

**CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
AUGUST 5, 2013
6:30 P.M.**

1. CALL TO ORDER

2. ROLL CALL / INVOCATION / Pastor Rife Stewart / Destiny Church

3. APPROVE MINUTES: Council meeting minutes / July 15, 2013
Council Strategic Plan meeting minutes / July 22, 2013

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Conaway

B. BUILDINGS & PROPERTY COMMITTEE- Davis

C. PUBLIC SAFETY - Rudicell

Review minutes / June 12th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Fry

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - LeJeune

Review minutes / July 15th

a.) **MOTION:** Support of the Village Point Foundation proposal to the Forever Wild Program regarding the purchase of a parcel of land bound by Hwy 98 to the east, Interstate 10 to the south and Hwy 90 (Causeway) to the north.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

B. Downtown Redevelopment Authority – Conaway

C. Industrial Development Board – Davis

D. Library Board - Lake

E. Planning Commission – Scott

a.) Review minutes / June 27th

b.) Review Sign Committee minutes / July 2nd / July 9th / July 16th

c.) Set a Public Hearing date for **September 16, 2013** and approve advertising to consider:

1.) Revisions to the Zoning Map

Recommendation: Favorable

d.) **MOTION:** To extend the deadline for the Sign Committee

F. Recreation Board - LeJeune

MOTION: Appoint two members to the Recreation Board:

Nominees: One 3 year opening and one 1 year opening / Designate

a.) Lawrence Yelding

b.) David Dueitt

c.) Victor LeJeune

Reappoint: Rick Cleveland / Term 2011 - 2014

Matt Cunningham / Term 2012 – 2017

Frank Pierce / Term 2013-2018

Lisa O'Hara / Term 2011 – 2016

Kit Smith / Term 2012 – 2014

G. Utility Board - Fry
Review minutes / May 29th

6. REPORTS OF OFFICERS:

- A. Mayors Report
- B. City Attorney’s Report
- C. Department Head Comments
- City Clerk Report:

MOTION: Change September 2, 2013 Council Meeting Date due to Labor Day

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Declaring Certain Property Surplus & Authorizing the Mayor to Dispose of Such Property. /Resolution 2013-40
- b.) Revisions to City of Daphne Street Map. /Resolution 2013-41
- c.) Support Daphne Utilities Position Opposing the Pipeline within the Watershed of Big Creek Lake. /Resolution 2013-42

ORDINANCES:

2ND READ

- a.) Rezone: John & Deborah Kim / Property located Southwest of the Intersection of Pollard Road & County Road 64. /Ordinance 2013-39
- b.) Rezone: Interstate-Baldwin Investment, LLC / Property Located Northwest of the Intersection of TimberCreek Subdivision and Interstate 10. /Ordinance 2013-40
- c.) U.S. 98 (SR42) Service Road Extension in Baldwin County Agreement for Preliminary Engineering, ROW Acquisition, Utilities and Construction. /Ordinance 2013-42
- d.) Amending Chapter 1 of the Employees Handbook: Privately-Owned Firearms and Ammunition in the Workplace /Ordinance 2013-43
- e.) Appropriation of Funds: S.E.E.D.S (Supporting Educational Enrichment in Daphne School’s) /Ordinance 2013-44
- f.) Regulating the Keeping of Dogs, Cats, Domesticated Animals, Livestock or Fowl within the City of Daphne. /Ordinance 2013-45

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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**JULY 15, 2013
CITY COUNCIL MEETING
BUSINESS MEETING
1705 MAIN STREET
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6:30 P.M.**

1. CALL TO ORDER:

Council President Scott called the meeting to order at 6:33 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGAANCE:

Pastor Timothy Conaway, Restoration Place Church gave the invocation.

COUNCIL MEMBERS PRESENT:

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

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Sarah Toulson, Assistant City Clerk; Jay Ross, City Attorney; David Carpenter, Police Chief; James White, Fire Chief; Tonja Young, Library Director; Vickie Hinman, HR Director; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Adrienne Jones, Director of Community Development; Suzanne Henson, Senior Accountant; Ashley Campbell, Environmental Programs Manager.

Absent: Richard Merchant, Building Official; Michael Hoyt, Municipal Judge.

3. APPROVE MINUTES:

July 1, 2013 Council meeting minutes

There were no corrections, the July 1, 2013 council meeting minutes stand approved as written.

July 8, 2013 Council Work Session minutes.

There were no corrections, the July 8, 2013 Council Work Session meeting minutes stand approved as written.

July 8, 2013 Strategic Plan meeting minutes

There were no corrections to the July 8, 2013 Strategic Plan meeting minutes, and the minutes stand approved as written.

ANNOUNCEMENT: Beautification Award

Mrs. Dorothy Morrison commented on the dedication of the Pedestrian Bridge crossing from the Hampton Inn to Gator Alley. She thanked Councilman Scott, Councilwoman Conaway, Councilman Lake and Councilman Rudicell for attending. Jane Ellis, representing Mayor Haygood, Richard Johnson, David McKelroy and Chief Carpenter were also present for the dedication. She thanked the Hampton Inn for the reception afterward.

Mrs. Rebecca Trosclair, Chairman of the Beautification Committee, announced Navigator Credit Union from District 3 is the recipient of the Beautification Award. Mayor Haygood presented

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the plaque to the manager of Navigator Credit Union, Ms. Gloria Donworth as Richard Johnson and Councilman Lake looked on.

PUBLIC HEARINGS:

- 1. Rezoning: John & Deborah Kim**
Location: Southwest of the intersection of Pollard Road and County Road 64
Present Zoning: R-2, Medium Density Single Family Residential District
Requested Zoning: B-3, Professional Business District
Recommendation: Unanimous Unfavorable

Mrs. Adrienne Jones gave the presentation.

Council President Scott opened the Public Hearing at 6:47 p.m.

Mr. John Kim – Owner of the property to be rezoned - spoke regarding his request for B-3 zoning. He said that when he purchased the property he did not have a specific use in mind. The Planning Commission recommended a B-3, Professional Business zoning since it is the least invasive. His intent is to have professional businesses like accountant, lawyer or medical offices.

Mrs. Washington – representing her nephew, Mr. Clarence Herbert, who lives at 1707 Pollard Road – his property is behind the property to be rezoned – They are opposed to the rezoning, and asked council to consider the residents and the history of the area and not rezone the property.

Council President Scott closed the Public Hearing at 6:53 p.m.

- 2. Rezoning: Interstate-Baldwin Investment, LLC**
Location: Northwest of the intersection of
 TimberCreek Subdivision and Interstate 10
Present Zoning: B-2, General Business District
Requested Zoning: R-6 (G), Garden or Patio Homes
Recommendation: Unanimous Favorable

Mrs. Adrienne Jones gave the presentation, and Mr. Darrell Russell representing Coleman Engineering spoke to council.

Council President Scott opened the Public Hearing at 6:58 p.m.

Mr. David Dueitt – 104 D'Olive Boulevard – asked what is the plan to protect the D'Olive Watershed.

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Council President Scott closed the Public Hearing at 6:59 p.m.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Conaway

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

MOTION BY Councilwoman Conaway to authorize the application for the City of Daphne Village Point-Bay Front Invasive Species Grant through Federal and State Agencies. Seconded by Councilman Lake.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway To authorize the application for the Restoration of the Yancey Branch – Abandoned Dirt Pit through Federal and State Agencies. Seconded by Councilman Lake.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. *BUILDINGS & PROPERTY COMMITTEE* - Davis

The minutes for the July 3rd meeting are in the packet. The next meeting will be August 5th.

C. *PUBLIC SAFETY COMMITTEE* – Rudicell

The next meeting will be August 14th at 4:30 p.m.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Fry

There are two ordinances on the agenda for a 2nd read, Public Indecency and Community Standards, and one that is a 1st read, Amending Chapter 1 of the Employee Handbook / Privately Owned Firearms and Ammunition.

E. *PUBLIC WORKS COMMITTEE* – LeJeune

The next meeting will be August 19th. Lake Forest Phase II is scheduled to be finished next week.

5. REPORTS OF SPECIAL BOARDS & COMMITTSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

No report.

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B. Downtown Redevelopment Authority – Conaway

The June 26th minutes are in the packet. The next meeting will be July 24th at 5:30 p.m.

C. Industrial Development Board – Davis

The June 24th meeting minutes are in the packet. The next meeting will be July 22nd at 6:00 p.m.

MOTION BY Councilman Davis to re-appoint Dan Romanchuk / Term 2012-2018 and Denis Kearney / Term 2011-2017. Seconded by Councilwoman Conaway.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

D. Library Board – Lake

No meeting in July or August.

E. Planning Commission – Scott

The minutes for the May 23rd meeting and the June 11th special called meeting minutes are in the packet.

MOTION BY Councilman Fry to set a Public Hearing date for August 19, 2013 and approve advertising to consider amendments to the Land Use and Development Ordinance:

- a.) Repeal Article 11-14(h) Common Open Space Provisions in its entirety and Replace with Article 11-14(h) Open Space and Recreation Provisions**
- b.) Amend Article 8 Definition of Terms to Add “No Clear Zone”**
- c.) Amend Articles 8 & 35 Definition of Terms and Table of Permitted Uses as related to the Community Standards Ordinance 2013-38**

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council President Scott requested that a motion to extend the time frame for the Sign Committee be on the next council meeting agenda.

F. Recreation Board – LeJeune

The May 15th meeting minutes are in the packet. There are two openings on the board that need to be filled.

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G. Utility Board – Fry

Saturday they had their mid-year financial review, and it was a productive meeting. They are addressing EPA and ADEM regulations. The next meeting will be July 31st 5:00 p.m. in the council chambers.

6. REPORTS OF OFFICERS:

A. Mayor’s Report

a.) **MOTION:** Authorize the Mayor to enter into a contract with ALDOT for mowing the right-of-ways at I-10 and State Route 181

MOTION BY Councilman Lake to authorize the Mayor to enter into a contract with ALDOT for mowing the right-of-ways at I-10 and State Route 181. *Seconded by Councilman Rudicell.*

AYE NONE OPPOSED NAY NONE OPPOSED MOTION CARRIED

B. City Attorney’s Report

No report.

C. Department Head Comments

Richard Johnson – Public Works Director – asked council to suspend the rules to consider Ordinance 2013-41, Lake Forest Phase III. This is \$2 million in ATRIP Funds. The city has to pay the invoice by July 28th to claim the \$2 million.

David Carpenter – Police Chief – reported there have been a rush of thefts and encouraged citizens to lock their cars. He asked if they see anything out of the ordinary to call the police.

David McKelroy – Recreation Director – they are registering for fall sports.

Adrienne Jones – Director of Community Development – announced the Sign Committee meeting is tomorrow, Wednesday is Site Preview meeting at 8:30 a.m. and the Planning Commission meeting is Thursday, July 25th.

City Clerk Report – Rebecca Hayes –

No report.

7. PUBLIC PARTICIPATION

Mr. Jonathan Ellis – Principal for Daphne East Elementary School – spoke in support of funding S..E.E.D.S. proposal.

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Ms. Jennifer Jenkins – Business Owner in Daphne – spoke in support of funding S.E.E.D.S. proposal.

Mr. Greg Strong – Bryant Bank – spoke in support of funding S.E.E.D.S. proposal.

Ms. Dana Bottoms – 11532 Eliza Circle – Principal for W.J. Carroll Intermediate School – spoke in support of funding S.E.E.D.S. proposal.

Ms. Linda Perry – Daphne – spoke in support of funding S.E.E.D.S. proposal.

Ms. Annette Parrera – 10720 County Road 32 - spoke in support of Lucy's Love Shop being in Daphne.

Ms. Sarah Harris – Daphne - spoke of her concern with the access point for the development on Tallent Lane saying it will destroy the community.

Ms. Bonnie White – 125 Windsor Drive – spoke in support of Lucy's Love Shop being in Daphne. She asked that the citizens choose whether the shop should be in Daphne, and said that the business should not be stereotyped as adult entertainment.

Mr. James Colucci – 3604 Captain's Drive – Owner of Lucy's Love Shop - said that he would not be opening a business that would be to the detriment of the citizens of Daphne, and he does not feel his business fits in the adult entertainment business category.

Mr. Hunter Sessions – Young student in Daphne – spoke in support of funding S.E.E.D.S. proposal.

Ms. Lynn Williams – 5403 Captain's Drive – Owner of Lucy's Love Shop – said that Lucy's Love Shop was a tasteful, classy approach to romance, and asked that the citizens be allowed to decide if Lucy's will be a success.

Mr. Doug Dugat – 9391 Montpelier Place – said that the country was formed on free enterprise, and the citizens should decide to shop at Lucy's Love Shop or not. He also supports funding the S.E.E.D.S. proposal.

Mr. Rod Drummond – 367 Ridgewood Drive - said that he better understands the S.E.E.D.S. proposal after hearing everyone speak, and thinks the worst thing to be done tonight is to increase the attendance at the schools with Lucy's Love Shop.

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8. **RESOLUTIONS & ORDINANCES:**

RESOLUTIONS:

- a.) Resurfacing 1.895 Miles on Bayview Drive and Ridgewood Drive from Rolling Hill Drive to Dunbar Loop. /Resolution 2013-38
- b.) Authorizing Issuance of a Credit Card for Procurement. /Resolution 2013-39

MOTION BY Councilwoman Conaway to waive the reading of Resolutions 2013-38. *Seconded by Councilman LeJeune.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway to adopt resolutions 2013-38. *Seconded by Councilman LeJeune.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway to waive the reading of Resolution 2013-39. *Seconded by Councilman LeJeune.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway to adopt Resolution 2013-39. *Seconded by Councilman LeJeune.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

- a.) An Ordinance Regulating Public Indecency. /Ordinance 2013-31
- b.) Rezone: Earth Inc. / R-3 to R-6 (G) /Ordinance 2013-37
- c.) Regulating Community Standards. /Ordinance 2013-38

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1ST READ

- a.) **Rezone: John & Deborah Kim / Property located Southwest of the Intersection of Pollard Road & County Road 64. /Ordinance 2013-39**
- b.) **Rezone: Interstate-Baldwin Investment, LLC / Property Located Northwest of the Intersection of TimberCreek Subdivision and Interstate 10 /Ordinance 2013-40**
- c.) **Resurfacing Bayview Drive and Ridgewood Drive from Rolling Hill Drive to Dunbar Loop (*Lake Forest Phase III*. /Ordinance 2013-41**
- d.) **U.S. 98 (SR42) Service Road Extension in Baldwin County Agreement for Preliminary Engineering, ROW Acquisition, Utilities and Construction. /Ordinance 2013-42**
- e.) **Amending Chapter 1 of the Employees Handbook: Privately-Owned Firearms and Ammunition in the Workplace. . . . /Ordinance 2013-43**
- f.) **Appropriation of Funds: S.E.E.D.S (*Supporting Educational Enrichment in Daphne School's*) /Ordinance 2013-44**

MOTION BY Councilman LeJeune to waive the reading of Ordinance 2013-31. *Seconded by Councilman Fry*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman LeJeune to adopt Ordinance 2013-31. *Seconded by Councilman Rudicell.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Fry to waive the reading of Ordinance 2013-37. *Seconded by Councilman LeJeune.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

NO MOTION TO ADOPT ORDINANCE 2013-37. ORDINANCES FAILS

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MOTION BY Councilman Fry to waive the reading of Ordinance 2013-38. *Seconded by Councilman LeJeune.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Fry to adopt Ordinance 2013-38. *Seconded by Councilman Rudicell.*

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to suspend the rules to consider Ordinance 2013-41. *Seconded by Councilwoman Conaway.*

ROLL CALL VOTE

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

AYE ALL IN FAVOR NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Fry to waive the reading of Ordinance 2013-41. *Seconded by Councilman Davis.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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MOTION BY Councilman Lake to adopt Ordinance 2013-41. *Seconded by Councilman Davis.*

AYE ALL FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2013-39, 2013-40 and 2013-42 ARE 1ST READ.

