

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

1. CALL TO ORDER

2. ROLL CALL / INVOCATION /

3. APPROVE MINUTES: Council meeting minutes / April 15, 2013

PRESENTATION: Graduates of Huntingdon College

PRESENTATION: Beautification Awards

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Conaway

B. BUILDINGS & PROPERTY COMMITTEE- Davis

C. PUBLIC SAFETY - Rudicell

Review minutes / April 10th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Fry

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

B. Downtown Redevelopment Authority - Conaway

C. Industrial Development Board – Davis

Review Special Called meeting minutes / April 30th

D. Library Board - Lake

E. Planning Commission – Scott

F. Recreation Board - LeJeune

G. Utility Board - Fry

Review minutes / February 27th

6. REPORTS OF OFFICERS:

A. Mayors Report

a.) **MOTION:** Due to the exceptional job qualifications of a Children’s Librarian candidate, the Mayor is authorized to negotiate the beginning salary of the position within Job Grade 18 not to exceed Step 6.

b.) **MOTION:**

a.) To recognize a special occasion “The 180 Day Promotional Period for Commercial and Retail Establishments”:

The City Council recognizes the economic recession and the on-going impacts of the economic down-turn as it relates to businesses in the City of Daphne. The City Council hereby recognizes “The 180 Day Promotional Period for Commercial and Retail Establishments” beginning on May 30, 2013 and ending November 26, 2013. This motion may be rescinded in the future in the event new Sign Provisions are adopted as part of the Land Use & Development Ordinance.

- c.) **MOTION:** To exercise the authority of the City Council granted by Section 33-5(e)(1) of the Land Use & Development Ordinance 2011-54:

The City Council has determined that “The 180 Promotional Period for Commercial and Retail Establishments” and it is hereby designated by the City Council as an occasion to allow the following temporary promotional signs for commercial and retail establishments: temporary signs and banners not exceeding fifty (50) feet in area, temporary decorative flags, tethered inflatable items, bunting, pennants and streamers as provided in Section 33-5(e)(1) of the Land Use & Development Ordinance 2011-54.

Therefore, temporary signs and banners, temporary decorative flags, tethered items, bunting, pennants and streamers are authorized in the City of Daphne each Friday at 12:00 noon a.m. through Sunday at 11:59 p.m. beginning May30, 2013 and ending November 26, 2013. This motion does not suspend or replace any provisions of the sign ordinance, and reiterates that all other requirements of the sign ordinance remain under stringent and uniform enforcement. Each must meet all other requirements and provisions of the Land Use and Development Ordinance 2011-54. This motion may be rescinded in the future in the event new Sign Provisions are adopted as part of the Land Use & Development Ordinance.

- d.) **MOTION:** Extend New Cingular Wireless, PCS, LLC Temporary Site License (*COW*)

B. City Attorney’s Report

C. Department Head Comments

City Clerk Report:

- a.) Parade Permit / Lupus Foundation / Fund Raiser / March 15, 2014

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Authorize Applying for 2013 Transportation Enhancement and 2013 Transportation Alternative Program Grants /Resolution 2013-30**

ORDINANCES:

2nd READ

- a.) **An Ordinance to Control Public and Private Outdoor Lighting. /Ordinance 2013-23**

1ST READ

- b.) **Appropriation of Funds: Fiscal 2013 Capital & Personnel. /Ordinance 2013-25**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

COUNCILWOMAN CONAWAY	PRESENT___	ABSENT___
COUNCILMAN RUDICELL	PRESENT___	ABSENT___
COUNCILMAN LAKE	PRESENT___	ABSENT___
COUNCILMAN FRY	PRESENT___	ABSENT___
COUNCILMAN SCOTT	PRESENT___	ABSENT___
COUNCILMAN LEJEUNE	PRESENT___	ABSENT___
COUNCILMAN DAVIS	PRESENT___	ABSENT___

MAYOR:

MAYOR HAYGOOD	PRESENT___	ABSENT___
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CITY CLERK:

REBECCA HAYES	PRESENT___	ABSENT___
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CITY ATTORNEY:

JAY ROSS	PRESENT___	ABSENT___
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**APRIL 15, 2013
CITY COUNCIL MEETING
BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGAANCE:

Reverend Jerry Buzzard from the Daphne Baptist Church gave the invocation.

3. COUNCIL MEMBERS PRESENT:

Tommie Conaway; Pat Rudicell, John Lake; Randy Fry; Robin LeJeune; Joe Davis, III.

ABSENT: Ron Scott.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Jay Ross, City Attorney; David Carpenter, Police Chief; James White, Fire Chief; Vickie Hinman, HR Director; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Adrienne Jones, Director of Community Development; Richard Johnson, Public Works Director; Suzanne Henson, Senior Accountant; Anne Morris, Reference Librarian; Ashley Campbell, Environmental Programs Manager; Willie Robison, BZA; Dorothy Morrison, Beautification Committee & DRA; Larry Cooke, BZA; Al Guarisco, Village Point Foundation; Joe Lemoine, Planning Commission.

Absent: Kim Briley, Finance Director; Richard Merchant, Building Official; Tonja Young, Library Director.

3. APPROVE MINUTES:

April 1, 2013 Council meeting minutes and April 8, 2013 Council Work Session minutes

There being no corrections to the April 1, 2013 minutes they stand approved as written.

There being no corrections to the April 8, 2013 Council Work Session minutes they stand approved as written.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Conaway

The minutes for the April 8th meeting are in the packet.

Treasurers Report / March 31, 2013

Treasurers report totaling \$ 18,141,326.94 ending March 31, 2013.

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Sales & Use Tax Collections / February 28, 2013

Sales and Use Tax collected was \$1,004,349.50. Collections were over budget by \$83,251.44 for the month of February, and \$278,813.64 YTD

Lodging Tax Collections / February 28, 2013

Lodging taxes collected were \$54,207.03

There were 54 new businesses in March.

B. BUILDINGS & PROPERTY COMMITTEE - Davis

The April 1st minutes are in the packet. The next meeting will be May 6th at 5:30 p.m.

C. PUBLIC SAFETY COMMITTEE – Rudicell

The committee met last Wednesday, and the minutes will be in the next packet. The next meeting will be May 8th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Fry

The minutes for the April 10th meeting are in the packet. They cleaned up technical words in the lighting ordinance, and discussed adult entertainment.

