREAS**, the City will take delivery of all equipment by the end of Fiscal 2013 or beginning of Fiscal 2014.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED THAT the Mayor and City Council of the City of Daphne hereby:**

- 1) Authorize the Public Works and Fire Departments to move forward with the ordering of the following equipment:

\$ 208,000: 6-Mowers & 1-Z-Track  
\$ 234,910: Garbage Truck  
\$ 373,310: Fire Truck  
\$ 816,220

; and

- 2) Authorize the Finance Director to obtain lease purchase financing proposals for the acquisition of such capital equipment.

**APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.**

\_\_\_\_\_  
Bailey Yelding, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Rebecca A. Hayes, Interim City Clerk

**RESOLUTION NO. 2013-04  
2013-D-FD/TURNOUT GEAR**

**WHEREAS**, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$15,000; and

**WHEREAS**, The City of Daphne acknowledges that the cost for the TURNOUT GEAR will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the FD/TURNOUT GEAR and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the FD/TURNOUT GEAR be awarded to Sunbelt Fire Apparatus.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the bid of Sunbelt Fire, Inc. for unit cost of:

Globe Coat & Pants	\$1,619.00
Ranger Rubber Boots	\$145.00
Cairns Helmet	\$313.00
GloveCrafters Gloves&Majestic Hood	<u>\$101.00</u>
	<b>\$2,178.00</b>

as specified in BID SPECIFICATION NO:2013-D-FD / TURNOUT GEAR.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS** \_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
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**

## **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.

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Bailey Yelding, Jr.  
Mayor

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Rebecca A. Hayes,  
Interim City Clerk

**CITY OF DAPHNE, ALABAMA**

**ORDINANCE NO. 2013-03**

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**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 3<sup>rd</sup> and 4<sup>th</sup> 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 OF DAPHNE  
ORDINANCE NO. 2013-04**

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**TRASH ORDINANCE**

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**WHEREAS**, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the residents of the City of Daphne, Alabama by providing for the orderly, effective and systematic collection of trash and rubbish: and

**WHEREAS**, the City Council of the City of Daphne desires to establish, maintain and operate a service for the orderly, effective and systematic collection of trash and rubbish in the City of Daphne, Alabama; to establish the rules, regulations and conditions which shall regulate the accumulation, removal and disposal of trash, rubbish, junk and other wastes; to provide definitions, receptacle requirements and prohibited acts; and to provide penalties for the violation thereof within the City of Daphne, Alabama.

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

**SECTION I. DEFINITIONS**

For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural number include the singular number and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directive.

**A. Trash.** The term “trash” shall mean rubbish, shrubbery, trimmings, sidewalk sweepings, leaves, pine straw, grass, weeds, hedge trimmings, small tree trimmings (limbs less than five (5) feet in length and eight (8) inches in diameter), firewood or other refuse originating in yards, on sidewalks, or neutral grounds adjacent to the home or business of the person receiving trash service, excluding the following: junk as herein defined, recyclable materials, trees that have been cut down by contractors or by individuals who have been paid to remove or cut trees.

**B. Rubbish.** The term “rubbish” shall mean clothing, appliances, furniture, bicycles, lawn mowers, barbecue grills and similar discarded personal and household items, excluding junk as herein defined and excluding recyclable materials.

**C. Junk.** The term “junk” shall mean any vehicle or vehicle parts, rubber tires, automotive batteries, paint or paint containers, oil, gasoline, items containing hazardous or flammable material, chemicals, asphalt, cement or concrete, machinery, equipment, building or construction material, or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition.

**D. Commercial Establishment.** The term “commercial establishment” shall mean an establishment organized primarily for purpose of conducting commercial activity including, but is not limited to, the following: apartments, motels, and hotels maintaining centralized locations for trash containers, stores, office buildings, restaurants, service stations and garages, laundries and cleaning establishments, industrial establishments, retail establishments and all other places not classed as residential which produce or accumulate trash.

**E. Trash Receptacle.** The term “trash receptacle” shall mean a paper or plastic trash bag that shall be closed and sealed to protect the contents from flies, insects, rats and other animals and which shall be free from jagged and for sharp edges. **Red colored bags**, garbage containers, cans or boxes are not acceptable trash receptacles. (Red is the universal color for medical waste.)