9. COUNCIL COMMENTS:

Councilman Lake said he just received notice that he has been appointed to the Alabama League of Municipalities Committee on Finance and Administration in Intergovernmental Relations. He appreciates all the supporters of S.E.E.D.S. coming out tonight. He also thanked the individuals from Park City for coming out to speak so they can see their voices do count.

Councilman Fry thanked everyone for coming out tonight. It makes for a better quality meeting when you have a big crowd regardless of what the issues are even if some of them go your way or not, just to know there are people out there that want to be involved and have their voice heard. Council needs all of that they can get. He hopes everyone that came out tonight will stay involved. It is somewhat disheartening to see that people are not here, and don't want to be involved. Of course, everybody comes when they have an issue on the agenda, so he would encourage them to stay involved and get to know the other issues that are before the council. There are good people on council, and he is proud to serve the citizens with them. Even though citizens may not always agree with them, everybody does try to work together to do what is best for the city. He thanked the department heads that are at the meeting, and asked them to relay to their staff that they appreciate the job they do, and everybody's contribution is noticed by this council.

Councilman LeJeune thanked the Recreation Department for the fireworks on the 4th of July. He and he family enjoyed it immensely.

Councilman Davis agreed with everything that has been said, and he commended the S.E.E.D.S. group not only for their presentation, but their enthusiasm and their genuine desire, having been the husband of an English teacher and guidance counselor, and also having been dean of a technical college, he too agrees that education is the key to what they do now and into the future. He also would like to see some of them step up and join some of the committees. It is very important that they have people like them who will take a position and open up with some new ideas and share it with other people. The seven council members agree agreeably, and disagree agreeably, and he thinks that is the key to having good government. He gave kudos to the Sign Committee. He said they are doing a good job, and are not wasting any time. He thinks they

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will see some really great benefits from the committee. He congratulated S.E.E.D.S., and thanked Hunter Sessions for his comments saying it took a lot of courage to get up and speak.

Mayor Haygood thanked everyone for coming out tonight. He said it was good to see the large turnout of school leaders at the meeting promoting Daphne schools, and their work is appreciated. He encouraged the public to come and participate in the strategic plan meetings.

10. ADJOURN:

MOTION BY Councilman Fry to adjourn the meeting. *Seconded by Councilman LeJeune.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING
ADJOURNED AT 8:10 P.M.**

Respectfully submitted by,

Rebecca A. Hayes, City Clerk

Certification of Presiding Officer,

Ron Scott, Council President

JULY 22, 2013
STRATEGIC PLAN MEETING
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Councilman Davis called the meeting to order at 4:30 p.m.

PRESENT: Councilwoman Conaway; Councilman Lake; Councilman Fry; Council President Scott; Councilman LeJeune; Councilman Davis; Mayor Haygood; Rebecca Hayes, City Clerk; Jane Ellis, Mayor’s Assistant; Sarah Toulman Assistant City Clerk; Margaret Thigpen, Civic Center Director; James White, Fire Chief; Vicki Hinman, Human Resources Director.

ABSENT: Councilman Rudicell.

1. PUBLIC PARTICIPATION

No one spoke.

2. VISION STATEMENT

Council agreed on a Vision Statement as presented below:

“The City of Daphne is committed to a family oriented environment that promotes a high quality of life, strong sense of community and the fostering of educational, cultural and business growth.”

The City Clerk will put the statement on an easel for viewing and comment.

3. DEPARTMENT MISSION STATEMENTS

Councilman Davis said that the statements that were received were good mission statements, and that the departments may want to consider updating them to be in line with the city’s strategic plan when completed. The departments that do not have one might want to consider preparing one for their departments.

4. STAKEHOLDERS

Councilman Davis listed some stake holder that may want to participate in the strategic planning of the city:

S.E.E.D.S., Chamber of Commerce, Daphne Schools, Village Point Foundation, Bay Rivers Art Guild, Park City Community Association, POA’s Kiwanis Club, Rotary Club, Sports Association.

The committee agreed on sending a letter to the stakeholders inviting them to participate in the meetings, and if they would like to participate to choose one person to represent the group. Councilman Lake asked to put an RSVP component in the letter so they will know how many will be attending. Letters will be given to councilmen to give out, reporting to the City Clerk who they have given the letters.

It was suggested that at some point they may request Ramona Hill to facilitate meetings with the stakeholders dividing into groups for discussion of goals.

5. MISSION STATEMENT

The committee agreed upon the following mission statement as a base, but may be tweaked:

“Our mission is to serve our citizens and visitors with a caring attitude including respect, trust, innovation, inclusion, flexibility and communication. We will strive to promote a well-designed municipality, sustain and protect our resources, deliver timely quality professional services, maintain

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public safety and security and be proud of our character, history, culture and the quality of life afforded by our community we all enjoy.”

It was mentioned that the first sentence also applies to employees. They are expected to live up to the mission statement.

6. GOALS

Councilman Davis mentioned several goals from the IDB’s list in their Strategic Economic Plan. He would like to include some of the goals into the strategic plan. Mayor Haygood listed six goals he had in mind:

1. Strong and diverse economy
2. Safe and secure community
3. Thriving and livable neighborhoods / Also apply to the downtown area
4. Well managed city
5. Positive image
6. Healthy and active citizenry

Ask two questions:

1. What does goal look like to you?
2. What should be the cities top three priorities

Councilman Davis wants to explore under diverse economy:

1. Support schools
2. Affordable housing
3. Safe environment

Councilwoman Conaway listed goals:

1. Encourage community involvement
2. Expand recreational facilities
3. Support the expansion of educational opportunities
4. Work to sustain existing jobs and attract new jobs
5. Improve economic development opportunities

They will take these six goals and give more specifics.

Councilman Davis stated they need to consider also:

1. Managing growth
2. Plan for growth

He also mentioned the following priorities:

1. Customer Focused Government

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Adopt innovative ways to engage all customers and improve services based on community values, priorities and expectations.

2. Economic Development

Support and further simulate our local economy.

3. Financial Health

Meet the critical financial needs of the City while maintaining a balanced budget through revenue growth, expenditure reallocation and use of resources.

4. Growth Management

Plan for growth to ensure there are resources to meet increased demands such as protection of natural spaces, sufficient and affordable housing, extension of core services, preservation of buildings and places of historical value and sufficient places to conduct business.

5. Health, Safety and Well-Being

Create an inclusive, thriving, livable community that promotes health, safety and well-being.

6. Infrastructure

Increase opportunities for existing infrastructure funding and ensure that as the City grows there are resources to meet infrastructure demands such as roads, water and electric systems, sanitary systems, water systems, public transit, airport, railroad and parks and trails.

7. Workforce

Create an environment that supports engaged, high performing employees, enables the city to recruit, retain and compete for talent and ensures retention of institutional knowledge.

7. **WHATEVER ELSE IS DEEMED NECESSARY**

There were no other necessary items to discuss.

The next meeting in two weeks, August 12th after the Finance Committee meeting.

The meeting adjourned at 6:00 p.m.

Submitted by

Rebecca A. Hayes, City Clerk

Certification of Presiding Officer

Ron Scott, Council President

**REPORT
OF
STANDING COMMITTEES**

Public Safety Committee

Wednesday, June 12, 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 Robin LeJeune, Chief White, Chief Carpenter, Lt. Yelding, Melvin McCarley.

CALL TO ORDER

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

PUBLIC PARTICIPATION – George Lieb from 192 Country Club Drive was in attendance to address the high volume of traffic on Country Club Drive. Speeding also a factor. He stated it is the busiest street in Daphne due to the swimming pool and tennis courts. There are no sidewalks. He believes 25mph signs would get drivers attention and he offered to pay for the materials for a speed bump. Melvin stated he would set up the traffic counter. Scott suggested placing rumble strips across Country Club Drive down on the straight of way before the tennis courts. He also suggested placing 25 mph speed limit signs between Rivers Oaks and Forestwood on Country Club. Scott stated he would tell Richard Johnson about the potential for sidewalks on Country Club Drive. Chief Carpenter asked Lieb if it would be okay to set up the speed trailer in the corner of his yard and he agreed. Councilman Scott stated to Mr.Lieb that we would try these things and get back to him. (See attached letter from Mr. Lieb)

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from June 12, 2013. Councilman Scott made a motion to accept the minutes with a second by Councilman LeJeune. Motion passed.

POLICE DEPARTMENT

- A. New Business – Chief went over the stats. Councilman Rudicell stated that a vendor left their equipment out at Bayfront and it was stolen. He asked if the PD has a regular schedule that they patrol the city parks. Chief stated that we patrol that area regularly but not on a schedule. Lt. Yelding has a schedule of events there so therefore we are aware of all events and security. Councilman Scott stated that the city could use some of the lodging tax to place cameras in the city parks to enhance security. Councilman Rudicell said it could be looked at because that money is just sitting in an account. Chief Carpenter stated that lights could be installed also along the new walk at Gator Alley so it would be safe to walk anytime and would discourage the homeless from setting up camp there.

Lt. Yelding has been getting calls from Christ the King about getting a crosswalk installed at Main/Dryer Avenue. They also have one on Dryer but need it moved further down by the gym. Rudicell asked Melvin if that was just a painting issue on Dryer and Melvin stated “yes”. Councilman Scott also suggested a crosswalk be put in front of Mancini’s crossing Main St to the East side. Melvin stated he has ordered in the school zone signs for Bayside and Christ the King before school is in session.

FIRE DEPARTMENT

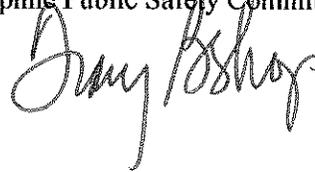
- A. **New Business** – Chief White went over his stats. He had two new firefighters start last week and they both took a pay cut to come join the City of Daphne.
- B. **Old Business-**

OTHER BUSINESS :

ADJOURN

There being no further business to discuss, Mr. Rudicell made a motion to adjourn the meeting at 5:00 p.m. Mr. LeJeune seconded. The next meeting will be Wednesday, August 14, 2013 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,
Daphne Public Safety Committee



June 24, 2013

Dear Ron,

Ron I am writing this to address the high volume of traffic on Country Club Drive and what we can do to make the area safer for children and pedestrians. For the following reasons I would like to put a 25MPH speed sign and speed bump on Country Club Drive between River Oaks Court and Forestwood Drive. There are two speed bumps on eagle drive which is a much shorter straight away with slower traffic. The reasons this is a safety concern are:

- This is a high volume traffic area, particularly at certain times because of the swim and tennis clubs.
- There are many children, bicyclists and pedestrian walkers throughout the day and there are no side walks forcing all this traffic onto the street
- The traffic includes many larger vehicles traveling rapidly to and from swim and tennis lessons. These are the largest volume swim and tennis associations in our area. The tennis facility is very busy and the swim team has about 250 members.
- The area builds speed and velocity because it is a quarter mile down hill straight away leading to the swim and tennis clubs.
- Many vehicles appear to be driving well over the speed limit. Because there are no side walks, all pedestrians including children must walk on this main street. Even the random suburban or van coming down hill at 40 to 50 miles per hour would destroy a child or adult if they were hit.

The only way to make sure that all traffic is driving at a safe speed on this busy down hill straight away that is populated by pedestrian traffic is to install a 25MPH sign and speed bump. Please let me know what we can do together to have this become a reality.

Sincerely,

George Lieb

192 Country Club Drive

Daphne, AL 36526

251-554-3629

**CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT**

Report Period: May 2013

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	0	4
11-Structure Fire/Commercial	0	0
11-Structure Fire/Residential	2	9
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	0	7
14-Natural Vegetation Fire	1	5
15-Outside Rubbish Fire	0	6
16-Special Outside Fire	0	0
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	1
3-Rescue Call and Emergency Medical Service Incidents:	175	797
4-Hazardous Conditions (No fire):	2	16
5-Service Call:	11	77
6-Good Intent Call:	20	88
7-False Alarm & False Call:	19	92
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	0	1
Total Emergency Calls:	230	1076
Monthly Total Calls:	233	1108
Highest:		
	29:00	29:00
Lowest:		
	<1:00	<1:00
Average (Minutes/Seconds) :		
	5:25	5:25
Miscellaneous Reports:		
Training Hours	169.51	958.26
Property Loss - \$	12,000.00	109,345.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	120	541
Number of Patients Treated	166	844
Child Passenger Safety Seat Inspections/Installations	9	41
Pre-Plans	2	37
Classes		
	0	0
Persons Attending		
	0	0
Plan Reviews		
	2	12
Final/Certificate of Occupancy	0	3
General/Annual Inspections	63	89
General/Re-Inspections (Violation Follow-up - Annual)	0	5
Business Licenses	6	24
All Other/Misc. Activities	35	41
Total Activities:	106	174

Authorized by:

James White

I. CALL TO ORDER

The July meeting of the Public Works Committee was called to order at 5:00 PM

Present:

Robin LeJeune (Chairman), Councilman John Lake, Councilman Ron Scott, Richard D. Johnson-Director Public Works, Sandra Cushway-Administrative Assistant Public Works, Dorothy Morrison-Daphne Beautification Committee, Randy Davis-Volkert, Jaye Robertson-HMR Engineers

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. Work Request Report for June 2013 was reviewed. No Comments.
- B. Vehicle/Equipment Maintenance Reports for June 2013 and 2012 were reviewed. Richard noted that repairs are up \$60-70 from previous year. This is due to repairs to larger engine repairs. The repairs were in Street (\$7K), Mowing (\$5K), and Fire and Trash.
- C. Public Participation – None
- D. Correspondence – Email regarding Calvin Stallworth. Councilman LeJeune expressed kudos to Mr. Stallworth.
- E. Correspondence – Letter from concerned citizen regarding medians and ROW maintenance in Montrose. Richard stated that Public Works only maintains what is inside the City limits. Councilman Scott said that the City would be willing to consider annexing the area if they want us to maintain it. The concern is that there is dumping on the ROW's and it is not being enforced by the county.

III. OLD BUSINESS

- A. Minutes from June 17, 2013 **Meeting were reviewed and accepted as written. Motion by Councilwoman Scott to accept minutes. Motion seconded by Councilman Lake.**
- B. Mosquito Report – Public Works is utilizing alternative methods to control mosquitos. We have brought in “Mosquito Fish” (Gambusia Affinis) to place in ponds that attract mosquitos. There is also a new mosquito in our region called the Asian Tiger Mosquito.
- C. Street Sweeper Reports for June 2013 were reviewed. It was noted that the sweeper does not run on rainy days.