E. PUBLIC WORKS COMMITTEE – LeJeune

The minutes for the March 18th meeting are in the packet. The committee met this afternoon.

5. REPORTS OF SPECIAL BOARDS & COMMITTEES:

A. Board of Zoning Adjustments – Adrienne Jones

The BZA will meet on May 2nd with two (2) petitions for setbacks.

B. Downtown Redevelopment Authority – Conaway

The next meeting will be Wednesday April 24th at 5:30 p.m.

C. Industrial Development Board – Davis

The next meeting will be Monday, April, 22nd

D. Library Board – Lake

The board met on April 11th, and the minutes will be in the next packet.

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E. Planning Commission – Scott

The minutes for the February 7th Special meeting and the February 28th minutes are in the packet.

MOTION BY Councilman Lake to set a Public Hearing date for May 20, 2013 to consider and advertise:

**Annexation: The Retreat at Tiawasee, LLC
Location: Southwest of the intersection of Tiawasee Boulevard and County Road 13
Present Zoning: Rsf-2, Single Family District, Baldwin County
Requested Zoning: R-2, Medium Density Single Family Residential District, City of Daphne**

Seconded by Councilman Davis.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

F. Recreation Board – LeJeune

The board met, but did not have a quorum. They will meet next Saturday.

G. Utility Board – Fry

The minutes for the January 30th meeting are in the packet. The February and March minutes will be in the next packet. The next meeting will be April 24th at 5:00 p.m.

6. REPORTS OF OFFICERS:

A. Mayor's Report

a.) MOTION: To authorize the Public Works Director to issue the RFQ to local engineering firms per Resolution 2013-08

MOTION BY Councilman Davis to authorize the Public Works Director to issue the RFQ to local engineering firms per Resolution 2013-08. *Seconded by Councilman Fry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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b.) Ordinance: Appropriation of Funds: Executive Training Budget to attend Paris Air Show / Ordinance 2013-24

MOTION BY Councilman Lake to suspend the rules to consider Ordinance 2013-24. *Seconded by Councilman Davis.*

ROLL CALL VOTE

Rudicell	Aye	LeJeune	Aye
Lake	Aye	Davis	Aye
Fry	Aye	Conaway	Aye

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Davis to waive the reading of Ordinance 2013-24. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTIN BY Councilman Davis to adopt Ordinance 2013-24. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney's Report

Mr. Ross reported that there was an order by the District Judge for mediation on May 30, 2013 for the Lamar Advertising case. Not all of council need be present, but those that attend need the authority to close the case. He and the Mayor will be negotiating to pare down the issues. He will have the adult entertainment decision by tomorrow or Wednesday.

C. Department Head Comments

David McKelroy – Recreation Director - reported Brown Bag by the Bay will be Thursday from 11:30-1:30 at May Day Park. The Sunday Series will be Sunday April 21st with the Baldwin Pops performing.

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Margaret Thigpen – Civic Center Director – reported that the Baldwin County Economic Development Alliance Job Fair is tomorrow with 51 vendors. Friday is Ballroom Dance.

Anne Morris – Reference Librarian - reported that the Summer Read program is ready for kickoff in June, with early signup in May.

Vickie Hinman – Human Resources Director - reported that the Account Tech position closed out today at 5:00 p.m., and they received 70 applications. The Assistant city Clerk position will close out Friday at 5:00 p.m. So far they have received 50 applications.

Adrienne Jones – Planning Director – reported that Site Preview meeting will be Wednesday at 8:30 a.m.

City Clerk Report – Rebecca Hayes

- a.) ABC License / Southern Nappa / 140 – Special Events Retail

MOTION BY Councilman LeJeune to approve the ABC License for Southern Nappa / 140 – Special Retail. *Seconded by Councilman Rudicell.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

7. PUBLIC PARTICIPATION:

Mrs. Karen Nady – spoke regarding a letter sent to the Downtown Redevelopment Authority regarding the map they produced, and asked that it be entered into the minutes.

Mr. Rod Drummond – 267 Ridgewood Drive – spoke regarding the Council Rules of Procedure.

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Declaring Certain Property Surplus. /Resolution 2013-24
- b.) Acceptance of Right-of-Way Located from Well Road to County Road 13. /Resolution 2013-25
- c.) Acceptance of Street and Drainage / Located in the Tiawasee Trace Subdivision. /Resolution 2013-26

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- d.) Acceptance of Streets and Drainage / Located in Caroline Woods Subdivision, Phase Two, B /Resolution 2013-27
- e.) Approving the City of Daphne’s Participation in the State of Alabama Sales Tax Holiday. /Resolution 2013-28
- f.) Support for Auburn University Writing of a Grant for Sustainable Development for Stormwater and Sediment Reduction in D’Olive Bay Watershed. /Resolution 2013-29

MOTION BY Councilman Lake to waive the reading of Resolution 2013-24, 2013-25, 2013-26, 2013-27, 2013-28 and 2013-29. *Seconded by Councilman Fry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to adopt Resolution 2013-24, 2013-25, 2013-26, 2013-27, 2013-28 and 2013-29. *Seconded by Councilman LeJeune.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Provide a One-Time Discretionary Bonus to Certain Employees /Ordinance 2013-20
- b.) Adopting Council Rules of Procedure. /Ordinance 2013-21

Council President Pro tem Conaway pulled Ordinance 2013-21 from the agenda.

MOTION BY Councilman Lake to amend the title and any reference to the word bonus in Ordinance 2013-20 and replace with pay adjustment. *Seconded by Councilman Davis.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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MOTION BY Councilman Lake to waive the reading of Ordinance 2013-20 as amended. *Seconded by Councilman Davis.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to adopt Ordinance 2013-20 as amended. *Seconded by Councilman LeJeune.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCE 2013-23 WAS 1ST READ.

9. COUNCIL COMMENTS:

Mayor Haygood extended his heartfelt condolences to the families of the Boston tragedy, and those affected.

Councilman Rudicell reminded everyone to come out to the re-enactment at the Daphne Museum on April 20th.

Councilman Lake also extended his condolences to those in Boston. He said it is sad that people this day and time take vengeance out on others.