**F. Person.** The term “person” shall mean any person or persons, firm, corporation, or association of any type.

**G. Contractor.** The term “Contractor” shall mean the City of Daphne Solid Waste Department or any person, firm or corporation to whom the City of Daphne has granted a franchise for the right to collect trash within the City of Daphne, Alabama. The term “Contractor” shall also mean a duly licensed person, or business, who accepts either cash payment for services rendered or swaps for services provided by another professional or provider.

**H. Owner.** The term “Owner” shall mean any person, firm, corporation or association who accumulates trash, causes trash to be accumulated or causes trash to be placed for pickup and disposal by the Contractor.

**I. Code Enforcement Officer.** The term “code enforcement officer” shall mean the Code Enforcement Officer of the City of Daphne or a duly authorized representative of the City appointed by the Mayor to oversee enforcement of the terms of this Ordinance.

**J. Trash Disposal Site.** The term “trash disposal site” shall mean any areas or facilities established for the disposal of trash as designated by the Code Enforcement Officer.

**K. Contract.** The term “contract” shall describe the agreement between either the City of Daphne Solid Waste Department or any other person, firm or corporation with whom the City of Daphne has contracted and a private property owner and a private contractor. The term “Contract” shall apply to either a written or implied agreement for services between the respective parties.

## **SECTION II. TERRITORIAL APPLICATION**

The provisions of this Ordinance shall apply to all territory which presently lies within the city limits or which may be hereinafter annexed to the City of Daphne.

## **SECTION III. REQUIREMENTS FOR TRASH REMOVAL**

**A. Residential.** All residents and occupants of residential units in Daphne, Alabama, shall be required to have accumulations of trash removed and disposed of by (1) the City of Daphne Solid Waste Department or a contractor with whom the City of Daphne has granted a franchise, (2) transporting to approved bulk containers or approved disposal sites, or (3) obtaining a permit from the Health Department to transport to a landfill. The City of Daphne Solid Waste Department shall not collect junk. The actual producers or owners of junk or the owners of the premises upon which junk is accumulated must dispose of said materials not included in the definition of trash in a manner that is consistent with the laws of the City, County and State.

**B. Commercial.** The actual producers or owners of commercial trash or the owners of premises upon which trash is accumulated may collect and dispose of such trash, but shall use a vehicle and disposal site as approved by the Code Enforcement Officer. Contractors shall be responsible for the removal of trash from the premises of the property owner who contracted said services. If a contractor fails to remove trash within seven (7) days of leaving a contracted site, then the City of Daphne Solid Waste Department may remove and dispose of said trash and assess the responsible property owner a bill in the amount governed by this ordinance.

**C. Evidence of Accumulation.** The fact that any residence, commercial establishment or any place of business is occupied shall be prima facie evidence that trash is being produced and accumulated upon such premises. Said trash shall be stored, transported and disposed of in a manner approved by the Code Enforcement Officer and in compliance with the requirements of this Ordinance and any amendments thereto.

**D. Placement.** All trash, as defined by this ordinance, must be placed at the curbside, within six (6) feet of the street before 7:00 a.m. on the day scheduled for pick up. No trash shall be placed at the curbside more than twenty-four (24) hours before the scheduled day of service for pickup. The placement of trash at the curbside in excess of twenty-four hours before the scheduled day of service for pickup shall constitute a violation of the provisions of this ordinance. Any hazardous or other material not constituting trash in accordance with the provisions of this ordinance not collected by the City of Daphne Solid Waste Department shall be removed from the curbside within twenty-four (24) hours of service. Any hazardous or other material not constituting trash in accordance with the provisions of this ordinance not collected by the City of Daphne Solid Waste Department not removed within twenty-four (24) hours of service shall constitute a violation of the provisions of this ordinance. If trash and garbage are scheduled for collection on the same day, materials, including limbs and rubbish, should be neatly placed in separate areas of the curbside.

**E. Sanitary Nuisance.** Accumulation of trash or junk at any residential unit or any commercial unit for more than two (2) days shall be prima facie evidence of a sanitary nuisance. The Code Enforcement Officer may, upon finding a nuisance as described herein, issue a municipal offense ticket pursuant to the Municipal Offense Ordinance of the City of Daphne, and may pursue all legal remedies available to the City under the law, including but not limited to, taking any action necessary to abate the nuisance.