IV. NEW BUSINESS

- A. Councilman LeJeune inquired about the signals at Whispering Pines Road and Hwy 98. Richard reported that the foundation has been put down and the uprights are to go up this week. They will build the fixtures after that has been completed. Richard estimates that they should be completed around the end of July. Richard reported that they will also be redoing the signal at Hwy 98 and Johnson Road.
- B. Councilman Scott asked about the progress of the Lake Forest project. He stated that there is already a sink hole developing on the first leg of Bayview Dr. Richard reported that there is a two-year warranty on the work and that he will have Jaye from HMR look into that.
- C. Councilman Lake expressed his concerns about the traffic flow in Park City. He feels that there needs to be better synchronization of the traffic signals on N. Main Street. He would like to know if it would be possible to get a traffic engineer take a look at where Pine Hill meets N. Main Street. It is almost impossible to make a turn there. Perhaps a turning lane would help traffic flow a little better. Councilman Scott asked if Main Street was approved for ATRIP. Richard responded that it was.
- D. Status of traffic circle on CR 13 and Hwy 64. Drawings are 60% complete. All utility issues

have been resolved. ALDOT doesn't want to begin work on it until school is out. There was concern expressed as to how they would keep traffic flowing while the traffic circle is being built. Richard reported that all ROW acquisitions are underway. Already have 3 of 4. Councilman Lake asked whether there would be any landscape features placed there. That would be something for the Beautification committee to take a look into.

V. DIRECTOR'S REPORT

- A. Lake Forest – Richard reported that they are milling today. It will take approximately two days to prepare the road for paving. Monday is their cut-off day. Chairman LeJeune asked what it would take to get sidewalks in the newly paved areas. Richard stated that he would be presenting sidewalks information and recommendations at the next meeting.

VI. DAPHNE SOLID WASTE DISPOSAL AUTHORITY

- A. Monthly Equipment Use Report for June 2013 was reviewed.
- B. Monthly Recycle Tonnage Report (Tonnage Comparison) for June 2013 was reviewed. Recycling is slightly down for the month, but still up YTD.
- C. Solid Waste New Customer Report for May 2013 was reviewed. We have added 125 new residential customers so far this year.

VII. MUSEUM COMMITTEE

- A. Minutes from May 13, 2013 Meeting. Minutes reviewed. No Comments.

VIII. BEAUTIFICATION COMMITTEE

- A. Minutes from July 10, 2013 Meeting were reviewed. Dorothy reported that the committee has been very busy and extended an invitation to all to join their meetings.
- B. Dorothy reported there are plans to put another gator up on the sign leading to the boardwalk from the hotel. The hotel is giving out small alligators to children.
- C. The DBC would like to see lights under the bridges on the Gator Alley walkway.

IX. ENVIRONMENTAL ADVISORY COMMITTEE

- A. Minutes from June 24, 2013 Meeting – The EAC is recommending the following:
 - i. Community Resilience Index – to determine how well the City is prepared for a disaster. Richard will get the Committee more information on this. Motion was made by Chairman LeJeune to recommend that the City participate, motion seconded by Councilman Scott.
 - ii. Village Point and Forever Wild – Richard requested a motion to support the Village Point Forever Wild program. Easement Conservation. Councilman Lake made a motion for a resolution of support for the City's participation. Motion seconded by Councilman Scott.

X. ENGINEER'S REPORT

- A. HMR: NTR
- B. Volkert: NTR

XI. FUTURE BUSINESS

- A. Next Meeting for August 19, 2013 was announced

XII. ADJOURNMENT

Meeting adjourned at 6:15 PM **Motion made by Councilman Lake to adjourn the meeting. Motion seconded by Councilman Scott.**

City of Daphne – Public Works Committee

Meeting Date: July 15, 2013

Notice of Action Taken

Agenda Item #	Description	Action Taken	Forwarded To	Person to Implement	Notes
IX.B.i.	From the EAC to PWC recommendation to the City Council supporting participation in the NOAA Community Resilience Index program.	Committee made an affirmative motion to the full City Council to support initiative.	City Clerk	City Clerk	Motion from Public Works Committee to support shall be placed on August 5, 2013 City Council Agenda
IX.B.ii.	From the EAC to PWC recommendation to the City Council in support of Village Point's proposal to the Forever Wild program regarding the purchase of a parcel of land bound by HWY 98 to the east, Interstate 10 to the south, and HWY 90 (Causeway) to the north.	Committee made an affirmative motion to the full City Council to support initiative.	City Clerk	City Clerk	Motion from Public Works Committee to support shall be placed on August 5, 2013 City Council Agenda



Richard D. Johnson, PE; Director

July 19, 2013

- I. **CALL TO ORDER**
- II. **PUBLIC PARTICIPATION & CORRESPONDENCE**
 - A. Work Request Report – June 2013
 - B. Vehicle/Equipment Maintenance Reports – June 2013 / June 2012
 - C. Public Participation – Doug Dugat RE: Trees on Wilson from PW Road to CR13
 - D. Correspondence – E-Mail regarding Calvin Stallworth, SWW SR.
 - E. Correspondence – Letter from Concerned Citizen Regarding Montrose Medians
- III. **OLD BUSINESS**
 - A. Minutes – June 17, 2013 Meeting
 - B. Mosquito Reports – June 2013
 - C. Street Sweeper Reports – June 2013
- IV. **NEW BUSINESS**
 - A. None
- V. **DIRECTOR'S REPORT**
 - A. None
- VI. **DAPHNE SOLID WASTE DISPOSAL AUTHORITY**
 - A. Monthly Equipment Use Report – June 2013
 - B. Monthly Recycle Tonnage Report (Tonnage Comparison) – June 2013
 - C. Solid Waste New Customer Report – June 2013
- VII. **MUSEUM COMMITTEE**
 - A. Minutes – May 13, 2013
- VIII. **BEAUTIFICATION COMMITTEE**
 - A. Minutes – July 10, 2013 Meeting
- IX. **ENVIRONMENTAL ADVISORY COMMITTEE**
 - A. Minutes – June 24, 2013 (Not Available – Will be in August Packet)
 - B. Recommendations
 - i. Community Resilience Index (Self-Assessment)
 - ii. Village Point and Forever Wild
- X. **PROJECT ENGINEER'S REPORTS**
 - A. HMR – Update
 - B. Volkert – Update
- XI. **FUTURE BUSINESS**
 - A. Next Meeting – August 19, 2013
- XII. **ADJOURNMENT**

Sandi Cushway

From: Richard Johnson <directorpw@daphneal.com>
Sent: Thursday, July 11, 2013 2:55 PM
To: 'Sandi Cushway'
Subject: FW: Daphne EAC Recommendation - Community Resilience Index

Place on PWC Agenda 7/15/2013

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

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

directorpw@daphneal.com

From: Bret M. Webb [<mailto:bwebb@southalabama.edu>]
Sent: Friday, July 05, 2013 7:50 AM
To: Richard Johnson
Cc: Art Hosey; John Peterson; Sandi Cushway; Carl Pinyerd; Chester McConnell; Fred Nation; Adrienne Jones; councildistrict3@daphneal.com; Ashley Campbell; Stan Arbacauskas; councildistrict2@daphneal.com
Subject: Daphne EAC Recommendation - Community Resilience Index

Mr. Johnson,

On behalf of the City of Daphne Environmental Advisory Committee, I formally recommend that Public Works carry a recommendation to the City Council supporting participation in the NOAA Community Resilience Index program, as described by Mike Shelton (AL Dept. Conservation and Natural Resources) during the October 29, 2012 regular meeting. This is a particularly opportune time to suggest participation in the program considering recent changes to the City Council and leadership (new officials, new mayor). Mike Shelton has offered to facilitate the assessment if the City is willing to participate in the program.

For more information, please see the October 29, 2012 meeting minutes distributed by Public Works to the City Council on February 18, 2013.

Respectfully,

Bret

Bret M. Webb, Ph.D.
Assistant Professor of Civil Engineering
University of South Alabama
150 Jaguar Drive, SH3142
Mobile, AL 36688

Phone: (251) 460-7507
Fax: (251) 461-1400
Email: bwebb@southalabama.edu
Web: southce.org/bwebb

Sandi Cushway

From: Richard Johnson <directorpw@daphneal.com>
Sent: Thursday, July 11, 2013 2:55 PM
To: 'Sandi Cushway'
Subject: FW: Daphne EAC Recommendation - Village Point and Forever Wild

Place on PWC Agenda – 07/15/2013

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

Phone: (251) 621-3182
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Sent: Friday, July 05, 2013 7:40 AM
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Cc: Art Hosey; John Peterson; Sandi Cushway; Carl Pinyerd; Chester McConnell; Fred Nation; Adrienne Jones; councildistrict3@daphneal.com; Ashley Campbell; Stan Arbaczauskas; councildistrict2@daphneal.com
Subject: Daphne EAC Recommendation - Village Point and Forever Wild

Mr. Johnson,

On behalf of the City of Daphne Environmental Advisory Committee, I formally recommend that Public Works carry a recommendation to the City Council in support of Village Point's proposal to the Forever Wild program regarding the purchase of a parcel of land bound by HWY 98 to the east, Interstate 10 to the south, and HWY 90 (Causeway) to the north. On June 24, 2013 during a regular meeting the EAC membership unanimously voted in support of making such a recommendation to the City. Village Point has already secured the support and interest of the property owner(s). This parcel of land, if purchased by Forever Wild, would provide a logical extension of the City's existing boardwalks and sidewalks at Alligator Alley.

Please do not hesitate to contact me if further information is required.

Respectfully,

Bret

Bret M. Webb, Ph.D.
Assistant Professor of Civil Engineering
University of South Alabama
150 Jaguar Drive, SH3142
Mobile, AL 36688

Phone: (251) 460-7507
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Web: southce.org/bwebb

**REPORT
OF
SPECIAL BOARDS**

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 27, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

CALL TO ORDER

The number of members present constitutes a quorum. The regular meeting of the City of Daphne Planning Commission was called to order at 5:01 p.m.

CALL OF ROLL:

Members Present:

Joe Lemoine
Dan Gibson
Charles Smith
Ed Kirby, Chairman
Larry Chason, Vice Chairman
Ron Scott, Councilman
Hudson Sandefur
Chief James "Bo" White

Members Absent:

Don Terry, Secretary

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo (Dickson), Planning Coordinator
Jay Ross, Attorney

Staff Absent:

Missty Gray, Attorney
Kyle Navarro, Associate Attorney
Richard Johnson, Public Works Director
Ashley Campbell, Environmental Programs Manager

Others Absent:

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

The first order of business is the call to order.

Chairman: Please let the record reflect that Mr. Terry is absent. This is Mr. Lemoine's last meeting. He is moving to Orlando and has presented a letter of resignation.

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 27, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

APPROVAL OF MINUTES:

The minutes of the May 23, 2013 regular meeting were considered for approval.

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Lemoine **to approve the minutes of the May 23, 2013 regular meeting. The Motion carried unanimously.**

The minutes of the June 11, 2013 special meeting were considered for approval.

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

A Motion was made by Mr. Smith and **Seconded** by Mr. Sandefur **to approve the minutes of the June 11, 2013 special meeting. The Motion carried unanimously.**

The first order of business under old business to be a review of the master plan revision for a portion of TimberCreek Subdivision.

OLD BUSINESS:

A PORTION OF THE REMAINDER OF TIMBERCREEK SUBDIVISION:

MASTER PLAN:

MPA13-01:

An introductory presentation was given by Mr. Daryl Russell, representing Coleman Engineering Group of McCrory & Williams, requesting a master plan revision of a portion of the remainder of TimberCreek Subdivision. I have spoken to the City of Spanish Fort regarding this matter. They are not opposed to the connection as long a gate is placed across this area. I will be happy to answer any questions you may have.

An amended master plan was given to the Planning Commission by the engineer and developer with an additional lot, a modified detention pond size, and a connection to Wilson Avenue with a restricted access on the Spanish Fort side.

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 27, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Chief White: I have a question. Are you going to give a key for access to Public Safety entities?

Mr. Russell: Yes.

Mr. Scott: Are we going to add a caveat to the plat that the connection has to be approved by the City of Spanish Fort? The removal of the fence may be by mutual agreement between the municipalities if it needed in the future.

Mr. Gibson: I would like to ask a question. How does Chief feel about the connection to Wilson Drive?

Chief White: The City of Daphne Fire Department will not use that access. If we had to respond we would use Pine Run for access .

Mr. Gibson: So are you concerned about public safety anymore?

Chief White: No. That access will be for the City of Spanish Fort.

Mr. Smith: Will the gate be open after construction?

Mr. Russell: No, not unless the two cities agree on the connection.

Mr. Chason: Mr. Ross can you help us with the proper wording that should go on the plan?

Mr. Ross: Yes. The wording needs to be short, concise, and clear.

Mr. Russell: We will be happy to work with the City Attorney for the proper language.

Mr. Ross: You, Ms. Jones, and I will work on the language for the master plan.

Mr. Cox: I do not think we can put wording on a master plan for an exit that is not on TimberCreek's property. I do not think the City of Daphne can do that. The gate will be on property owned by the City of Spanish Fort.

Mr. Sandefur: There has been a change in detention. Is that something that Mr. Richard Johnson, the Public Works Director, needs to look at?

Chairman: He will review storm water drainage at the time we review the preliminary plat. Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Scott and Seconded by Mr. Smith to approve the amended master plan presented for a portion of TimberCreek Subdivision with the proposed connection to Wilson Drive. The Motion carried unanimously.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 27, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

The first order of business under new business is site plan review for Dunkin Donuts.

NEW BUSINESS:

SITE PLAN REVIEW:

File SP13-04:

Site: Dunkin Donuts

Zoning(s): B-1, Local Business

Location: On the east side of U. S. Highway 98, 29160 U.S. Highway 98

Area: 0.45 Acres ±

Owner: Langus Real Estate - John Langus, Jr.

Developer: Gulf Coast Franchise Group, L.L.C. - Tony Antoon

Agent: Development Management Group - Ken Knuckles

Engineer: David Abbey, P.E. - David Abbey

An introductory presentation was given by Mr. Ken Knuckles, Development Management Group, representing the owner, Langus Real Estate. This is a one acre site located between Eddie's Pawn Shop and McDonald's. We would like your consideration of a new development, Dunkin Donuts. We will maintain the existing parking lot, access, and drive thru. There was a comment on the review memorandum from the Public Works Director. We would like to request a waiver for the installation of sidewalks because there are no contiguous sidewalks for a connection. I will be happy to answer any questions you may have.

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

Chief White: Where is the sidewalk located?

Mr. Knuckles: Along U.S. Highway 98.

Mr. Smith: Why are you asking to not landscape the perimeter?

Mr. Knuckles: We are concerned about visibility. The pawn shop and a Live Oak are on the right-of-way.

Mr. Scott: There is a requirement in the Ordinance for the installation of sidewalks. The sidewalk may help your development.