Councilman Fry congratulated Mrs. Conaway on running an excellent meeting. He asked everyone to keep those involved in the Boston tragedy in their thoughts and prayers. He reminded everyone that they cannot give enough thanks to Public Safety, first responders, because this could happen anywhere, and we are not immune.

Councilman LeJeune echoed Mr. Fry's comments.

Councilman Davis said that all need to reflect on what happened in Boston. It may never be understood why this happened. All need to be thankful for everyday they have, and they need to make sure they use it to the fullest in whatever endeavor they may be involved in, because you never know. From the Industrial Development Board side of things regarding the money they just set aside for the Baldwin County/City of Daphne delegation for the air show, he is hoping, they will look back and say that it is the best money they ever spent. There are relationships that get built not only with the suppliers, but also with the leaders at the state level. There are things going on related to Airbus and things going on not related to Airbus that the city can be in line

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for, and he knows the Mayor will do a good job representing the city, and he is glad they are making the investment.

Council President Pro tem Conaway said her thoughts and prayers go out to those in Boston. She thanked the council for their support during the meeting.

10. ADJOURN:

MOTION BY Councilman Lake to adjourn. *Seconded by Councilman Fry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:06 P.M.

Respectfully submitted by,

Rebecca A. Hayes,
City Clerk

Certification of Presiding Officer:

Ron Scott,
Council President



April 8, 2013

Ms. Casey Zito, President
Downtown Redevelopment Authority

Dear Ms. Zito,

The combination of the Olde Towne Daphne Guide and the Olde Towne Daphne Business Guide developed by our organization, the Olde Towne Daphne Association (OTDA), is getting an excellent response around town! We have had calls from people from out of town and out of state who have read about our project! I know that I thanked the Downtown Redevelopment Authority (DRA) in person, but I wanted to again thank the DRA and let you all know that OTDA greatly appreciates the DRA mini grant funds which made such a large printing run of both guides possible.

However, there seems to be some confusion in our community about the guides. Some merchants thought that because the OTDA map art was used to highlight DRA projects in articles published in both a local magazine and the Jubilee Breeze, that the art was developed by the magazine or the DRA. The Eastern Shore Chamber posted on its web-site that the City of Daphne had just released "its" new guide. This letter is to clarify how the two guides were developed and to establish the ownership of those guides.

The project to develop the two guides took OTDA more than two years, and hundreds of hours, to research, write, and develop into the final products. It was solely the work of the Olde Towne Daphne Association and our map committee. As we distribute the guides, we have taken great care to clarify that our organization developed the guides and that printing was funded 80/20 by the very generous mini grant from the DRA and OTDA funds.

I must strongly emphasize that the Olde Towne Daphne Guide, the map and the artwork belongs to the OTDA! The art is part of our organization's branding. Ted Burn gifted the art to our organization. *It can not be reproduced without our permission.*

The history map is a project we developed for our community. We will be using the art in other ways in the future, including a poster that will be coming out this month. We developed the Business Guide to help promote our downtown merchants, as nothing like that had been done in the past. Our plan has been to turn over the Business Guide to the DRA. Thus, I would like to take this opportunity, on behalf of the OTDA, to officially gift the Olde Towne Daphne Business Guide to the DRA.

Our project evolved from a map into a map and business guide that are companion pieces. It made aesthetic sense to use some of our art on the covers of both. OTDA grants permission for the DRA to use the small section of our art, currently used on the front of the guide, to be reproduced only on the future covers of the Business Guide. The Business Guide is now owned by the DRA. However, the artwork on it remains the property of OTDA. We do not give permission for its use on any other projects or purposes.

PO Box 1022 Daphne, Alabama 36526
www.OldeTowneDaphne.org ContactUs@OldeTowneDaphne.org

Currently, it is my understanding that the DRA is developing a rack card for Alabama visitor centers and other uses. That is an excellent idea. However, the proposed use of the phrase "Jubilee occurs when conditions are right" and the fish artwork proposed for the rack cards comes directly from the watercolor map featured in the Olde Towne Daphne Guide and belongs to the Olde Towne Daphne Association. It cannot be used on the rack card, or for any other purpose without OTDA approval.

We have put the Olde Towne Daphne Guide, map and the Business Guide on our web-site, www.OldeTowneDaphne.org, so that our community has access to the guides. When the DRA web-site is up and running, we will remove the Business Guide from our web-site and put a link to the DRA web-site, as the Business Guide is now DRA property! Conversely, we request that the DRA put a link to the Olde Towne Daphne website for our Olde Towne Daphne Guide and history map.

Perhaps Ted Burn would be interested in developing a new piece of art, or logo, for the DRA that would be solely for the DRA to use and complimentary to our map if that is the wish of your organization. Our OTDA logo was designed by Fran Neuman, who also designed the sculpture of Daphne in front of City Hall. We have been lucky to have two local artists work with us!

We are very appreciative of the mini-grant! Having an 80/20 partnership for the printing costs definitely benefits both of our organizations' goals to serve the community and support our Olde Towne merchants.

Please remember that the map, and the art it features, remains the property of the Olde Towne Daphne Association. Our gift to the DRA is a comprehensive Olde Towne Daphne Business Guide and the use of the cover art for that guide only!

Sincerely,


Karen Lode Nady, President
Olde Towne Daphne Association

Cc: Mayor, Dane Haygood
City Clerk, Rebecca Hayes
City Attorney, Mr. Jay Ross
Council President, Ron Scott, District 5
Councilwoman Tommie Connaway, District 1
Councilman Pat Rudicell, District 2
Councilman John Lake, District 3
Councilman Randy Frye, District 4
Councilman Robin Lejeune, District 6
Councilman Joe Davis, District 7
President Eastern Shore Chamber of Commerce, Darrelyn Bender
Board of Directors, Olde Towne Daphne Association
Ted Burn

HUNTINGDON
COLLEGE



*Huntingdon College proudly announces the
Graduating class of 2013*

Michael DeVan Plato Akridge

John Walker Brantley

Brigitte Finley

Cuong Dat Huynh

Dana Carole Reed

Kellie San

Marisa Lyn Mustin Simpson

Derrick Lawrence Bassett

Tanra Lakia Coleman

Melissa Anne Franks

Ronald Charles Marcus Nero

Christopher Glynn Rutledge

Kayla Taylor Scott

Chad Gregory Stephens

*In honor of your outstanding achievement, the City of Daphne
And the Huntingdon College ADCP Baldwin County Staff
Warmly invite you to a recognition ceremony in your honor at
Daphne City Hall, Monday, May 6, 2013 at 5:45 in the evening.*

**REPORT
OF
STANDING COMMITTEES**

Public Safety Committee

Wednesday, April 10, 2013

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

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

Committee Members Attending:

Councilman Pat Rudicell, Councilman Ron Scott, Councilman Randy Fry, Councilman Robin LeJeune, Chief White, Captain Bell.