#### **SECTION IV. PREPARATION AND RECEPTACLE REQUIREMENTS**

##### **A. Preparation Requirements.**

All trash placed for collection shall be in paper or plastic bags of any color **except red**, closed and sealed so as to protect the contents from flies, insects, rats, and other animals, free from jagged and sharp edges and shall be placed behind the front curb line within six (6) feet of the roadway. Non-garbage material or improperly placed trash will not be collected. Trash receptacles should not contain materials other than trash or rubbish. If non-trash materials are observed, the City of Daphne Solid Waste Department will not be responsible for collection of any of the material or trash in the receptacle. Tree-limbs and stumps need not be containerized. All tree limbs shall not be longer than five (5) feet in length. The maximum trash quantity allowed is fifteen (15) cubic feet per residence per week. Any trash pile exceeding this stated maximum will be collected and the property owner (or resident) assessed the appropriate expense as stated in Section VI of this ordinance.

##### **B. Location Of Receptacles.**

**(1) Residential.** Trash containers shall be placed at ground level within six (6) feet of the roadway, on the property of the residential unit or commercial establishment which has accumulated said trash, and shall not be kept upon any city, county or public property or neighboring property not in the ownership or tenancy of the person by whom the trash is accumulated, regardless of whether said neighboring property is vacant or improved except that it may be kept on the City right-of-way.

The placement of receptacles shall be easily accessible to the Code Enforcement Officer for inspection and to employees of the contractor for collection.

(a) Trash shall be neatly placed to allow convenient passage of persons and vehicles on the roadway. At no time shall any receptacle or trash be placed in any street, drainage ditch, storm drain, gutter or median. Trash shall also not be placed near trees, power lines, street signs or utility, cable or telephone equipment. If trash is placed near service equipment and damage occurs to said equipment due to collection efforts, the property owner shall be responsible for all necessary repairs or replacements.

(b) Ownership of and responsibility for trash material shall remain with the producer until collected.

**(2) Commercial.** All commercial trash containers and/or bulk containers shall be kept in a place easily accessible to the contractor and in such location so to prevent obnoxious and nuisance conditions to inhabitants and the general public. Adequate screening shall be provided either by location as close to the building or buildings as possible or by providing other concealment to be least noticeable from a public thoroughfare and so placed not to interfere with the movement of pedestrian or vehicular traffic.

### **C. Minimum Receptacle Specifications.**

**(1) Receptacles Required.** All trash shall be in receptacles as herein defined, except limbs and stumps which need not be containerized. This includes leaves, pine straw, grass clippings and pine cones. Such receptacles shall be in sufficient number to hold all trash produced between regular collections.

**(2) Commercial Receptacle Exceptions.** Trash from commercial establishments may be stored or collected in a container designed for mechanical pickup provided that such container and the location of such container have been approved by the Code Enforcement Officer.

**(3) Improper Receptacles.** Any container used for the collection or storage of trash failing to meet the requirements of this section shall be clearly marked or identified by an agent of the Contractor or the Code Enforcement Officer, which marking or identification shall legibly specify in what manner the container fails to meet the requirements of trash receptacles. Any container so tagged must be replaced with an acceptable container within five (5) days after notification by the Code Enforcement Officer. The contractor will not be responsible for removing trash that is not properly prepared and placed in approved receptacles.

## **SECTION V            FREQUENCY OF COLLECTIONS**

Trash shall be picked up by the Contractor from each location once per week. All collection schedules are subject to change due to legal holidays and/or weather conditions. Persons desirous of trash pickup shall call the Public Works Department of the City of Daphne to obtain a trash collection schedule.

## **SECTION VI            FEES FOR COLLECTION AND DISPOSAL**

Every person or persons occupying a building or dwelling unit which generates trash within the City Limits of the City of Daphne, Alabama, shall be subject to a fee of (A) Residential Over 15 Cubic Feet \$100.00 full load and \$60.00 half load or (B) Commercial \$200.00 full load and \$120.00 half load. Such fees for the collection and disposal of trash shall be subject to change from time to time as deemed necessary in order to cover the increased cost of collection and disposal services. Any change in the fee for such services must be publicly advertised at least thirty (30) days before the effective date of the change.