Mr. Chason: The installation of a sidewalk is a requirement in the Land Use and Development Ordinance. Visibility would not be a reason to grant a waiver. It is only one hundred and nineteen feet of sidewalk which would not be that expensive to install.

Chairman: We did not require anyone else to do it. It is like the one we were going to require from Alabama Highway 181 to Interstate 10 for Eastern Shore Toyota. It did not serve a purpose.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 27, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Scott: I think the waiver of the installation of the sidewalk at Eastern Shore Toyota was a mistake. People could walk from the pawnshop parking lot, walk along the right-of-way, and onto the sidewalk to get to your facility.

Mr. Chason: I do not think the pawn shop is going to be there forever.

Mr. Scott: When is McDonald's restaurant coming?

Ms. Jones: They asked for a one year extension.

Mr. Knuckles: When the redevelopment of McDonald's was presented they asked for a waiver of the installation of sidewalks because it does not provide for a contiguous connection for pedestrian traffic.

Mr. Scott: The installation of a sidewalk may be in your best interest.

Mr. Lemoine: We are saying it is not that much money to install a sidewalk, but we have not required anyone else to put one on U. S. Highway 98.

Mr. Scott: The City has spent a lot of money putting in sidewalks along U.S. Highway 98.

Chairman: Are you talking about the City project?

Mr. Scott: The sidewalks run from the west to the east side of U.S. Highway 98 for connectivity.

Chairman: What was the Public Works Director's recommendation in his report?

Ms. Jones: He made it a check point on his list because it is part of the Ordinance, but said that it was not a big deal. He has reviewed the request and said he was fine with granting the waiver.

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

A Motion was made by Mr. Smith and Seconded by Mr. Lemoine to approve the site plan for Dunkin Donuts and to grant the waiver the requirement of a sidewalk and landscape buffer along U.S. Highway 98. The Motion carried unanimously.

The next order of business is preliminary/final plat review for the Courtyards.

PRELIMINARY/FINAL PLAT REVIEW:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 27, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

File SDPF13-05:

Subdivision: **The Courtyards**

Present Zoning: MU, Mixed Use

Location: Northwest of Lea Avenue and Main Street, 2039 Main Street
Area: 2.93 Acres ±, (4) lots
Owner: RMH Investments, L.L.C.
Engineer: Hutchinson, Moore & Rauch - Scott Hutchinson

An introductory presentation was given by Mr. Scott Hutchinson, representing Hutchinson, Moore & Rauch. We are proposing a four-lot subdivision consistent with the master plan approved in 2003. No development is proposed at this time. This is simply a split of the property. I will be happy to answer any questions you may have.

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

Mr. Chason: What will be the number of retail, residential, and professional units?

Mr. Hutchinson: Six units of retail, six units of residential, and fifteen thousand square feet of professional office space on lots three and four.

Mr. Chason: Is there residential in the back?

Mr. Hutchinson: It is zoned to have residential in the back, but it is not proposed.

Mr. Scott: This is a good way to get people downtown by using the village concept.

Mr. Sandefur: At site preview, you said that the drive ways would be two-lane.

Mr. Hutchinson: It is an open site plan. We may do the two-lane drive way because we propose to do on street parking.

Mr. Smith: The cars would have to back onto Main Street.

Mr. Hutchinson: It works really well to slow traffic down.

Ms. Jones: Mixed Use requires the parking be in the back of the business.

Mr. Chason: So MU is not listed in the Table of Permitted Uses?

Ms. Jones: No.

Mr. Scott: I think it is a terrific project.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 27, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Chairman: Do any of the Commissioners have any questions or comments? He opened the floor to public participation. Is there someone else who would like to address the Commission?

Ms. Reibe: My name is Sharon Reibe. I live at 510 Trace Crossing. I have concerns about the following items: parking, the detention pond, their definition of a "No Clear Zone," and what the designation B-1, B2, and B-3 mean. At the site preview meeting, we were told there was a sign on the property notifying the adjacent property owners of this hearing. There wasn't a sign on the property until Friday when I came to city hall to obtain copies of the plans in order to see what they were proposing. Chairman: Is there anyone else that would like to address the Commission? With that being said, I will close public participation.

Ms. Jones: I offered our definition of a "No Clear Zone," but Mr. Hutchinson opted for his own. The note on the plat reads, "A "No Clear Zone" is an area designed to visually and physically set an area apart from another. Said area shall be perpetually preserved in its naturally wooded state and shall not be cleared, cut, timbered, or altered of either underbrush or vegetation or trees, except to the extent to install a fence or wall along the property lines, installation and/or maintenance of utility lines, or to remove dead or dying trees. To address Ms. Reibe's question regarding the definition of the business districts, Article 12, Section 3, Business Districts, B-1, Local Business District, this district is intended to provide for limited retail, convenience goods and personal service establishments in residential neighborhoods and to encourage the concentration of these uses in one location for each residential neighborhood rather than in scattered sites occupied by individual shops throughout a neighborhood. B-2, General Business District, this district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve as a regional, as well as, a local market and require a location in proximity to major transportation routes. B-3, Professional Business District, this district is established to provide opportunity for business establishments of a professional nature and is restricted to offices and businesses which provide specific corporate functions or professional services to the general public, but not the sale of goods or services at retail or wholesale."

Mr. Hutchinson: The detention pond will serve as the detention pond for the entire development. The small pond cleans water in the larger pond. We did the thirty foot "No Clear Zone" in order to be a good neighbor.

Chairman: Is the "No Clear Zone" the full length of the property?

Mr. Hutchinson: Yes.

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 27, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

A Motion was made by Mr. Scott and **Seconded** by Mr. Smith *to approve the preliminary/final plat for the Courtyards Subdivision. The Motion carried unanimously.*

The next order of business is administrative presentation is a revision to Ordinance 2011-54, the Land Use and Development Ordinance, Article 11, Minimum Standards and Required Improvements for Subdivisions, Section 14, Special Provisions, Open Space Provisions.

PLANNING COMMISSION DISCUSSION:

Ms. Jones: "The purpose of the revision to the Land Use and Development Ordinance is to acknowledge that residential subdivision development comes in many varieties, amenities for common open space and recreation should be tailored to meet the needs of the target market; acknowledge the existence and viability of existing municipal recreation areas throughout the city; and to recognize the need for increased flexibility and innovative common open space and recreation design. There are two formal types of recreation areas which are passive and active. An exception has been incorporated for a unified planned single family residential subdivision under single ownership which is planned in multiple phases of which the total acreage is five acres or less, the minimum lot size exceeds least twenty thousand square feet, and the entire subdivision is zoned R-1, Low Density Single Family Residential. An exception may be allowed to the provisions where a subdivision is located within one-half mile of any municipal park, sports complex, or a similar public use. A common open space and recreation area plan shall be submitted as a component of the subdivision master plan. With the submission of the preliminary plat for the first phase of the development, an agreement shall be established for the implementation of the plan in the second phase of the development, unless there is an agreement to implement said plan in a subsequent phase. The agreement shall be made with the appropriate forms provided by the city and shall include the following: the plan, a cost estimate, and a renewable surety bond valid for a period of two years in the amount of one hundred and ten percent of the total cost of the estimate." This is the amount proposed, but there are two other percentages provided in the Ordinance for a performance surety or maintenance bond which you may use.

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

Mr. Chason: I would like the cost estimate that establishes the amount of the performance surety bond to exclude the land, utility, and the improvement cost of the subdivision. Also, I would like to add that a letter of credit from an Alabama lending institution can be accepted.

Chief White: Where did you come up with the distance requirement of one-half mile?

Ms. Jones: At the work session, the Planning Commission came up with one-half mile after discussing whether or not to do one mile.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 27, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Chason: Do you want us to vote on the amendment or to set a public hearing?

Ms. Jones: Either way is fine. The City Council will hold a public hearing.

Mr. Scott: The City Council is opposed to dribbling changes to the Land Use and Development Ordinance. They prefer that all of them are presented together.

Ms. Jones: I would like to move forward with these three amendments because I do not want to overload or paralyze them by presenting too many at one time for consideration.

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

A Motion was made by Mr. Chason and Seconded by Mr. Lemoine for the unanimous favorable recommendation by the Planning Commission to the City Council of Daphne of the adoption of a revision to Ordinance 2011-54 of the Land Use and Development Ordinance, Article 11, Minimum Standards and Required Improvements for Subdivisions, Section 14, Special Provisions, Open Space Provisions, contingent upon clarification of the language. The Motion carried unanimously.

The next order of business is administrative presentation for a revision to Ordinance 2011-54, the Land Use and Development Ordinance, Article 8, Definitions of Terms, the addition of a definition of a "No Clear Zone."

PLANNING COMMISSION DISCUSSION:

Ms. Jones: The purpose of this revision to the Land Use and Development Ordinance is a continuation of the discussion regarding Rolling Hills Subdivision and the addition of the definition of a "No Clear Zone."

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

Mr. Scott: Did the developers of Rolling Hills Subdivision define it?

Chairman: A note and a designation were placed on the plat at the time it was recorded which said there is a twenty five foot "No Clear Zone."

Mr. Ross: At the time that it was done it was not defined.

Ms. Jones: "The definition of a no clear zone is an area designed to visually and physically set one area apart from another. Said area shall be perpetually preserved in its naturally wooded state and shall not be cleared, cut, timbered, or altered within twenty-five (25) feet of the rear property line of either underbrush, vegetation, or trees, except to the extent necessary to install a fence or wall along the property line(s).

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 27, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Jones: Removal of trees that have died naturally shall be allowed. Any allowable modifications or alterations in a no clear zone must be permitted by the Building Inspection Department." This would provide a definition of no disturbance in this area unless it was to install a fence or wall, remove dead trees, or for utility improvements.

Mr. Gibson: What would happen if that person cleared the no clear zone for utility improvements and left it that way?

Mr. Chason: There would be no reason to clear the entire area in order to install and/or repair a utility line.

Mr. Gibson: But if they did what would happen?

Ms. Jones: You could add that they can only clear the area needed for the improvements and may be required to replant the disturbed area.

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Chason **for the unanimous favorable recommendation by the Planning Commission to the City Council of Daphne of the adoption of a revision to Ordinance 2011-54 of the Land Use and Development Ordinance, Article 8, Definition of Terms, the addition of the definition of a "No Clear Zone." The Motion carried unanimously.**

The next order of business is administrative presentation for a revision to Ordinance 2011-54, the Land Use and Development Ordinance, Article 8, Definition of Terms, and Article 35, the Table of Permitted Uses and Conditions, adding references to Ordinance No. 2013-38, the Community Standards Ordinance.

PLANNING COMMISSION DISCUSSION:

Ms. Jones: In anticipation of the City Council adopting Ordinance No. 2013-38, the Community Standards Ordinance, there are several terms relating to land use and land development that must be referenced in Article 8, Definition and Terms, and Article 35, the Table of Permitted Uses, in the Land Use and Development Book for reference and clarity. The proposed revision is as follows: "The Planning Commission shall amend Article 8 to include the enclosed definitions for an adult entertainment/novelty establishment and a tattoo facility. The Planning Commission shall amend Article 35 to allow any use, as permitted in 2013-38, the Community Standards Ordinance, except a tattoo facility, which may be permitted in a B-1 or B-2 with Planning Commission approval and in a Commercial/Industrial zone by right. A tattoo facility may be permitted in a B-1 or B-2 zone by right. In all cases, the provisions of Ordinance 2013-38 must be satisfied for each use noted therein."

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 27, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Chason: Why don't we wait to see what the City Council is going to do with the Ordinance and then we can amend the Land Use Ordinance to include the changes?

Mr. Scott: There could be legal ramifications if the City Council does not consider adopting an Ordinance allowing these types of businesses in specific zoning districts in the city.

Ms. Jones: We already have a tattoo parlor located in the city.

Mr. Chason: Where?

Chairman: It is in the shopping center by Bay House Pub.

Ms. Jones: The Community Standards Ordinance was prepared by the City Attorney for the City Council to review so we need to be prepared to include the amendments in the Land Use Ordinance if Ordinance 2013-38, the Community Standards Ordinance, is adopted.

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

A Motion was made by Mr. Chason and Seconded by Mr. Lemoine for the unanimous favorable recommendation by the Planning Commission to the City Council of Daphne of the adoption of a revision to Ordinance 2011-54 of the Land Use and Development Ordinance, Article 8, Definition of Terms, and Article 35, the Table of Permitted Uses and Conditions, adding references to Ordinance No. 2013-38, the Community Standards Ordinance. The Motion carried unanimously.

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

ATTORNEY'S REPORT:

Mr. Ross: No report.

The next order of business is commissioner comments.

COMMISSIONER'S COMMENTS:

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

The members and director thanked Mr. Lemoine for his service to the City while serving on the Planning Commission.

The next order of business is director's comments.

DIRECTOR'S COMMENTS:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 27, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Jones: The first meeting for the Sign Committee is Tuesday, July 2, 2013 at 4:30 p.m. in the council chambers at city hall. The City Council is proposing to annex property into the City of Daphne and would like the Planning Commission to prepare an amendment to the Land Use Ordinance to include a rural agricultural zoning district. We also need to prepare: a hybrid patio home zoning district for medium density single family residential, a revision to the planning unit development, the landscape and tree ordinance, and to add a provision regarding horse stables. I was present at an Ordinance committee meeting and the adopted a city ordinance which said a horse stable may be allowed in the city limits by the review and approval of the Planning Commission.

ADJOURNMENT:

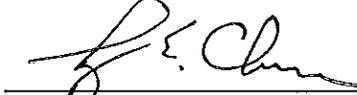
Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion to adjourn.

There being no further business, the meeting was adjourned at 6:27 p.m.