CALL TO ORDER

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

PUBLIC PARTICIPATION – None

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from February 13, 2013, and March 13, 2013. Councilman LeJeune made a motion to accept the minutes with a second by Councilman Randy Fry. Motion passed.

POLICE DEPARTMENT

A. New Business – Captain Bell reviewed the stats. Councilman Fry questioned the twelve B&E's on the monthly report. Captain Bell stated that this is an ongoing issue. They are proactively working B&E details. Councilman Scott stated that the PD was looking for approval on new officers and was it essential to the PD if the court was requesting additional personnel also. Bell stated most definitely.

B. Old Business – Councilman Lejeune asked if we have justification for a speed bump on College Avenue? Councilman Scott asked if rumble strips actually work? Councilman Scott responded that the city can't set a precedent by installing speed bumps on every street that asks for it. He suggested that the city change the speed limit on College Avenue to 25 mph. Melvin stated that if he had some signs he would put them up the next day, if not he would order them and it would take 7-8 days. Councilman LeJeune wants to see what kind of response we get from Mr. Wilson when we let him know we're changing the speed limit. If he's not okay with that then he will have to pick up a petition from the PD and have it signed with all that are in agreement for a speed bump. Councilman Rudicell asked for another traffic study on College Avenue. The PD will monitor the traffic on College Avenue. Bell asked Tracy to contact Howard Wilson and let him know of the speed limit change. For the record, Councilman Fry stated he was in agreement to put a speed bump on College Avenue.

FIRE DEPARTMENT

- A. New Business** – Chief White went over his stats. He asked if the council looked over the county stats in last month’s packet? It shows how Daphne stacks up against other departments in the county.
Chief talked to Sunbelt Fire in Ocala, Fl. And they advised him that the fire truck would be finished on April 22 and that he is going on April 23 for a final inspection of the truck.
Councilman Scott asked about the finishing of Johnson Road Extension and Melvin stated that it should be paved in a few weeks. Councilman Fry asked how far outside of the city limits does the fire department respond? Chief White advised to any sister city we will respond with mutual aid. Spanish Fort, Belforest, and Fairhope we respond automatically without a call. He also asked what percentage of EMT runs does the large fire truck run on? Chief responded that all EMT calls send the large fire truck because they each equipped with a paramedic onboard. Councilman Fry asked how speed bumps affect the fire trucks. Chief White responded that it slows response time significantly. He commented that all of the other ones that are in the city are spaced to make emergency vehicle crossing a little easier.

B. Old Business-

OTHER BUSINESS :

ADJOURN

There being no further business to discuss, Mr. Scott made a motion to adjourn the meeting at 5:30 p.m. Mr. Fry seconded. The next meeting will be Wednesday, May 8, 2013 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,
Daphne Public Safety Committee



Patrol Division	Detective Division (Capt. Ball/Lt. Beedy)		JAIL (Capt. Taylor/Lt. Yelding)	Animal Control (Capt. Taylor/Lt. Yelding)		Crimes Reported This Month
(Capt. Bell/Lt. Hempflang)						
# Complaints	1,067	# New Cases Received: 68	Total Arrestees Received & Processed: 170	YTD		
# Misd. Arrests	37	# Previous Unsolved Cases: 103	Arrestees by Agency:	896		Arson 0
# Felony Arrests	4	# Cases Solved: 34	Daphne PD	543	#Complaints	Burglary - Commercial 1
DUI Arrests	14	Resulting in Total Arrests: 11	BCSO	65	#Follow-ups	Burglary - Residence 2
Alias Warrant Arrests	12	Felonies: 11	Spanish Fort PD	223	#Citations	Burglary - Vehicle 12
Citations	246	Misdemeanors: 0	Silverhill PD	58	#Warnings	Criminal Mischief 3
Close Patrols	529	Houses Searched 0	Troopers	9	#Fines Captured	Disorderly Conduct 1
Warnings	205		Other Agencies	0	#Animes Captured	Domestic Disturbance 23
Motorist Assists	207				#Other Captured	False Info to Police 2
Roadway Accidents	59	Warrants:			#Returned to Owner	Felony Assault 1
Private Property Accidents	18	Served			#Adopted Out	Felony Theft 13
Traffic Homicide	2	Agency Assists			#Euthanized	Harassment 3
		Recalls (Pd Fines)				Identity Theft 6
		Total Warrants Served				Indecent Exposure 0
DRUG REPORT						Kidnapping 0
ROUTINE PATROL/SPECIAL OPS						Menacing 0
# Misd. Marijuana Arrest	0	Sex Offender:	Meals Served	1,543		Misdemeanor Assault 0
# Felony Marijuana Arrest	0	New Registration:	Medical Cost	\$5,647.00		Misdemeanor Theft 11
# Controlled Substance Arrest	2	Contact Verification	Worker Inmate Hours	792		Murder 0
# Drug Paraphernalia Arrest	2	Total # registered in Daphne				Other Death Investigations 2
Vehicles Searched	45	DARE:				Public Intoxication 0
		# Hours Report Writing				Public Lewdness 0
		# Students Instructed SRO				Receiving Stolen Property 0
Drugs Seized:	1	# Students Instructed DARE				Reckless Endangerment 0
Type:	0	# Police Reports by SRO				Resisting Arrest 0
Money Seized	0	# Arrest by SRO				Robbery 0
Vehicles Seized						Sex Crime Investigations 2
		CODE ENFORCEMENT:				Suicide 0
Commercial Vehicle Inspections	24	Warnings:				Suicide, attempted 0
		Citations				Theft of Services 0
		Warning Compliance				Unauthorized Use of Services 0
		Follow - Up				Weapon Offenses 2
						White Collar Crimes 4

David Cooper

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
 Report Period: February 2013