## **SECTION VII.        PROHIBITED ACTS**

**A. Accumulation Of Trash, Rubbish and/or Junk.** It shall be unlawful for any person to accumulate or to cause, permit or allow to be accumulated any trash, rubbish or junk upon his property or premises except during regular intervals between collections by the Contractor.

**B. Unlawful Disposal.** It shall be unlawful for any person to dump or bury any trash, rubbish or junk on public or private property not owned by him unless permission has been obtained from the respective property owner or owners and such disposal has been authorized by the Code Enforcement Officer. If any trash, rubbish or junk is found on any public or private property or roadway and its origin is traced to a commercial establishment or residential unit by investigation or identification such as mail, statements, checks, etc., and such person or owners are not receiving disposal service by the Contractor, such information presented in a statement signed by the Code Enforcement Officer shall be prima facie evidence that such trash, rubbish or junk came from that commercial establishment or residential unit and such person or owner shall be in violation of this Ordinance. The provisions of this section do not apply to dumping on private property, with owner's permission, of sand, dirt, broken brick, blocks, broken pavement or other material suitable for use as fill material to raise the elevation of land.

**C. Contagious Disease Refuse.** Refuse consisting of clothing, bedding or other waste from homes or other places where highly infectious or contagious diseases have prevailed shall not be placed in containers for regular collection. Removal of such materials shall be performed under the supervision and direction of the Code Enforcement Officer.

**D. Flammable Or Explosive Refuse.** Highly flammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Code Enforcement Officer at the expense of the owner or possessor thereof.

**E. Other Hazardous Materials.** No person shall place or cause to be placed in such receptacles such materials as unwrapped razor blades, glass, acid or other like materials which may cause personal injury to employees of the Collection Personnel. Such material shall not be collected unless wrapped, rendered harmless or identified as injurious materials. Further, the City of Daphne Solid Waste Department shall not collect automobile batteries, paint, paint thinners, concrete or cement.

**F. Dead Animals.** The disposal of all dead animals on private property shall be the responsibility of the respective property owner. Disposal shall be as required by the Code Enforcement Officer.

**G. Scattering Trash, Rubbish or Junk.** It shall be unlawful to molest, disturb, scatter or spread about or cause to be molested, disturbed, scattered or spread about the contents of any container or trash set out or intended to be collected and removed.

**H. Medical Waste.** The City of Daphne Solid Waste Department shall not collect any medical waste. The disposal of medical waste shall be the responsibility of the property owner, and shall be collected by a licensed contractor in accordance with all federal, state and local laws.

#### **SECTION VIII. PENALTIES**

Any person found to be in violation of any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50.00 nor more than \$500.00 or by a period of incarceration not exceeding six (6) months or both in the discretion of the Municipal Judge.

#### **SECTION IX. SEVERABILITY**

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

#### **SECTION X. REPEALER**

Ordinances Nos. 2004-05 AND 2004-36, and all other Ordinances or parts thereof conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

#### **SECTION XI. EFFECTIVE DATE**

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE,  
ALABAMA, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

CITY OF DAPHNE

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BAILEY YELDING, JR., MAYOR

ATTEST:

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REBECCA A. HAYES, INTERIM CITY CLERK

**Trash Ordinance**  
**Page 11**

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**STATE OF ALABAMA    )**  
**COUNTY OF BALDWIN  )**

I, David Cohen, CMC, City Clerk of the City of Daphne, Alabama, do hereby certify the foregoing to be a true and exact copy of an Ordinance approved and adopted by the City Council of the City of Daphne, Alabama, at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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**DAVID COHEN, CITY CLERK**

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2013-05**

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**Ordinance to Rezone Property Located  
Southwest of the intersection of Tiawasee Boulevard and County Road 13  
Also Known as GCOF Retreat at Tiawasee, LLC**

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**WHEREAS**, GCOF Retreat at Tiawasee, LLC, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property be pre-zoned from RSF-2, Single Family District, Baldwin County District 15 to R-2, Medium Density Single Family Residential, City of Daphne; and,

**WHEREAS**, said real property is Southwest of the intersection of Tiawasee Boulevard and County Road 13, and more particularly described as follows:

**COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, REAL PROPERTY BOOK 256, PAGE 274; THENCE RUN SOUTH 00°00'19" EAST, 840.93 FEET TO THE NORTH RIGHT OF WAY OF PARKER ROAD (80' ROW); THENCE RUN ALONG THE SAID NORTH RIGHT OF WAY NORTH 89°32'20" EAST, 42.92 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD; THENCE RUN ALONG THE EAST RIGHT OF WAY SOUTH 00°00'19" EAST, 403.14 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89°50'14" EAST, 3490.21 FEET; THENCE RUN SOUTH 89°48'53" EAST, 786.31 FEET; THENCE RUN SOUTH 89°19'19" EAST, 51.02 FEET; THENCE RUN NORTH 89°49'05" WEST, 796.66 FEET; THENCE RUN SOUTH 00°05'47" EAST, 1327.82 FEET; THENCE RUN NORTH 89°48'41" WEST, 878.46 FEET; THENCE RUN NORTH 00°10'07" EAST, 1328.02 FEET; THENCE RUN NORTH 89°49'02" WEST, 2617.56 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD (80' ROW); THENCE RUN ALONG SAID EAST RIGHT OF WAY NORTH 00°00'19" WEST, 48.51 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING 31.53 ACRES, MORE OR LESS, LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.**

**WHEREAS**, at the City of Daphne Planning Commission meeting on October 25, 2012, the Commission considered said request and set forth no recommendation to the City Council of the City of Daphne regarding said property rezoning request with the motion to set forth an unfavorable recommendation failing to pass; and,

**WHEREAS**, due notice of said proposed pre-zoning 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 21, 2013; and,

**WHEREAS**, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property is 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: ZONING**

That above described real property is hereby rezoned from Baldwin County District 15 RSF-2, Single Family District to City of Daphne Zone R-2, Medium Density Single Family Residential, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**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 upon the date of annexation of the above described property into the Corporate Limits of the City of Daphne, Alabama and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ day of \_\_\_\_\_, 2013.**

\_\_\_\_\_  
**Bailey Yelding, Jr.,**  
**Mayor**

**ATTEST:**

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

**ORDINANCE 2013-06**

**FOR THE ANNEXATION OF CERTAIN PROPERTY INTO THE CORPORATE LIMITS OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA**

**GCOF Retreat at Tiawasee, LLC  
(Property located Southwest of the intersection of Tiawasee Boulevard and County Road 13)**

**WHEREAS**, on the 24<sup>th</sup> day of September, 2012, GCOF Retreat at Tiawasee, LLC, being the owner of all real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

**WHEREAS**, said petition did contain the signatures of all owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

**WHEREAS**, said petition has been presented to the Planning Commission of the City of Daphne on October 25, 2012, the Commission considered said request and set forth no recommendation to the City Council of the City of Daphne regarding said property annexation request with the motion to set forth an unfavorable recommendation failing to pass;

**WHEREAS**, after proper publication, a public hearing was held by the City Council on January 21, 2013 concerning the petition for annexation; and

**WHEREAS**, the City Council of the City of Daphne, Alabama did determine that it is in the public interest that said property be annexed into the City of Daphne, Alabama and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20, et seq., Code of Alabama, 1975;

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

**SECTION I: ANNEXATION**

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section 2 of this Ordinance into the City of Daphne, Alabama effective from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law.

**SECTION II: DESCRIPTION OF TERRITORY**

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Owner: GCOF Retreat at Tiawasee, LLC

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, REAL PROPERTY BOOK 256, PAGE 274; THENCE RUN SOUTH 00°00'19" EAST, 840.93 FEET TO THE NORTH RIGHT OF WAY OF PARKER ROAD (80' ROW); THENCE RUN ALONG THE SAID NORTH RIGHT OF WAY NORTH 89°32'20" EAST, 42.92 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD; THENCE RUN ALONG THE EAST RIGHT OF WAY SOUTH 00°00'19" EAST, 403.14 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89°50'14" EAST, 3490.21 FEET; THENCE RUN SOUTH 89°48'53" EAST, 786.31 FEET; THENCE RUN SOUTH 89°19'19" EAST, 51.02 FEET; THENCE RUN NORTH 89°49'05" WEST, 796.66 FEET; THENCE RUN SOUTH 00°05'47" EAST, 1327.82 FEET; THENCE RUN NORTH 89°48'41" WEST, 878.46 FEET; THENCE RUN NORTH 00°10'07" EAST, 1328.02 FEET; THENCE RUN NORTH 89°49'02" WEST, 2617.56 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD (80' ROW); THENCE RUN ALONG SAID EAST RIGHT OF WAY NORTH 00°00'19" WEST, 48.51 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING 31.53 ACRES, MORE OR LESS, LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**SECTION III: THE PROPERTY**

That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

**SECTION IV: MAP OF PROPERTY.**

The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this Ordinance.