Respectfully submitted by:


Jan Vallecillo (Dickson), Planning Coordinator

APPROVED: July 25, 2013


Larry Chason, Vice Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JULY 25, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT



1. **CALL TO ORDER** **DATE OF REPORT: JULY 26, 2013**

2. **CALL OF ROLL** **LARRY CHASON, RON SCOTT, HUDSON SANDEFUR,
CHIEF WHITE, CHARLES SMITH, DON TERRY**

3. **APPROVAL OF MINUTES:**

*Review of minutes for the regular meeting of June 27, 2013. **(APPROVED WITH REVISIONS)***

4. **NEW BUSINESS:**
 - A. **PRELIMINARY/FINAL PLAT REVIEW:**
 1. **File SDPF13-06: (APPROVED)**

 Subdivision: Nero

 Zoning(s): *RTF-4, Two-Family District, Baldwin County District 15*

 Location: Northeast of the intersection of Dale Road and U.S. Highway 98
 Area: 1.01 Acres ±, (2) lots
 Owner: Muriel and Shana Nero
 Surveyor: Geo-Surveying - Matt or Jima Kountz

 2. **File SDPF13-07: (APPROVED)**

 Subdivision: Wilson Acres

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

 **Location: Northeast of the intersection of Wilson Avenue and U.S.
 Highway 98**
 Area: 1.89 Acres ±, (2) lots
 Owner: Fortuna Investments, L.L.C. - Nathan Cox
 Engineer: Preble-Rish - Steve Pumphrey

 - B. **PRELIMINARY PLAT REVIEW:**
 1. **File SDP13-04: (APPROVED)**

 Subdivision: Saint Augustine, Phase Four

 Zoning(s): *RSF-2, Single Family District, Baldwin County District 15*

 Location: Northeast of County Road 64 on Rigsby Road
 Area: 29.53 Acres ±, (44) lots
 Owner: Breland Homes, L.L.C. - Louis W. Breland
 Engineer: Preble-Rish - Steve Pumphrey

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JULY 25, 2013 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

2. **File SDP13-05: (PRELIMINARY PLAT APPROVAL GIVEN, WITH THE UNDERSTANDING THAT THE DEVELOPER SHALL INSTALL A GATE AT THE STUB OUT ON THE SPANISH FORT SIDE, AND A NOTE SHALL BE PLACED ON THE PLAT WHICH STATES: THE ACCESS WILL NOT BE OPEN WITHOUT APPROVAL BEING GIVEN BY THE CITY OF DAPHNE AND CITY OF SPANISH FORT CITY COUNCIL)**

Subdivision: TimberCreek, Phase Eleven

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

Proposed Zoning(s): R-6, Garden or Patio Home District

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

Area: 97.49Acres ±, (100) lots

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

Engineer: Coleman Engineering Group of McCrory & Williams - Daryl Russell

C. ADMINISTRATIVE PRESENTATION:

1. ZONING AND STREET MAP:

a. File AP13-06:

Presentation to be given by Adrienne Jones, Director of Community Development, of a revision to the City of Daphne Zoning and Street Map. **(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)**

D. PLANNING COMMISSION DISCUSSION:

Discussion regarding Ordinance 2011-54, Land Use and Development Ordinance, Article 12-4, Business Districts, Mixed Use District. **(NO DISCUSSION)**

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

**THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
JULY 2, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.**

CALL TO ORDER:

The Moderator called to order the Sign Committee Meeting at 4:45 p.m.

CALL OF ROLL:

Members Present:

Elnora Jackson
Steve Robinson
Bill Burdick
John Peterson
Victor Lejeune
Frieda Romanchuk

Members Absent:

Terry Eady

Staff Present:

Adrienne Jones, Director of Community Development
Pat Johnson, Recording Secretary
Kyle Navarro, Attorney
Dane Haygood, Mayor

After the invocation, Mayor Haygood welcomed the Committee and the visitors. Introductions were made by Committee members and staff. The Mayor presented Ms. Jones as the Moderator for all meetings, he outlined the Committee's assignment and the Council's deadline of August 13, 2013. It was decided that four members would be a quorum, and a majority vote would pass a vote.

APPROVAL OF FREQUENCY OF MEETINGS:

A **Motion** was made by Mr. Peterson and **Seconded** by Ms. Jackson **to approve the Committee Meetings be held weekly on Tuesday at 4:30 p.m. The Motion carried unanimously.**

The Moderator displayed a Power Point Presentation of different signs throughout the City while highlighting which were conforming and nonconforming. The Committee discussed what was shown in this presentation and decided they would like to be informed of the difference of each sign shown. The Mayor presented a list of twelve items for the Committee to tackle. The Committee decided since they only have six weeks more to review these items it would discuss three to four per week until finished. Once finished their recommendations would go to the Planning Commission and then to the Council.

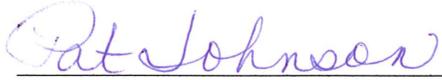
ADJOURNMENT:

A **Motion** was made and **Seconded to adjourn. The Motion carried unanimously.**

THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
JULY 2, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

There being no further business, the meeting was adjourned at 5:50 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: July 9, 2013



Adrienne Jones, Moderator

THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
JULY 9, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

CALL TO ORDER:

The Moderator called to order the Sign Committee Meeting at 4:40 p.m.

CALL OF ROLL:

Members Present:

Elnora Jackson
Steve Robinson *Arrived at 4:47 p.m.
Bill Burdick
John Peterson *Arrived at 4:42 p.m.
Victor Lejeune
Frieda Romanchuk

Members Absent:

Terry Eady

Staff Present:

Adrienne Jones, Director of Community Development
Pat Johnson, Recording Secretary
Kyle Navarro, Attorney
Dane Haygood, Mayor
Lonnie Jones, Code Enforcement Officer

The Moderator stated that the minutes will only reflect decisions voted upon, thereby keeping them relatively short. She also stated that she will be emailing the agenda and minutes for the Committee to review.

Approval of minutes:

The minutes of the July 2nd, 2013 meeting were considered for approval. There was a correction to change Mr. Jackson to Ms. Jackson.

A Motion was made by Mr. Lejeune and Seconded by Ms. Romanchuk to approve the minutes as amended.

The Motion carried unanimously.

Political Signs:

The Moderator handed out a sheet with pictures of political, commercial and coming soon signs posted around the City. The Committee agreed that the maximum square footage will be sixteen square feet and the consensus was that the Political Sign section should be moved into the Sign Ordinance and add local campaign. After a lengthy discussion on period of placement Mr. Navarro was instructed to define "qualifying" and clarify "right-of-way". Lonnie Jones was asked to check into what size the magnetic car signs really are. In the placement of signs the Committee agreed to modify the language to "a political sign" instead of "a candidate".

THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
JULY 9, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

A Motion was made by Mr. Lejeune and **Seconded** by Ms. Romanchuk to allow posting of political signs sixty days prior to an election by all qualifying candidates.

Upon roll call vote, the Motion failed.

Ms. Jackson	Nay
Mr. Robinson	Nay
Mr. Burdick	Nay
Mr. Peterson	Nay
Mr. Lejeune	Aye
Ms. Romanchuk	Aye

The Committee discussed the difference in referendums, board, national and local elections.

A Motion was made by Ms. Jackson and **Seconded** by Mr. Robinson to allow posting of political signs six months prior to an election for national elections, three months for state and county elections, and sixty days for local elections and all other campaigns by all qualifying candidates.

Upon roll call vote, the Motion failed.

Ms. Jackson	Aye
Mr. Robinson	Aye
Mr. Burdick	Aye
Mr. Peterson	Nay
Mr. Lejeune	Nay
Ms. Romanchuk	Nay

The Committee believes that anyone found not to be in compliance and fined the twenty-five dollars should know that they will have to pay cost of court also. It was thought by some that limiting the time on placement of political sign on private property was an infringement on constitutional rights.

ADJOURNMENT:

A Motion was made and **Seconded** to adjourn. The Motion carried unanimously.

There being no further business, the meeting was adjourned at 6:25 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: July 16, 2013


Adrienne Jones, Moderator

THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
JULY 16, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

CALL TO ORDER:

The Moderator called to order the Sign Committee Meeting at 4:35 p.m.

CALL OF ROLL:

Members Present:

Elnora Jackson
Steve Robinson
Bill Burdick
John Peterson *Arrived at 4:40 p.m.
Victor Lejeune
Frieda Romanchuk

Members Absent:

Terry Eady

Staff Present:

Adrienne Jones, Director of Community Development
Pat Johnson, Recording Secretary
Jay Ross, Attorney
Kyle Navarro, Attorney
Dane Haygood, Mayor
Lonnie Jones, Code Enforcement Officer

The Moderator stated hopefully everyone has reviewed the minutes from July 9th, which are short and to the point.

Mr. Lejeune stated before we start any business today I would like to make a motion.

A Motion was made by Mr. Lejeune and **Seconded** by Ms. Romanchuk **for no public participation comments unless otherwise requested by a member of the Committee for someone in the public to address a specific topic.**

The Committee discussed who would be allowed to make comments and interject during the meeting and should they be allowed to do so either at the beginning or end of the meeting, since they have a great deal of work to get done. The meetings are required to be open to the public, but no public participation is required.

Upon roll call vote, **the Motion carried unanimously.**

Ms. Jackson	Aye
Mr. Robinson	Aye
Mr. Burdick	Aye
Mr. Peterson	Aye
Mr. Lejeune	Aye
Ms. Romanchuk	Aye

THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
JULY 16, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

Ms. Jones stated now we need to consider our minutes for approval. Again the minutes will be kept brief.

Approval of minutes:

The minutes of the July 9th, 2013 meeting were considered for approval.

A **Motion** was made by **Ms. Romanchuk** and **Seconded** by **Mr. Burdick** to **approve the minutes as written.**

The Motion carried unanimously.

Commercial Real Estate Signs:

The Moderator stated we will be working from our hand sheet on commercial real estate signs from last meeting. Kyle and I need a little bit more time to work on our political sign homework for commendation to you.

It seemed reasonable to the Committee to go through each item before everything is wrapped up and presented to them. A plea to enunciate was made for the hearing impaired. Vehicle parked with signs for the sole purpose of advertising is illegal and almost impossible for the Code Enforcement to enforce, therefore it needs to be addressed at some point when discussing road side signage. Any temporary and non-illuminated commercial real estate signage along Interstate 10, Highway 90, Highway 98, and State Highway 181 shall be 8x 8, sixty-four square feet every five hundred square feet for on premise vacant undeveloped property for sale, and 4 x 8, thirty-two square feet signage everywhere else on vacant property. The definition for these signs is a sign which advertises the sale, lease, rental of the premises upon which it is located. These signs will be outside of the right-of-way on private property and allowed in all zoning districts. The City will not be responsible for the font and no permit will be required. For existing developed businesses and buildings one window sign for each space available, and they shall be attached to the window. Abutting a right-of-way needs to be defined. For commercial construction, "coming soon" is permitted as a new construction sign with the following provisions: a temporary 10 foot tall non-illuminated 16 sq. ft. sign advertising for sale in C/I, B-1, B-2, and B-3 is allowed with a sign permit that is valid for 1 year subject to renewal, the Committee suggested to remove the requirements for permitting.

ADJOURNMENT:

A **Motion** was made and **Seconded** to **adjourn.** **The Motion carried unanimously.**

There being no further business, the meeting was adjourned at **6:12 p.m.**

Respectfully submitted by:

Pat Johnson

Pat Johnson, Recording Secretary

THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
JULY 16, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

APPROVED: July 23, 2013



Adrienne Jones, Moderator

SET DATE FOR PUBLIC HEARING

SEPTEMBER 16, 2013

TO CONSIDER:

- 1. Revisions to the Zoning Map
Recommendation / Favorable**

To: Office of the City Clerk
From: Adrienne D. Jones,
Community Development Director
Subject: Revised City of Daphne Zoning Map
Date: July 26, 2013

MEMORANDUM

At the July 25, 2013, regular meeting of the City of Daphne Planning Commission, six members were present. The motion to set forth a **favorable recommendation** carried unanimously of the above-mentioned revision to the zoning map.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, August 5, 2013 to set the public hearing for Tuesday, September 3, 2013.

Thank you,
ADJ/jv

cc: file

attachment(s)

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

Planning Commission



ZONING & STREET MAP UPDATES

ZONING AND STREET MAP UPDATES

Every six months the Department of Community Development creates new official city zoning and street maps for the Council's adoption. All modifications shown on these two maps have been approved by the Planning Commission (recorded preliminary/final and/or final subdivision plat) and/or the City Council (annexation, zoning, and/or street acceptance resolution).

During this period the city limits has expanded from 16.56 sq. miles to 16.62 sq. miles. The city has accepted for maintenance 6,237 linear feet of road and road rights of way. Three new lots have been carved out. Thirty one and one half (31.53) acres has been zoned for future residential development.

Instrument	Date of Approval	Action	Size
<i>Annexation</i>			
Ordinance 2013-27	07/01/13	Annex & Zone to R-2	31.53 acres
<i>Street Acceptances</i>			
Resolution 2013-25	04/15/13	Accept ROW for maintenance	2,067.16 l.f.
Resolution 2013-26	04/15/13	Accept ROW for maintenance	209 l.f.
Resolution 2013-27	04/15/13	Accept ROW for maintenance	652 l.f.
Resolution 2013-32	05/20/13	Accept ROW for maintenance	6,237
<i>Subdivisions</i>			
Probate Slide 2481-A	01/31/13	1 additional lot	32,200
Probate Slide 2483-A	03/28/13	1 additional lot	32,363
Probate Slide 2483-D	05/02/13	1 additional lot	50,255

Additional preliminary/final subdivision plats have been approved by the Planning commission however the plats are not recorded in probate records; therefore they are not listed herein. Approval is valid for one year. Once these plats are recorded, the subdivisions will be reflected on a future zoning and street maps. Billy Goat Bluff, Summer oaks Town homes, Webb FLP, resub of lot 2, and Sportsman's marine.

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

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 25, 2013 favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinances No. 2011-73, 2012-19, 2012-54 and 2013-11; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinances 2011-73 and 2012-19 and 2012-54 and 2013-11; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on September 16, 2013; and

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

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

SECTION I: ZONING DISTRICT MAP

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

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H AExhibit A@, Ordinances No. 2011-73 and 2012-19, 2012-54 and 2013-11 is hereby repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

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

**DANE HAYGOOD,
MAYOR**

ATTEST:

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

Lawrence T. Yelding

704 Deer Avenue

Daphne, AL 36526

Phone (251) 626-5968

Lyelding@bcbe.org

OBJECTIVE: To provide positive experiences for all people; to grow intellectually each day and to never stop learning new skills and concepts.

QUALIFICATIONS: 13 years of teaching/leadership experience

EDUCATION: Bachelor of Science, CRJ Alabama State University, 1993

Masters of Education, Alabama State University, 1998

EMPLOYMENT:

1995-1998 Mobile Mental Health

1999-Present Baldwin County Board of Education

(1999) Robertsdale HS

(2000) Daphne HS

Professional Leadership:

2010-Present Principals Advisory Committee (Daphne HS):

Currently serving on the principals advisory committee for the future and direction of Daphne HS.

2003-Present Head Softball Coach (Daphne HS): Currently leading the Daphne Trojan softball program. The program has won multiple area championships and has made 5 appearances in the state tournament, finishing runner-up in 2008.

1999-Present Asst. Football Coach (Daphne HS): Successfully helped lead the Daphne Trojan football team to two state championships. (2001 and 2010) I have served in various capacities, Special Teams Coordinator, Linebackers Coach, and currently the Defensive Line Coach.

PROFESSIONAL ORGANIZATIONS:

NEA

AEA

Kappa Alpha Psi, Fraternity, Inc. (Daphne Alumni Chapter)

Boy Scouts of America (Eagle Scout)

REFERENCES:

Mr. Steve Savarese

Alabama High School Athletic Association

Montgomery, AL

(334) 590-8901

Dr. Meredith Foster

Baldwin County Board of Education (Daphne HS)

Daphne, AL

(251) 509-3772

Andrew Jackson

Pastor, Macedonia Missionary Baptist Church

Daphne, AL

(251) 679-2096

RECREATION BOARD NOMINEE

July 25, 2013

To whom it may concern,

I would like to offer my assistance to the city of Daphne in any capacity that you think I may be of help. I'm interested in serving as a board member on the Parks and Recreation Committee, but if those positions have been filled, I would like to be considered for any vacancy where you need a hard worker who has the time and energy necessary to move things forward.

I am currently working with the Daphne Beautification Committee, The Lake Forest Improvement Committee, and have established the D'Olive Blvd. Laker Team that works to improve our immediate neighborhood.