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	3	3
11-Structure Fire/Commercial	0	0
11-Structure Fire/Residential	4	5
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	2	4
14-Natural Vegetation Fire	2	2
15-Outside Rubbish Fire	0	0
16-Special Outside Fire	0	0
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	152	322
4-Hazardous Conditions (No fire):	6	7
5-Service Call:	12	36
6-Good Intent Call:	11	35
7-False Alarm & False Call:	24	46
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	1	1
Total Emergency Calls:	206	449
Monthly Total Calls:	217	463
Miscellaneous Reports:		
Highest:	17:00	17:00
Lowest:	<1:00	<1:00
Average (Minutes/Seconds) :	5:01	5:01
Training Hours	306.76	329.17
Property Loss - \$	54,645.00	67,645.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	89	215
Number of Patients Treated	141	385
Child Passenger Safety Seat Inspections/Installations	9	19
Pre-Plans	0	0
Classes		
Classes	0	0
Persons Attending	0	0
Plan Reviews		
Plan Reviews	3	6
Final/Certificate of Occupancy	1	2
General/Annual Inspections	6	18
General/Re-Inspections (Violation Follow-up - Annual)	6	3
Business Licenses	5	13
All Other/Misc. Activities	0	0
Total Activities:	18	42

Authorized by:

James White

**REPORT
OF
SPECIAL BOARDS**

MINUTES
INDUSTRIAL DEVELOPMENT BOARD
SPECIAL MEETING April 30, 2013

In Attendance:

John Cox

Lee Johnson

Pokey Miller

Joe Davis

Dennis Kearney

Doug Bailey

Dan Romanchuk

Toni Fassbender was in attendance by phone, but did not participate in voting.

A motion was made by John Cox and seconded by Dan Romanchuk to extend the deadline for tax abatement of Algae Systems to October 31, 2013. Motion carried unanimously. Toni Fassbender was to notify Algae Systems of the board's decision. Lee Johnson to complete the paperwork to accomplish the extension.

A motion was made by Dan Romanchuk and seconded by Doug Bailey to Review and Update the By-laws of the Industrial Development Board. Motion carried unanimously.

A motion was made by Doug Bailey and seconded by Dan Romanchuk to adjourn. Motion carried unanimously.

Becky Hayes

From: Toni Fassbender <toni@seamautogroup.com>
Sent: Tuesday, April 30, 2013 6:50 PM
To: 'A.M. Septimus'
Cc: 'Lee Johnson'; 'Lee Lawson'; mayor@daphneal.com; 'Rebecca Hayes'; 'Joe Davis'
Subject: Algae Systems

Dear Andrew,

Our board met tonight and we have voted to extend your deadline to October 31, 2013. We felt that this timeframe gave you what we had originally agreed to, which was a 6 month timeframe. You received your permits mid April, so this will take you a little beyond the 6 month period to make your tax free purchases. Please get in touch with Lee Johnson to complete the paperwork that needs to accompany this extension.

We hope that this project is extremely successful and that some time in the future you will be coming back to our board to request abatements for expansions.

Toni Fassbender
Administrative Director
SE&Associates Management Group
Corporate Offices
29732 Frederick Boulevard
Daphne, Al 36526
toni@seamautogroup.com
Office: 251-607-5701
Fax: 251.621.0616



Eastern Shore
TOYOTA



Eastern Shore
HYUNDAI



Headquarters
NISSAN



Baswell
KIA



FIAT
of Pensacola

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Accepted by:


Chairman, Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ February 27, 2013 ♦ 5:00 p.m.

I. Call to Order

The regular February 2013, Board meeting for the Utilities Board of the City of Daphne was held on February 27, 2013 and called to order by Chairman Robert Segalla, at 5:02 p.m.

II. Roll Call

Members Present: Robert Segalla, Chairman
Fenton E. Jenkins, Vice Chairman
Lon Johnston
Randy Fry
Mayor Dane Haygood

Others Absent:

Others Present: Jerry Speegle – Board Attorney
Rob McElroy – General Manager
Danny Lyndall – Operations Manager
Teresa Logiotatos – Finance Manager
Drew Klumpp – Administrative Services Manager
Deloris Brown – HR Manager
Lori May-Wilson – Executive Assistant
Tim Patton – Volkert & Associates
Melinda Immel – Volkert & Associates
Ray Moore - HMR

Others Absent:

III. Pledge of Allegiance

The Chairman led the Board and meeting attendees in the Pledge of Allegiance.

Chairman Segalla interjected the agenda by introducing Daphne’s new Mayor, Dane Haygood, and encouraged the audience to meet him after the meeting.

IV. Approval of Minutes

A. Utilities Board Minutes from January 30, 2013:

The Chairman inquired if there were any corrections for the submitted Minutes from the January 30, 2013, Utilities Board meeting. No corrections were made.

MOTION BY Lon Johnston to approve the Minutes for January 30, 2013, as submitted; Seconded by Randy Fry.

AYE: FRY, JOHNSTON, SEGALLA

ABSENT:

ABSTAIN: JENKINS, HAYGOOD

MOTION CARRIED

V. Old Business

A. Pay raise for General Manager (Vote – Board Action)

The Chairman explained the formality of the Motion in that the pay raise was already accomplished but that a vote was requested as part of a new process.

MOTION BY Fenton Jenkins to approve the pay raise for the General Manager; Seconded by Lon Johnston.

AYE: FRY, JENKINS, JOHNSTON, HAYGOOD, SEGALLA

ABSENT:

ABSTAIN:

MOTION CARRIED

Chairman Segalla explained the evaluation process for the General Manager and welcomed any suggestions from any of the Board members. Mr. Johnston recommended the Chairman continue directing the General Manager's evaluation and advocated full participation from the Board members in the evaluation as well as the recommendation of the salary increase. Chairman Segalla also stated that any Board member is welcome to sit in on the evaluation of the General Manager, although only 2 members can be present at one time.

VI. New Business

No new business was addressed.

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle had nothing further to add to his report and offered an Executive session to the Board to discuss any one of the topics in his report. The Board agreed to have an Executive session after the regular Board meeting for the purpose of discussing pending or threatened litigation.