**SECTION V: PUBLICATION**

This Ordinance shall be published as provided by law and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

\_\_\_\_\_  
Bailey Yelding, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Rebecca A. Hayes, Interim City Clerk

**ORDINANCE 2013-07**

**Appropriation: Bullet Proof Vests Replacement**

**WHEREAS**, Ordinance 2012-58 approved and adopted the Fiscal Year 2013 Budget on October 1, 2012; and

**WHEREAS**, subsequent 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**, the police department needs to replace Bullet Proof Vests prior to the expiration of the warranties in order to provide additional protection to police personnel; and

**WHEREAS**, the police department has twenty officers who have bullet proof vests that will expire soon and need to be replaced; and

**WHEREAS**, the City is eligible of funding in the amount of 50% of the cost of the bullet proof vests through participation in the OJP (Office of Justice Programs).

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2013 Budget is hereby amended to include a net General Fund appropriation in the amount of \$6,950 (*50% of total cost \$13,900*) for the replacement of twenty police department bullet proof vests.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
**Bailey Yelding, Jr. , Mayor**

**ATTEST:**

\_\_\_\_\_  
Rebecca A. Hayes, Interim City Clerk

**ORDINANCE 2013-08**

**JOB RECLASSIFICATION: MAYOR'S ASSISTANT**

**An Ordinance Approving the Job Reclassification of  
the Mayor's Administrative Assistant to Executive Assistant**

**WHEREAS**, the annual budget as adopted by the City Council authorized and funded the position of the Administrative Assistant to the Mayor; and

**WHEREAS**, such position has been reviewed by the Archer Company with the determination that such position would more accurately be classified as an Executive Assistant to the Mayor and placed within the existing Job Classification Schedule.

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

- 1) The authorized position of the Mayor's Administrative Assistant (Grade 13) be removed and unfunded and that the job be re-instated, reclassified and funded as Executive Assistant to the Mayor (Grade 14) and the existing Job Classification Schedule shall be amended to include such revision; and
- 2) The total annual increase of such reclassification is \$ 4,880 (FY13 increase of \$ 3,255); and
- 3) The FY 13 Budget includes an allocation for Position Upgrades and \$ 3,255 of such allocation is hereby released and transferred to the Grade 14 Executive Assistant to the Mayor position.
- 4) Such reclassification shall be effective beginning with the second pay period of February 2013.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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**Bailey Yelding, Jr., Mayor**

**ATTEST:**

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Rebecca A. Hayes, Interim City Clerk

**ORDINANCE 2013-09**

**Fiscal 2013 Blueprint for a Better Tomorrow**

**WHEREAS**, Ordinance 2012-58 approved and adopted the Fiscal Year 2013 Budget on October 1, 2012; and

**WHEREAS**, subsequent 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**, the City Council of the City of Daphne recognizes the health, safety, and welfare benefits derived by the citizens of Daphne through the services performed by community agencies and the promotion of the City of Daphne fostered by community events, and strategic plans; and

**WHEREAS**, the Blueprint for Tomorrow, an initiative of the Eastern Shore Chamber of Commerce, is one such agency; and

**WHEREAS**, the City Council has determined it to be in the best interest of the City to make a \$35,000 contribution to the Eastern Shore Chamber of Commerce for the Blueprint for a Better Tomorrow initiative.

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

1. Funds in the amount of \$35,000 from the General Fund are hereby appropriated as Community Contributions in the FY2013 Budget for a contribution to the Eastern Shore Chamber of Commerce for the Blueprint for a Better Tomorrow initiative.
2. Furthermore, the Mayor is authorized to execute an agreement, on behalf of the City of Daphne, as necessary for such purpose.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
**Bailey Yelding, Jr., Mayor**

**ATTEST:**

\_\_\_\_\_  
Rebecca A. Hayes, Interim City Clerk