I've lived in Daphne for four years as a retired teacher. In addition to the above activities I served as interim band director of the Daphne Symphonic Band for six months in 2011, while they searched to fill the unexpected vacancy.

Daphne is my new home. I do not plan to leave. I want to help you make Daphne better for the current children and residents and those of tomorrow.

Thank you,



David P. Dueitt

104 D'Olive Blvd.

251-621-1307

David Paul Dueitt
104 D'Olive Blvd. Daohne, AL 36526
DavidDueitt@att.net (251)621-1307

DIRECTOR OF BANDS

Conductor ♦ Clinician ♦ Recruiter ♦ Motivator

Dedicated, high-performance leader with a proven ability to build and lead a superior music education program. Broad educational experience with an aggressive drive for results. Consistently proven ability to produce expected outcomes in a short period of time.

Management Skills:

Strong Communication Skills
Public Relations

Team Building
Student Centered

Fiscal Accountability
Creative Thinking

**Entrepreneurial leader known for the ability to build new programs
with impressive results in a short time**

PROFESSIONAL EXPERIENCE

MISSISSIPPI GULF COAST COMMUNITY COLLEGE **1988-Present**
The only community college in Mississippi, Alabama or Louisiana to be in the top 100 producers of associate degrees in the nation.

Director of Bands

Responsible for recruitment, development, budgeting and daily operations of a band program serving over 200 students.

- ♦ **Music and Pedagogy** – Conducting concert, marching, jazz and pep bands. Instructing indoor drum line, winter guard, percussion and chamber ensembles. Teaching private lessons (wind and percussion) and preparing recitals. Drill design.
- ♦ **Administrative Duties** - Supervising band staff, advising music majors, recruiting for tri-campus program, awarding scholarships, program planning, scheduling performances and travel, budgeting and purchasing control.
- ♦ **Accomplishments and Performances** – Built a 35 member program into an organization with over 200 members. Established the “Gold Medal Classic” Marching Festival. Music Director “*Oliver*”. Yearly exhibition performances since 1989. Designed a state of the art band hall and consulted in construction. Designed uniforms and equipment. Teacher of the year, 1996. Yearly performances; all halftime show drills, Christmas and spring concerts, Christmas Parade, Mardi Gras and civic parades, honor band clinics and festival, guest performer with Hattiesburg Symphonic Pops, clinician and adjudicator.

**GRADUATE ASSISTANT
UNIVERSITY OF ALABAMA, TUSCALOOSA, AL**

1986-1987

- ◆ **Music and Pedagogy** – Single reeds class and private clarinet instructor, marching band and wind ensemble assistant, music score contributor, pre-game drill writer, woodwind and marching band clinician.
- ◆ **Administrative Duties** – Recruiting, honor band housing and chaperon coordinator, marching festival program advertisement chairman.
- ◆ **Performances** – Guest Bass Clarinetist with the Capstone Quintet 1987, guest conductor Alabama Wind Ensemble 1986,87,88,92.

**DIRECTOR OF BANDS
SHAW HIGH SCHOOL, MOBILE, AL**

1980 – 1986

- ◆ **Music and Pedagogy** – Conducted concert, marching and jazz bands. Instructed percussion, chamber ensembles and winter guard. Drill design and private lessons.
- ◆ **Administrative Duties** – Chairman, Music Department. Fund raising and parent association coordinator. Co-sponsor Drum and Bugle Corps National Competition, 1983.
- ◆ **Accomplishments and Awards** – M.O. Beale Scroll of Merit. Nominated for Alabama Teacher's Hall of Fame, 1985. Candidate for the "Teacher in Space" program. Mayor of Mobile proclamations; John Shaw Day 1983, John Shaw Band Week 1984. Six superior ratings District Concert Contests, four superior ratings and one excellent rating State Concert Competition, superior rating National Invitational Marching Competition, eighteen marching competitions resulting in seventeen superior ratings and one excellent rating, fourth place National Invitational Marching Competition, seven "Best in Class" awards, one "Best in Spirit" award, three "Sweepstakes" awards. Established first region-wide winter guard and band parent association in Mobile.
- ◆ **Performances** – Annual Christmas and Spring Concerts, Pre-game and half-time shows, Christmas and Mardi Gras parades, guest pep band and winter guard performer for the University of South Alabama basketball and baseball teams, Tenn.OTom Celebration, Battleship Alabama Celebration Sister Cities Celebration, Clarinetist and equipment manager for the Mobile Symphonic Pops.

**STUDENT TEACHER, ASSISTANT DIRECTOR
FAYETTE HIGH SCHOOL, FAYETTE ALABAMA**

1978-1980

- ◆ **Music and Pedagogy** – Taught grades six through twelve, conducted concert band, assisted in drill writing, marching band, Provided private lessons.

EDUCATION & TRAINING

1986-1988 MASTER OF MUSIC – MAJOR IN CONDUCTING

University of Alabama, Tuscaloosa Alabama

1976-1978 BACHELOR OF ARTS – MAJOR IN MUSIC EDUCATION

University of Alabama, Tuscaloosa Alabama

Graduated First in Class – Music Education

Drum Major, Million Dollar Band

Deans List

1975-1976 UNDERGRADUATE STUDIES IN MUSIC EDUCATION

University of South Alabama, Mobile Alabama

1973-1974 UNDERGRADUATE STUDIES IN MUSIC EDUCATION

East Carolina University Extension, Cherry Point North Carolina

AFFILIATIONS

Member, Alabama Fine Arts Society

Member, Phi Mu Alpha Sinfonia Music Fraternity

Vice President & Secretary, Mississippi Community College Band Directors Association

MILITARY

1972-1974 United States Marine Corps

Field Communications Specialist/Marine Field Band

Honorable Discharge

CLINICS

ORFF Teaching Techniques

Marching Band Show Design

Computer Drill Design

Administrative Workshops

ADJUDICATION AND CLINICIAN EXPERIENCE

Twenty years annual experience in Marching Festivals and Competitions

District and State Contests in Alabama and Mississippi

Private School Concert Band Contests

Solo and Ensemble Competitions

McDonalds Scholarship Award Auditions

1992 Conductor, Mississippi Gulf Coast Band Directors Clinic

1994 Conductor, Pearl River Concert Band Clinic

1996, 1998 Conductor, South Mississippi Band Camp

REFERENCES AVAILABLE UPON REQUEST

Market By The Bay

*Victor C. LeJeune
Market by the Bay
126 Hope Drive
Daphne, Alabama, 36526*

*Telephone (251) 458-7565
Fax (251) 626-9956*

To: David – Director of Parks and Recreation
From: Victor LeJeune – Market by the Bay

Subject: Seat Consideration for City of Daphne Board of Parks and Recreation

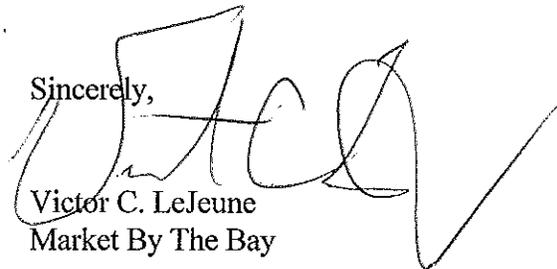
I request your appointment to the Board of Parks and Recreation. I have lived in the City of Daphne since 1995 moving from Lynchburg, Virginia. I have been active in city recreation as a Coach and volunteer as my children attended the school systems. I also have been active in sports since childhood, competing in high school sports and activities in the military.

From 1985 - 1995 I played competitive racquetball throughout the nation. During this time I was No. 1 in the state of Virginia, winning regionals and playing in the Nationals in Houston, Texas. Upon moving to Mobile in 1995 I won the Mobile Tournament at the Mobile YMCA.

My goal is to partner with the city to make Daphne the Number 1 city in the state providing first class recreational facilities for its citizens.

Thanks for your consideration.

Sincerely,



Victor C. LeJeune
Market By The Bay

“Providing the Best Seafood on the Gulf Coast”

Experience Profile - Victor C. LeJeune

Experience Profile

COMPANY Market by the Bay Seafood Market and Restaurants

TITLE Co-Owner

DESCRIPTION
2004 - Present

Responsible for expansion and renovations for existing and new facilities. Assists with day to day operations on an as needed basis.

Executes the following:

- Notify Vendors for equipment repairs
- Position interviews
- Schedules staff meetings
- Employee training

COMPANY Shaw Power (EPC Company)
Charlotte, North Carolina

TITLE Training Manager – Commissioning

DESCRIPTION
2010 - 2012

Responsible for the organization, design, development, and implementation of technical training programs for our Client's Operations and Maintenance Personnel.

Projects responsible for included a Combined Cycle Plant and two Supercritical Coal Fired Plants that's currently under construction.

The scope of services for the above projects consisted of:

- Training Plan development
- Program Scheduling
- Development of System Descriptions and Operating Procedures,
- Classroom instruction

Experience Profile - Victor C. LeJeune

COMPANY VHL ENTERPRISES (Power Industry Training Company)
DAPHNE, ALABAMA

TITLE Director of Operations (Owner/Partner)

DESCRIPTION
1995-2009

Responsible for directing the profitable operations of VHL through years of experience in the area of technical training. VHL is a major player in providing training services for the power industry. Typical VHL projects consist of design, development and implementation of Performance Based Training for Operations and Maintenance personnel.

Representative projects involved with:

Tucson Electric (Arizona) – Develop Operating Procedures (2009)

Developed (Foster Wheeler) boiler operating procedures for Unit 4 at the Springerville Power Plant, a coal fired plant in Arizona.

Elm Road Generating Station Bechtel/Hitachi – Conduct Supercritical Boiler Vendor Training for WE Energy (2008 and 2009)

Conducted boiler and auxiliary equipment training for Operations and Maintenance personnel at Elm Road Generating Station. Training was conducted on Hitachi's Benson Supercritical Boiler

PSEG New Jersey – Develop Operating Procedures (2006)

Developed comprehensive Unit 1 (Supercritical Unit) startup and shutdown procedures.

PSEG (Bridgeport Harbor Station) Connecticut – Develop Emergency Response Procedures (2008)

Developed 26 emergency response procedures critical to the operation of Bridgeport Harbor Station.

Golden Valley Electric - Combined Cycle Fundamentals Program (2005)

Provide training on the fundamentals of operating a Combined Cycle Plant.

Chugach Electric - Comprehensive Training Project – Anchorage (2003-5)

Provided the following training services:

Experience Profile - Victor C. LeJeune

- Conducted Training Needs Assessment
- Developed Training Guidelines and Policies for Corporate
- Conducted Job Task Analysis for classifications at the following:
 1. Combined Cycle Plant
 2. Hydro Plant
 3. Simple Cycle Plant
- Developed System Descriptions and Operating Procedures for 10 Combined Cycle Systems – Presented classroom training on these systems.
- Conducted a Generator Motoring Incident Investigation – Provided training on the results of the report.

Wisconsin Energy (WE) - Training Needs Assessment – Milwaukee (2004)

The project consisted of visiting 7 coal fired plants, interviewing operations and maintenance personnel and reviewing plant documentation. A final report was submitted to the President containing conclusions and recommendations on the current training status of his facilities.

NEM HRSG Training Program: Dominion Energy – Dumfries, VA (2002)

The project consisted of development of a site specific HRSG training document and the presentation of 4 classroom sessions for Operations and Maintenance personnel.

Jamaican Public Service (JPS) - Training Needs Assessment – Kingston (2004)

The project consisted of visiting 4 fossil fired plants, interviewing operations and maintenance personnel and reviewing plant documentation. A final report was submitted to the General Manager containing conclusions and recommendations on the current training status of his facilities.

Combined Cycle Fundamentals Program: InterGen – Ashland, Ms. (2002)

The project consists of development of a Combined Cycle Fundamentals Training Program and the presentation of 80 hours of classroom instruction to plant personnel (Greenfield Project). The program begins with raw water entering the Combined Cycle Plant and concludes at the switchyard. The focus is the gas turbine, steam turbine and the **Heat Recovery Steam Generator (HRSG)**.

Combined Cycle Qualification Program: NRG – Batesville, Ms. (2001-2002)

Developed and implemented a Performance Based qualification program for the Operations Department. The facility is an 800 mw combined cycle plant.

Experience Profile - Victor C. LeJeune

The project consisted of identifying knowledge and skill requirements for the inside (Control Room) and outside operator classifications.

Mirant Asia-Pacific- Philippines (1997-2001)

Training Manager Asia Operations – Organized and managed the Training Departments for two large fossil fired power plants in the Philippines. This consisted of managing over 30 training personnel with a yearly budget of over \$2,000,000 US dollars, also responsible for the procurement of a \$1,000,000 fossil simulator.

Highlights of four year assignment:

- Designed and implemented Performance-Based Training for both Plants. (Better known as a Qualification process.)
- Conducted and developed investigation report for Motoring Incident at one of the plants.
- Received accreditation of Mechanical Maintenance Training Programs from Philippine Regulatory Commission (PRC). Each student attending these programs receives CPE (Continuing Professional Education) credits to maintain their engineering license.
- Designed and implemented Computer Based Training for both plants.
- Presented technical paper on **Operator Qualification** at the ASEAN Trainers conference in Cebu, Philippines.
- Initiated and organized a Publishing Department for Mirant Philippines.

Mobile Energy Services – Mobile, Alabama

Designed and developed a comprehensive training program for the Utilities Department. This included a training need assessment, job task analysis, systems description and operating procedure development, as well as classroom instruction.

Fraser Paper Co. – Edmunston, Canada

Developed and conducted operator training for a new **Co-Generation Facility**.

Cajun Electric Co-Operative – New Roads, Louisiana

Designed and developed a comprehensive training program for the Coal Handling Department. This included rolling stock and stacker/reclaim system.

Experience Profile - Victor C. LeJeune

COMPANY **MEAD COATED BOARD – COTTONTON, ALABAMA**

TITLE **Tour Supervisor – Utilities Department**

DESCRIPTION
(1994-1995)

During my time with Mead I was responsible for the safe and efficient operation of the Powerhouse Systems. I was responsible for supervising a crew of seven operators in accomplishing the above. I was requested by Management to participate in the mill performance improvement team (pit).

COMPANY **POWERSAFETY INTERNATIONAL – LYNCHBURG, VIRGINIA**

TITLE **Senior Marketing Specialist – Fossil Operations**

DESCRIPTION
(1991-1994)

I was responsible for the development of new business for the Fossil Operations Department. This included marketing strategies, conference papers, capability presentations, proposal development, and contract negotiations. I also provided direction for clients with training Needs Assessments and Job Task Analysis.

Representative projects sold:

- Mead Coated Board - \$875,000
- Tennessee Eastman - \$500,000
- NCLP James River - \$600,000

TITLE **Senior Project Manager – Fossil Services**

DESCRIPTION
(1987-1991)

Responsible for the management of training services projects. These projects consisted of the development of training materials and on-site instruction (when required) according to schedule and within budget.

Representative projects involved with:

Mead Coated Board – Cotton, Alabama

Designed and developed a comprehensive training program for the Utilities Department. This included a training need assessment, job task analysis, systems description and operating procedure development.