VIII. FINANCIAL REPORT

Teresa Logiotatos briefed the Board on the January 2013 financials which is 4 months into the new fiscal year. She explained that revenue was trending well and that expenses were under budget. She mentioned that the auditors are completing the audit and should be able to present to the Board at the April Board meeting. She advised that the capacity fees will be transferred in the coming month and she explained a question from last month's Board meeting regarding Blue Cross/Blue Shield. She then answered a few more questions from Board members regarding the check register. Lon Johnston requested to have a benefit plan analysis in the next 2 months. Rob McElroy stated that he was preparing a presentation on that subject. Fenton Jenkins asked if the recent rainfall affected our finances to which Danny Lyndall answered that although there was a large amount of rainfall to hit the system, it did not have a financial affect. Before moving on, Teresa Logiotatos introduced her new employee, accounts payable clerk Tonya Whigham.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Rob McElroy had a short presentation of Daphne Utilities' 60th anniversary and unveiled the plaque for the new upgraded Central Plant Facility with recognition to Mr. Henry Lovett who was employed with Daphne Utilities for 30 years.

Lon Johnston gave kudos to the Daphne Utilities staff for the notable turnaround from a few short years ago. Chairman Segalla inquired as to the property search for a water storage tank; Danny Lyndall explained that he has a several areas of interest and has contacted appropriate people to investigate. Chairman Segalla also inquired about the tapping team; Mr. Lyndall informed the Board of the timeframe of the competition.

Danny Lyndall commented on his Operations Report that several of Daphne Utilities' employees had attended skid-car training and Code Enforcement Officer Rex Rentz briefed the Board about the training. Lon Johnston complimented on the in-house cross-training program for the benefit of new Board members. Randy Fry commented on the benefits of training. He asked for an update on the billing transition. Rob McElroy explained that after launching with the new company issues arose and it was in the best interest for Daphne Utilities and customers to revert back to the previous billing company.

Melinda Immel had nothing to add to her report.

Ray Moore had nothing to add to his report but gave accolades to Mr. Henry Lovett.

X. PUBLIC PARTICIPATION – Larry Jackson thanked Mr. Lovett for all his dedication to Daphne Utilities and its employees

XI. BOARD ACTION –

XII. BOARD COMMENTS –

Randy Fry also complimented the employees for all their efforts in maintaining the utility system in light of all the hard rains. He commented on a call from a constituent that praised our employees' hard work. Mayor Dane Haygood thanked Rob McElroy and Danny Lyndall for the tour of Daphne Utilities' system.

MOTION BY Lon Johnston to adjourn for Executive Session for the purpose of discussing pending or threatened litigation for approximately 20 minutes; Seconded by Randy Fry.

AYE: Fry, Haygood, Jenkins, Johnston, Segalla

ABSENT:

ABSTAIN:

MOTION CARRIED

Executive session adjourned at 5:37 pm.

XIII. ADJOURNMENT –

MOTION BY Lon Johnston to adjourn the meeting; Seconded by Randy Fry.

AYE: Fry, Haygood, Jenkins, Johnston, Segalla,

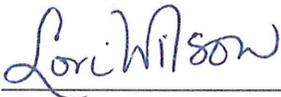
ABSENT:

ABSTAIN:

MOTION CARRIED

The meeting adjourned at 6:16 pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities

**REPORT
OF
OFFICERS**

**AMENDMENT TO
TEMPORARY SITE LICENSE**

This AMENDMENT TO TEMPORARY SITE LICENSE (this “Amendment”), dated as of the ___ day of _____, 2013, by and between The City of Daphne, an Alabama municipal corporation (“Licensor”) and New Cingular Wireless PCS, LLC and its affiliates (“Licensee”), amends that certain Temporary Site License with a commencement date of October 1, 2012 the (“License”).

WHEREAS, the term of the License currently expires as of September 30, 2013.

WHEREAS, the Licensor and Licensee deem it desirable and in their best interest to extend the term of the License to March 31, 2014.

WHEREAS, the Licensor and Licensee deem it desirable and in their best interest to provide for further extensions of the License.

BE IT RESOLVED, Licensor and Licensee hereby adopt and incorporate the recitals set forth above and do further declare that the term of the License is hereby amended to read:

“October 1, 2012 through March 31, 2014 as may be extended pursuant to this License”

BE IT FURTHER RESOLVED, Licensee, in Licensee’s sole discretion, may extend the License for additional terms at a specified license fee as set forth below:

<u>Extension Term</u>	<u>License Fee</u>
April 1, 2014 through September 30, 2014.....	\$1,250 per month
October 1, 2014 through March 31, 2015.....	\$1,400 per month
April 1, 2015 through September 30, 2015.....	\$1,500 per month

Notice of any extension shall be provided to the Licensor thirty (30) days prior to the termination of the previous term in the manner specified in the License.

[Signature Page to follow]

[Signature Page to Amendment to Temporary Site License]

IN WITNESS WHEREOF, Licensor and Licensee have executed this Amendment as of the date first above written.

LICENSEE:

NEW CINGULAR WIRELESS PCS, LLC

By: AT&T Mobility Corporation

Its Manager

By: _____

Name: _____

Title: _____

LICENSOR:

THE CITY OF DAPHNE,

an Alabama municipal corporation

By: _____

Dane Haygood

As its Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE
PARADE PERMIT**

ORGANIZATION:	<i>Lupus Foundation</i>
CONTACT PERSON:	<i>Lucy King</i>
ADDRESS:	<i>11351 Haleyon Loop Daphne, AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER: E-MAIL ADDRESS:	<i>251-753-7989 lkking15@aol.com</i>
TYPE OF PARADE:	<i>Fund Raiser</i>
DATE OF PARADE:	<i>March 15, 2014</i>
ROUTE TO BE TRAVELED:	<i>See Attached Map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>125</i>
START TIME:	<i>8:00 A.M.</i>
STOP TIME:	<i>12:00 Noon</i>
ASSEMBLY AREA/STREET:	<i>City Hall</i>
ASSEMBLY TIME:	<i>7:30 P.M.</i>
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	<i>April 2, 2013</i>
APPROVAL	
POLICE: <i>Chief David Carpenter</i>	<i>David Carpenter</i>
FIRE: <i>Chief James White</i>	<i>James White</i>
PUBLIC WORKS: <i>Richard Johnson</i>	<i>Richard Johnson</i>
RECREATION : <i>David McKelroy</i>	<i>David McKelroy</i>
CITY COUNCIL APPROVAL: <i>5-06-13</i>	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>April 2, 2013</i>
NOTIFICATION	

RESOLUTIONS

&

ORDINANCES

RESOLUTION 2013-30

RESOLUTION TO AUTHORIZE THE MAYOR & THE DIRECTOR OF PUBLIC WORKS TO APPLY FOR THE STATE OF ALABAMA'S FY 2013 TRANSPORTATION ENHANCEMENT (TE) AND FY2013 TRANSPORTATION ALTERNATIVE PROGRAM (TAP)

WHERE AS, the Alabama Department of Transportation (ALDOT) is soliciting applications for the final year (FY2013) of the Transportation Enhancement (TE) Program funds and the first year (FY2013) of the new Transportation Alternatives Program (TAP); and

WHERE AS, the Transportation Enhancement (TE) Program funds may be used to correct ADA deficiencies associated with existing pedestrian infrastructure; and

WHERE AS, Congress passed a new transportation bill entitled Moving Ahead for Progress in the 21st Century (MAP-21) which provides a new funding category called the Transportation Alternatives Program (TAP) which may be used for a wide-variety of transportation related infrastructure improvement projects; and

WHEREAS, TE and TAP funds will be awarded and distributed according to the cost sharing methodology of **80% Federal / 20% City for construction cost and construction engineering and testing (CE&I) and 100% City funding for all related engineering design costs, utility relocations, and R.O.W. acquisitions;** and

WHEREAS, the Mayor and Director of Public Works have identified specific transportation related infrastructure improvement projects throughout the City that would be TE and TAP Funding eligible; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Daphne that:

- 1.) The Mayor and the Director of Public Works are hereby authorized to apply for the Transportation Enhancement (TE) Program and Transportation Alternatives Program (TAP) for FY2013; and
- 2.) If approved and awarded TE and/or TAP funding, the City will appropriate funds for each project equal to 20% of the construction cost and CE&I in addition to 100% of all related engineering, utility relocations, and Right of Way acquisition costs.

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

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

ATTEST:

REBECCA HAYE, CITY CLERK

DANE HAYGOOD, MAYOR

**CITY OF DAPHNE
ORDINANCE NO. 2013-23**

**AN ORDINANCE TO CONTROL PUBLIC
AND PRIVATE OUTDOOR LIGHTING**

WHEREAS, the City Council of the City of Daphne, Alabama finds that the improper use of outdoor lighting is a threat to the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

WHEREAS, the City Council of the City of Daphne, Alabama finds that the proper placement, orientation, distribution and fixture type and size of outdoor lighting promotes the public health, safety and welfare; and,

WHEREAS, the City Council of the City of Daphne, Alabama wishes to promote the public health, safety and welfare by encouraging lighting that provides safety, utility and security, as well as preventing glare on public roadways and to protect the privacy of adjoining properties:

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

SECTION I. DEFINITIONS

A. For the purpose of this Ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in this ordinance.

1. **Direct Light**. Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.
2. **Fixture**. The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
3. **Foot-candle**. A quantitative unit of measure referring to the measurement of illumination incident at a single point. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot.

4. **Glare**. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.
5. **Grandfathered luminaires**. Luminaires not conforming to this code that were in place at the time this code was voted into effect. When an ordinance "grandfathers" a luminaire, it means that such already-existing outdoor lighting does not need to be changed unless a specified period is specified for adherence to the code.
6. **Height of Luminaire**. The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.
7. **Indirect Light**. Direct light that has been reflected or has scattered off of other surfaces.
8. **Lamp**. The component of a luminaire that produces the actual light.
9. **Lumen**. A unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.
10. **Luminaire**. A complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.
11. **Outdoor Lighting**. The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
12. **Temporary Outdoor Lighting**. The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than 14 days, with at least 180 days passing before being used again unless otherwise approved by the city council.

SECTION II. REGULATIONS**A. REGULATIONS**

All public and private outdoor lighting installed in the City of Daphne shall be in conformance with the requirements established by this Ordinance.

B. LUMINAIRE RESTRICTIONS

1. Private outdoor luminaires shall not exceed 30,000 lumens and shall not exceed forty (40) feet in height. No direct light from any private outdoor luminaire owned by any owner or tenant of any property shall direct light upon any residential property, house or structure not owned by that owner or tenant. The intentional directing of light upon the personal property, house or structure of another shall not be subject to any grandfather provision as provided in this ordinance.

2. With the exception of outdoor sports luminaries, public outdoor luminaires shall not exceed 55,000 lumens. Outdoor sports luminaries shall not exceed 200,000 lumens.

C. EXCEPTIONS

1. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this Ordinance.

2. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.

3. Law Governing Conflicts. Where any provision of federal, state, county, or town statutes, codes, or laws conflicts with any provision of this Code, the most restrictive shall govern unless otherwise regulated by law.

4. Temporary circus, fair, carnival, or civic uses.

5. Lighting necessary for construction is exempt from this Code provided said lighting is discontinued immediately upon completion of the construction work.

D. OUTDOOR ADVERTISING SIGNS

1. Luminaries used to illuminate outdoor advertising sign shall direct light only on the intended advertising sign and shall not direct light upon any other structure.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within shall not cause glare. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this Code within ten years from the date of adoption of this provision.

E. RECREATIONAL FACILITIES

1. Any light source permitted by this Code may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all the following conditions are met:
 - a.) All events shall be scheduled so as to be completed before or as near to 10:30 p.m. as practicable. Under no circumstances shall an event begin after 11:00 p.m. except to conclude scheduled events that were in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
 - b.) The lighting fixtures shall be specified in the Lighting Plan, mounted and aimed so that the illumination falls within the primary playing area and immediate surrounding so that no direct light illumination is directed off site.

F. PROHIBITIONS

5. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising is prohibited. The use of laser source light or any similar high intensity light may be permitted pursuant to the provisions of Section II (G).
2. Searchlights. The operation of searchlights for advertising purposes is prohibited. The use of searchlights or any similar high intensity light may be permitted pursuant to the provisions of Section II (G).

G. TEMPORARY OUTDOOR LIGHTING

Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the City Council after considering: (1) the public and/or private

benefits that will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the City Council, who shall consider the request at a duly called meeting of the City Council. A failure by the City Council to act on a request within the time allowed shall be construed a denial of the request.