Experience Profile - Victor C. LeJeune

James River Corporation – Pennington, Alabama

Customer interface and document review of training and reference material for Power and Recovery Department expansion. The expansion included the installation of a chemical recovery boiler, evaporator set, turbine generator set, and auxiliary equipment.

Alabama Power Company – Miller Steam Plant

I was the Developer and Instructor for a plant-specific B&W boiler training program for Unit No. 4.

Anheuser Busch Modification Project – St. Louis, Missouri

Project manager for the development and instruction of the following:

- Stoker Fired Boiler Program
- GE Turbine/Generator Training Program
- No. 6 Boiler Combustion Controls Program
- Plant Coordinated Control Program using the Foxboro IA DCS.

Alabama Pine and Pulp Company – Perdue Hill, Alabama

I was responsible for the technical review of the operator training program for the Power and Recovery Department. This included the following components:

- Chemical Recovery Boiler
- Evaporator
- Power Boiler
- Turbine/Generator Installation.

General Electric – Erie, Pennsylvania

Assigned as Project manager for General Electric's powerhouse operator training project. This included presentation of fundamentals and systems training on cyclone and stoker fired boilers, auxiliary systems, coordinated control system, **combined cycle unit**, steam distribution system and electrical systems.

Experience Profile - Victor C. LeJeune

B & W/Bunge Cogeneration Project

Assigned as Project manager to execute the development of the following for a 75 MW circulating fluidized bed boiler:

- Plant System Descriptions and Operating Procedures
- Plant Commissioning Procedures

COMPANY **GENERAL PHYSICS CORPORATION – COLUMBIA, MARYLAND**

TITLE **Project Manager – Fossil Training Services**

DESCRIPTION
(1986-1987)

Project management duties consisted of the development of quality technical documents, executing project schedules on time and within budget.

Representative projects:

Potomac Electric Power Co. – Morgantown Generating Station

Developed and presented a Bailey 721 coordinated control-training program for control room operators at Morgantown's 630 MW coal and oil-fired unit.

South Carolina Electric & Gas Co. – Williams Station

I was assigned as Project manager for the development and technical review of their operator training program.

Atlantic Electric Co.

I was responsible for the development of operating procedures for 8 gas turbine plants.

Florida Power Corporation – Bartow Station

I presented on-site instruction for boiler operators on their Combustion Control Systems. The program included three one-week classes.

Consolidated Edison – Ravenswood Station

I developed emergency operating procedures for the 125 and 48 DC volt systems on Unit 3.

Experience Profile - Victor C. LeJeune

COMPANY POWER SAFETY INTERNATIONAL – LYNCHBURG, VIRGINIA

TITLE Training Specialist- Fossil Services

DESCRIPTION
(1985-1986)

I was responsible for the following tasks at PowerSafety:

- Developed training program, operating procedures, system descriptions lesson plans, and course objectives.
- Conducted formal training programs, training seminars, and simulator classes.
- Assisted in new courseware development for future projects.
- Executed Project manager duties for large programs, purchased by major utilities.

Representative projects:

Intermountain Power Project - Delta, Utah

I was responsible for the presentation of a two-week B&W radiant boiler training program for supervisors and operators. Unit size 820 MWS.

Cleveland Electric Illuminating – Avon Lake, Ohio

Developed and presented a one-week TLT axial flow fan program for operations personnel.

Metropolitan Edison – Reading, PA

I participated in the development of a Simulator Feasibility Study.

Pennsylvania Electric Company – Homer City, PA

Developed and presented 6 power plant performance programs for supervisors, engineers, and control room operators.

Northern States Power – Becker, Minnesota

I presented a 5 day B & W radiant boiler program and a 1 day plant-specific TLT axial flow forced draft fan program for the operations personnel. Unit size 890 MWS.

Orlando Utilities Commission – Orlando, Florida

Developed and presented a 7 day B & W radiant boiler training program for the operations department at the C.H Stanton Energy Center. The program covered Unit Description, Startup and Shutdown. Unit size 400 MWS.

Experience Profile - Victor C. LeJeune

COMPANY CAJUN ELECTRIC POWER CO-OPERATIVE - NEW ROADS, LA

TITLE Shift Foreman

DESCRIPTION

(1982-1985)

I was responsible for the safe and efficient operation of a 560 MW coal-fired unit. Supervised control room operators, equipment operators and utility operators on Unit 3. Actively involved in the startup of Unit 3 which included system turnovers, acid cleaning, performance testing, initial synchronization, full load and load frequency control testing.

Developed and presented a boiler-training program and a utility operator program.

COMPANY ALABAMA POWER COMPANY – BARRY STEAM PLANT
BUCKS, ALABAMA

TITLE Plant Control Room Operator

DESCRIPTION

(1969-1982)

Responsible for the safe and efficient operation of the fossil-fired units at Barry Steam Plant. Directed assistant plant control room operators in correcting system problems outside of the control room. When needed I supervised the operation of 2 peaking Westinghouse Combustion Turbines.

PERSONAL DATA

Experience – Over 40 years in the Power Industry (Operations, Technical Training and Management)

Military Service – United States Air Force (Honorably Discharged), Vietnam War Veteran

Education – Degree in Education

ADDRESS

126 Hope Drive

Daphne, Alabama 36526

Telephone: (251) 458-7565

E-Mail Address: victorclejeune@gmail.com



Accepted by:

Robert Segalla
Chairman, Daphne Utilities

Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ May 29, 2013 ♦ 5:00 p.m.

I. Call to Order

The regular May 2013, Board meeting for the Utilities Board of the City of Daphne was held on May 29, 2013 and called to order by Chairman Robert Segalla, at 5:01 p.m.

II. Roll Call

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

Others Absent:

Others Present: Jerry Speegle – Board Attorney
Rob McElroy – General Manager
Danny Lyndall – Operations Manager
Janie Daniel – Senior Customer Service Representative
Deloris Brown – HR Manager
Teresa Logiotatos – Finance Manager
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Moore – HMR

Others Absent: Drew Klumpp – Administrative Services Manager

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Minutes from April 24, 2013:

The Chairman inquired if there were any corrections for the submitted Minutes from the April 24, 2013, Utilities Board meeting.

MOTION BY Lon Johnston to approve the Minutes for April 24, 2013; Seconded by Fenton Jenkins.

AYE: FRY, JENKINS, JOHNSTON, SEGALLA

ABSENT:

ABSTAIN: HAYGOOD

MOTION CARRIED

V. Old Business

No old business was addressed.

VI. New Business

A. Presentation of "Skye's The Limit" Environmental Achievement Award

This year's award was presented to Rebecca Denson, 11th grader at Murphy High School for her project on "A Study of Aerobic vs Anaerobic Composting. She explained to the Board her science project.

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle had nothing further to add to his report and had no questions to answer from the Board.

VIII. FINANCIAL REPORT

Teresa Logiotatos highlighted points in the financial summary of her report, mentioning the impact fees transfer to the reserve account, customer deposits set aside in an account at Bryant Bank that are not part of the operating funds, funds are also located in two other banks so as to not have all our funds at one financial institution, and she explained the checks issued to the Retirement Systems of Alabama. She addressed the special report inserted in the Board book. Chairman Segalla asked to have it prepared for another month.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Rob McElroy also congratulated Danny Lyndall for being recognized within the entire utility industry with the Golden Manhole award. Mr. McElroy emphasized the visit from Huber Technology with the purpose to film the City of Daphne and Daphne Utilities to use for their marketing efforts. He updated the Board on the upcoming Yelding Tree Dedication. Lon Johnston requested follow-up with the City Council of the completion of the sewerage of the balance of the City of Daphne. Mr. McElroy advised that he would coordinate with Ray Moore of HMR to make that presentation to the City Council.

Deloris Brown had nothing further to add to her report other than informing the Board of a new employee, Aaron Durgin, in Jim Caudle's department.

Danny Lyndall pointed out to the Board of additional regulatory UCMR3 testing relating to contaminants required by our Utilities as well as the No-Lead-Brass program of which we are federally mandated to participate.

Melinda Immel had nothing to include to her report.

Janice Daniel, sitting in the Administrative Services Manager Drew Klumpp, had nothing to add to the report.

Ray Moore had nothing to add to his report.

X. BOARD ACTION –

A. RESOLUTION 2013-02 – Appointment of Finance Committee

MOTION BY Lon Johnston approve Resolution 2013-02 Appointment of Finance Committee; Seconded by Fenton Jenkins.

AYE: FRY, JENKINS, JOHNSTON, SEGALLA, ABSENT: HAYGOOD ABSTAIN: MOTION CARRIED

B. RESOLUTION 2013-03 - Municipal Water Pollution Prevention (MWPP)

MOTION BY Randy Fry approve Resolution 2013-03 Municipal Water Pollution Prevention; Seconded by Lon Johnston.

AYE: FRY, JENKINS, JOHNSTON, SEGALLA, ABSENT: HAYGOOD ABSTAIN: MOTION CARRIED

XI. PUBLIC PARTICIPATION – None

XII. BOARD COMMENTS –

Randy Fry thanked everyone for the job that they do along with the quality of coverage of important issues at the meeting. Chairman Segalla thanked Mike Andreoli and his firm for an excellent audit along with Mrs. Logiotatos and her staff.

XIII. ADJOURNMENT –

***MOTION BY** Lon Johnston to adjourn the meeting;*

AYE: FRY, JENKINS, JOHNSTON, SEGALLA

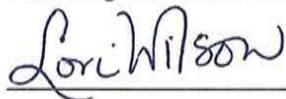
ABSENT: HAYGOOD

ABSTAIN:

MOTION CARRIED

The meeting adjourned at 5:54 pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities



Daphne Utilities

Board of Directors
Robert Segalla, Chairman
Fenton Jenkins, Vice Chairman
Randy Fry, Secretary / Treasurer
Dane Haygood, Mayor
Lon Johnston

GENERAL MANAGER
Rob McElroy, P.E.

July 31, 2013

Mr. Ron Scott
Council President
City of Daphne
P.O. Box 400
Daphne, AL 36526

Dear Council President Scott:

After careful consideration of the proposed pipeline located in the Big Creek Lake watershed, we, the Utilities Board of the City of Daphne, conclude the following:

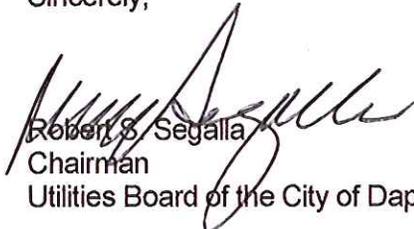
WHEREAS, Big Creek Lake is the source of the City of Mobile's drinking water supply; and,

WHEREAS the proposed routing of said pipeline represents an unnecessary risk to the water supply of Mobile; and,

WHEREAS, contamination of Mobile's water supply could have a direct and prolonged impact on the water supply, service and economy of our entire Daphne community;

Therefore, the Utilities Board of the City of Daphne hereby urges the Daphne City Council to oppose the construction of any pipeline to be located within the natural watershed of Big Creek Lake that carries or transports, or that is designed or intended to carry or transport, oil or any oil derivative.

Sincerely,


Robert S. Segalla
Chairman
Utilities Board of the City of Daphne

**REPORT
OF
OFFICERS**

RESOLUTIONS

&

ORDINANCES

RESOLUTION 2013 - 40

A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING THE MAYOR TO DISPOSE OF SUCH PROPERTY

WHEREAS, the Department Heads of the City of Daphne have determined that the items listed below are no longer required for public or municipal purposes; and

WHEREAS, the items listed below are recommended for disposal.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Daphne that

- 1- The property listed below is hereby declared to be surplus property, and

DEPT	EQ/VEH#	DESCRIPTION	VIN
Mowing	1337	2010 John Deere 1565 Mower	TC1565D090170
Mechanical	5765	1999 John Deere 1145	M01145X185325
Mechanical	1019	1999 Manlift	S10857
Recycling		Baler-International Model LD-60-SD & Conveyor Belt CY-48178	0505070 / Conveyor: 0505065

- 2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and

- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

ADOPTED AND APPROVED 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

**CITY OF DAPHNE
RESOLUTION NO. 2013 - 41**

REVISIONS TO CITY OF DAPHNE STREET MAP

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 25, 2013 approved a favorable recommendation to the City Council of the City of Daphne, Alabama for a revision to the City of Daphne Street Map and presented at said meeting; and

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

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

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

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

SECTION I: ADOPTION OF MAP

THAT the City of Daphne Street Map was considered by the City of Daphne Planning Commission on July 25, 2013, and having made a favorable recommendation to the City Council and said revised map being attached hereto as Exhibit "A" is hereby adopted as the official "City of Daphne Street Map."

SECTION II: REPEALER

THAT Resolution No. 2006-22, Resolution No. 2006-66, and Resolution No. 2007-05, Resolution 2007-69, Resolution 2008-02, 2008-41, Resolution 2009-06, Resolution 2009-72, Resolution 2010-22, Resolution 2010-76 and Resolution 2011-09, 2011-62, 2012-05, 2012-55 and 2013-02 entitled "City of Daphne Street Map" are hereby repealed in their entirety and any Resolution(s) or parts of Resolution(s) conflicting with the provisions of this Resolution are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

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

:

**DANE HAYGOOD,
MAYOR**

ATTEST:

**REBECCA A. HAYES,
CITY CLERK**

To: Office of the City Clerk
From: Adrienne D. Jones,
Community Development Director
Subject: Revised City of Daphne Street Map
Date: July 26, 2013

MEMORANDUM

At the July 25, 2013, regular meeting of the City of Daphne Planning Commission, six members were present. The motion to set forth a **favorable recommendation** carried unanimously of the above-mentioned revision to the street map.

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

Upon receipt of said documentation, please prepare a resolution for placement on the City Council agenda of Tuesday, September 3, 2013.

Thank you,
ADJ/jv

cc: file

attachment(s)

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

Planning Commission



ZONING & STREET MAP UPDATES

ZONING AND STREET MAP UPDATES

Every six months the Department of Community Development creates new official city zoning and street maps for the Council's adoption. All modifications shown on these two maps have been approved by the Planning Commission (recorded preliminary/final and/or final subdivision plat) and/or the City Council (annexation, zoning, and/or street acceptance resolution).

During this period the city limits has expanded from 16.56 sq. miles to 16.62 sq. miles. The city has accepted for maintenance 6,237 linear feet of road and road rights of way. Three new lots have been carved out. Thirty one and one half (31.53) acres has been zoned for future residential development.

Instrument	Date of Approval	Action	Size
<i>Annexation</i>			
Ordinance 2013-27	07/01/13	Annex & Zone to R-2	31.53 acres
<i>Street Acceptances</i>			
Resolution 2013-25	04/15/13	Accept ROW for maintenance	2,067.16 l.f.
Resolution 2013-26	04/15/13	Accept ROW for maintenance	209 l.f.
Resolution 2013-27	04/15/13	Accept ROW for maintenance	652 l.f.
Resolution 2013-32	05/20/13	Accept ROW for maintenance	6,237
<i>Subdivisions</i>			
Probate Slide 2481-A	01/31/13	1 additional lot	32,200
Probate Slide 2483-A	03/28/13	1 additional lot	32,363
Probate Slide 2483-D	05/02/13	1 additional lot	50,255

Additional preliminary/final subdivision plats have been approved by the Planning commission however the plats are not recorded in probate records; therefore they are not listed herein. Approval is valid for one year. Once these plats are recorded, the subdivisions will be reflected on a future zoning and street maps. Billy Goat Bluff, Summer oaks Town homes, Webb FLP, resub of lot 2, and Sportsman's marine.