SECTION III GRANDFATHERED LUMINAIRES

- A. All luminaires lawfully installed prior to the effective date of this Ordinance shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this Ordinance. Advertising signs are grandfathered only for a period of ten years from effective date of this Ordinance.
- B. Grandfathered luminaires that direct light toward streets or parking lots that cause disability glare to motorists or cyclists should be either shielded or re-directed within 90 days of notification, so that the luminaires do not cause a potential hazard to motorists or cyclists.

SECTION IV. PENALTY

A. VIOLATION

It shall be an offense for any person to violate any of the provisions of this Ordinance. Each and every day during which the violation continues shall constitute a separate offense.

B. VIOLATIONS AND LEGAL ACTIONS

If after investigation, the Code Enforcement Officer finds that any provision of the Ordinance is being violated, he shall give notice by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the thirty-day period, the Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violation, including the issuance of a municipal offense citation.

C. PENALTIES

A violation of this Ordinance, or any provision thereof, shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for any individual, corporation, association, or other legal entity for each violation. The imposition of a fine under this Code shall not be suspended. Each day of violation after the expiration of the thirty-day period provided in paragraph two (2) above shall constitute a separate offense for the purpose of calculating the civil penalty.

D. SUMMONS AND COMPLAINT

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

SECTION V. 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 VI. REPEALER

City of Daphne Ordinance number 2003-31 is hereby repealed in its entirety. All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION VII. EFFECTIVE DATE

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

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

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

ORDINANCE 2013-25

Appropriation: Fiscal 2013 CAPITAL & PERSONNEL

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

WHEREAS, at the end of Fiscal 2012, the Unreserved Fund Balance of the General Fund totaled \$ 9,946,859; and

WHEREAS, the “target” for such fund balance is \$ 8,500,000 and amounts over such may be used for capital appropriations in lieu of incurring debt; and

WHEREAS, after reviewing the Fiscal 2012 audit as well as interim financial reports for Fiscal 2013, the City Council has determined that funds are available for certain additional Fiscal 2013 personnel and capital appropriations and such appropriations should be considered, approved and made a part of the Fiscal Year 2013 budget; and

WHEREAS, City Departments have submitted new Personnel & Capital requirements; and

WHEREAS, the Mayor and City Council have reviewed such requests and prioritized them according to needs and available funds.

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 additional General Fund appropriations in the amount of \$961,544:

- \$ 70,694 pro-rata Personnel for the remainder of Fiscal 2013 (*FY 2014 appropriation \$212,083*)
- \$ 890,850 Capital equipment.

Such appropriations are itemized in the attached list and made a part hereof.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

RECOMMENDED CAPITAL BUDGET APPROVAL ITEMS

PERSONNEL

COURT	MAGISTRATE	\$29,557	\$8,867	\$38,424
POLICE	PATROL OFFICER (1 of 4)	\$37,220	\$16,130	\$53,350
POLICE	PATROL OFFICER (2 of 4)	\$37,220	\$16,130	\$53,350
FIRE	LT RECLASSIFICATIONS	\$6,900	\$2,070	\$8,970
PUBLIC WORKS	PART TIME GROUNDS (30 HRS)	\$15,975	\$3,887	\$19,862
RECREATION	PART TIME GROUNDS (30 HRS)	\$15,975	\$3,887	\$19,862
LIBRARY	LIBRARY TECH	\$8,090	\$2,427	\$10,517
LIBRARY	LIBRARY AIDE (YOUNG ADULT)	\$5,960	\$1,788	\$7,748
		ANNUAL PERSONNEL TOTAL		\$212,083
		PRORATED FOR FY13		\$70,694

EQUIPMENT

GENERAL GOV	SMALL SUV	LEGISLATIVE	\$25,000
GENERAL GOV	IT INFRASTRUCTURE	INFORMATION TECH	\$25,000
GENERAL GOV	CITY HALL ROOF MAINTENANCE	BLDG MAINT	\$85,000
GENERAL GOV	MINIVAN	JANITORIAL	\$20,000
POLICE	PATROL VEHICLE (1 of 4)		\$42,675
POLICE	PATROL VEHICLE (2 of 4)		\$42,675
POLICE	NEW OFFICER EQUIPMENT (1 OF 4)		\$5,000
POLICE	NEW OFFICER EQUIPMENT (2 OF 4)		\$5,000
FIRE	ADMIN VEHICLE (1 OF 2)		\$26,000
FIRE	ADMIN VEHICLE (2 OF 2)		\$26,000
SEARCH & RESCUE	BOAT - CAROLINA SKIFF		\$25,000
PUBLIC WORKS	KNUCKLEBOOM TRUCK	SOLID WASTE	\$140,000
PUBLIC WORKS	TRAFFIC COUNTER SYSTEM	ADMIN	\$18,000
PUBLIC WORKS	TRUCK - CREW CAB	MOWING	\$25,000
PUBLIC WORKS	TRUCK - CREW CAB	MOWING	\$25,000
PUBLIC WORKS	SERVICE TRUCK W/ CRANE	MECHANICAL	\$60,000
PUBLIC WORKS	SWEEPER ATTACHMENT FOR CAT924G	STREETS	\$25,000
PUBLIC WORKS	TRACTOR	MOWING	\$66,000
PUBLIC WORKS	BUSH HOG FOR TRACTOR ABOVE	MOWING	\$12,000
PUBLIC WORKS	HVAC FOR PARTS ROOM	MECHANICAL	\$15,000
RECREATION	FLOORING		\$45,000
RECREATION	NICHOLSON CENTER ROOF		\$50,000
RECREATION	BOYS & GIRLS CLUB HVAC		\$18,000
RECREATION	ALLIGATOR ALLEY BOARDWALK REPAIRS		\$10,000
RECREATION	MOWER - JOHN DEERE 72"		\$11,000
CIVIC CENTER	AIRWALL		\$23,500
CIVIC CENTER	BAYFRONT DECKING		\$20,000
		EQUIPMENT TOTAL	\$890,850

PERSONNEL

\$70,694 (PRORATED FOR FY13; JUNE - SEPTEMBER 2013)

EQUIPMENT

\$890,850

TOTAL FY13 CAPITAL BUDGET

\$961,544