**CITY OF DAPHNE
RESOLUTION 2013-42**

**Support Daphne Utilities in Opposing Construction of Oil Pipelines within the
Watershed of Big Creek Lake in Mobile, Alabama**

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

WHEREAS, the City of Daphne's water supply could be at risk due to mutual agreements to provide drinking water to adjacent municipal systems when necessary; and

WHEREAS, Big Creek Lake is the source of the City of Mobile's drinking water supply; and

WHEREAS, the proposed routing of the pipeline represents a risk to the water supply of Mobile; and

WHEREAS, contamination of Mobile's water supply could have a direct and prolonged impact on the water supply, service and economy of the City of Daphne.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE to support Daphne Utilities in opposing the construction of any pipeline to be located within the natural watershed of Big Creek Lake that carries, transports or that is designed or intended to carry or transport oil or any oil derivatives.

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

**CITY OF DAPHNE
A MUNICIPAL CORPORATION**

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ORDINANCE NO. 2013 – 39

**Ordinance to Rezone Property Located Southwest of the Intersection of Pollard Road and County Road 64
John & Deborah Kim**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-2, Medium Density Single Family Residential District to B-3, Professional Business District, said property is located Southwest of the intersection of Pollard Road and County Road 64 being more particularly described as follows:

Legal Description:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF THE RESUBDIVISION OF LOTS 1, 2, AND 3 AUDUBON PARK SUBDIVISION AS RECORDED ON SLIDE NO. 2040-B IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00-DEGREES 30-MINUTES 41-SECONDS EAST ALONG THE WEST LINE OF SAID LOT 1 AND THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD (80' RIGHT-OF-WAY) A DISTANCE OF 221.48 FEET; THENCE RUN NORTH 89-DEGREES 29-MINUTES 37-SECONDS WEST, 79.86 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF POLLARD ROAD; SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 89-DEGREES 29-MINUTES 37-SECONDS WEST, 110.42 FEET; THENCE RUN NORTH 00-DEGREES 31-MINUTES 33-SECONDS EAST, 180.12 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 64 (80' RIGHT-OF-WAY); THENCE RUN NORTH 89-DEGREES 36-MINUTES 21-SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 110.44 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF POLLARD ROAD; THENCE RUN SOUTH 00-DEGREES 31-MINUTES 36-SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 181.85 FEET TO THE POINT OF BEGINNING CONTAINING 0.46 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on June 11, 2013 has considered said request and set forth an *unanimous unfavorable recommendation* to the City Council of the City of Daphne that said property be rezoned; and

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 15, 2013 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from R-2, Medium Density Single Family Residential District to B-3, Professional Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

**JOHN & DEBORAH KIM
ZONING AMMENDMENT REVIEW**

**SOUTHWEST OF THE INTERSECTION OF
POLLARD ROAD AND COUNTY ROAD 64**

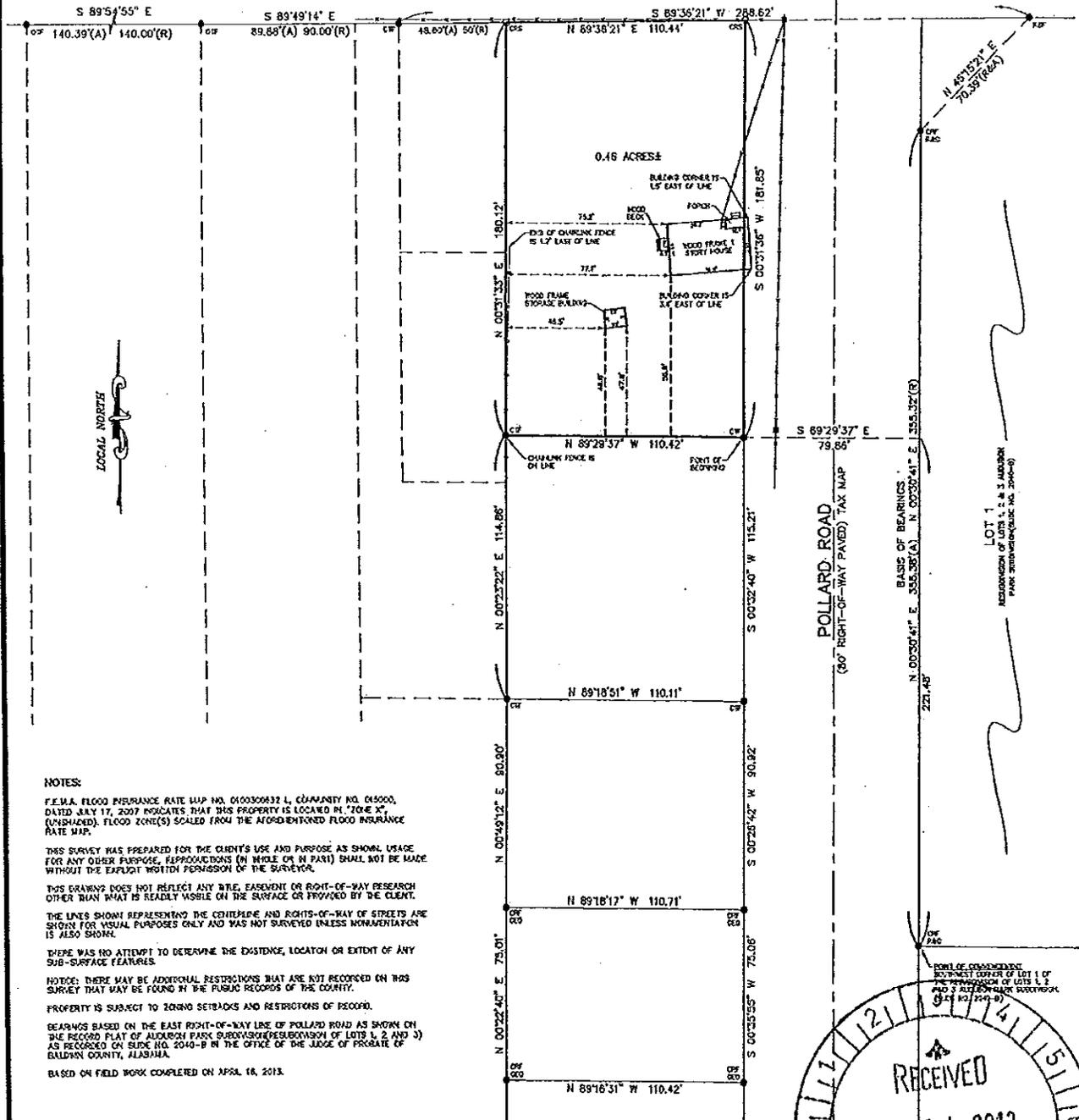
EXHIBIT "A"

**STATE OF ALABAMA
COUNTY OF BALDWIN**

**DESCRIPTION OF PROPERTY TO BE REZONED FROM (R-2) MEDIUM DENSITY SINGLE
FAMILY RESIDENTIAL, TO (B-3) PROFESSIONAL BUSINESS**

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF THE RESUBDIVISION OF LOTS 1, 2, AND 3 AUDUBON PARK SUBDIVISION AS RECORDED ON SLIDE NO. 2040-B IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00-DEGREES 30-MINUTES 41-SECONDS EAST ALONG THE WEST LINE OF SAID LOT 1 AND THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD (80' RIGHT-OF-WAY) A DISTANCE OF 221.48 FEET; THENCE RUN NORTH 89-DEGREES 29-MINUTES 37-SECONDS WEST, 79.86 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF POLLARD ROAD; SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 89-DEGREES 29-MINUTES 37-SECONDS WEST, 110.42 FEET; THENCE RUN NORTH 00-DEGREES 31-MINUTES 33-SECONDS EAST, 180.12 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 64 (80' RIGHT-OF-WAY); THENCE RUN NORTH 89-DEGREES 36-MINUTES 21-SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 110.44 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF POLLARD ROAD; THENCE RUN SOUTH 00-DEGREES 31-MINUTES 36-SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 181.85 FEET TO THE POINT OF BEGINNING CONTAINING 0.46 ACRES, MORE OR LESS.

BALDWIN COUNTY HWY. NO. 64
(60' RIGHT-OF-WAY PAVED) TAX MAP



NOTES:

F.E.M.A. FLOOD INSURANCE RATE MAP NO. 010030032 L, COMMUNITY NO. 015000, DATED JULY 17, 2007 INDICATES THAT THIS PROPERTY IS LOCATED IN "ZONE X" (UNSHADED). FLOOD ZONE(S) SCALED FROM THE ABOVE-MENTIONED FLOOD INSURANCE RATE MAP.

THIS SURVEY WAS PREPARED FOR THE CLIENT'S USE AND PURPOSE AS SHOWN. USAGE FOR ANY OTHER PURPOSE, REPRODUCTIONS (IN WHOLE OR IN PART) SHALL NOT BE MADE WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE SURVEYOR.

THIS DRAWING DOES NOT REFLECT ANY D.E., EASEMENT OR RIGHT-OF-WAY RESEARCH OTHER THAN WHAT IS READILY VISIBLE ON THE SURFACE OR PROVIDED BY THE CLIENT.

THE LINES SHOWN REPRESENTING THE CENTERLINE AND RIGHTS-OF-WAY OF STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WAS NOT SURVEYED UNLESS MONUMENTATION IS ALSO SHOWN.

THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF ANY SUB-SURFACE FEATURES.

NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY.

PROPERTY IS SUBJECT TO ZONING SETBACKS AND RESTRICTIONS OF RECORD.

BEARINGS BASED ON THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD AS SHOWN ON THE RECORD PLAT OF ALABAMA PARK SUBDIVISION (RESUBDIVISION OF LOTS 1, 2 AND 3) AS RECORDED ON SLIDE NO. 2040-B IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

BASED ON FIELD WORK COMPLETED ON APRIL 16, 2013.

DESCRIPTIONS
COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF THE RESUBDIVISION OF LOTS 1, 2 AND 3 ALABAMA PARK SUBDIVISION AS RECORDED ON SLIDE NO. 2040-B IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 09°32'41" EAST ALONG THE WEST LINE OF SAID LOT 1 AND THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD (60' RIGHT-OF-WAY) A DISTANCE OF 221.43 FEET; THENCE RUN NORTH 89°29'37" WEST 78.86 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF POLLARD ROAD; SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 89°28'37" WEST, 110.42 FEET; THENCE RUN NORTH 00°31'33" EAST, 120.12 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 6400 (RIGHT-OF-WAY); THENCE RUN NORTH 89°38'21" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 110.44 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF POLLARD ROAD; THENCE RUN SOUTH 00°31'34" WEST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 181.83 FEET TO THE POINT OF BEGINNING CONTAINING 0.16 ACRES, MORE OR LESS.

LEGEND	
0005	GRAVEL PAVED DRIVE (DASHES)
0006	PAVED PAVED ROAD
0007	OPEN TOP POH PIPE FOUND
0008	OPEN TOP POH PIPE FOUND
(R)	RECORD DATA
(I)	ACR/P/L DATA
---	DRAINAGE FENCE
---	DRAINAGE ELECTRICITY
▲	POWER POLE

STATE OF ALABAMA
COUNTY OF BALDWIN

I, MERLIN J. HULLER, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DESCRIPTIONS WERE COMPLETED IN ACCORDANCE WITH THE CLOSELY REQUIREMENTS OF THE STANDARD PRACTICES OF SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

MERLIN J. HULLER, PLS
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER 14568



AS-BUILT SURVEY FOR
JOHN KIM

PROJECT:	SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA
CONTRACT NO.:	KS148-1001
SCALE:	1" = 30'
DATE:	APR. 19, 2013
DRAWN BY:	SMT
APPROVED BY:	MJM
SHEET:	1 OF 1

McCrorry Williams
INCORPORATED
Engineers Surveyors

1024-B STANTON ROAD
DAPHNE, ALABAMA
36526
PHONE: (251) 825-2072
FAX: (251) 821-4040
EMAIL: dph@mcwilliams.com
CA 00895

ORDINANCE NO. 2013 – 40

Ordinance to Rezone Property Northwest of the Intersection of TimberCreek Subdivision and Interstate 10 Interstate-Baldwin Investment, LLC

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District to R-6 (G), Garden or Patio Home District, said property is located Northwest of the intersection of TimberCreek Subdivision and Interstate 10 being more particularly described as follows:

Legal Description:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 28, T4S R2E , BALDWIN COUNTY, ALABAMA, THENCE RUN N 00° 02' 26" W 1323.41 FEET TO A POINT ON A WESTWARD PROJECTION OF THE SOUTH BOUNDARY LINE OF WILSON HEIGHTS SUBDIVISION, FIRST UNIT AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 123 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE RUN S 89° 09' 40" E ALONG SAID PROJECTION LINE AND SAID SOUTH BOUNDARY LINE OF WILSON HEIGHTS SUBDIVISION, FIRST UNIT, AND ALONG THE SOUTH BOUNDARY LINE OF WILSON HEIGHTS SUBDIVISION, THIRD UNIT, AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 184 OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1527.71 FEET TO THE NORTHWEST CORNER OF TIMBERCREEK, PHASE NINE (AMENDED PLAT), AS PER PLAT RECORDED ON SLIDE NO. 2056-D OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE RUN S 20° 51' 15" W ALONG THE WESTERN BOUNDARY LINE OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT) A DISTANCE OF 296.10 FEET TO A POINT ON THE WEST TERMINUS OF PERSIMMON DRIVE; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG SAID WEST TERMINUS OF PERSIMMON DRIVE RUN S 26° 13' 34" W 60.00 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY LINE OF SAID PERSIMMON DRIVE, THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG SAID SOUTHERN RIGHT OF WAY LINE OF PERSIMMON DRIVE, RUN S 63° 46' 26" E 20.33 FEET TO A POINT; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) RUN AS FOLLOWS: S 26° 13' 34" W 150.00 FEET, S 63° 46' 26" E 135.23 FEET, S 12° 39' 08" W 123.51 FEET, S 23° 27' 51" E 138.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG THE WEST TERMINUS OF PINE RUN, RUN S 15° 43' 34" W 250.00 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY LINE OF SAID PINE RUN; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG SAID SOUTHERN RIGHT OF WAY LINE OF PINE RUN, RUN S 74° 16' 26" E 41.00 FEET TO A POINT ; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) RUN S 15° 43' 34" W 222.16 FEET TO THE SOUTHWEST CORNER OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT); THENCE ALONG THE SOUTHERN BOUNDARY LINE OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT) RUN AS FOLLOWS: S 78° 27' 58" E 130.46 FEET, S 83° 59' 10" E 167.69 FEET, S 58° 15' 04" E 308.72 FEET TO A POINT; THENCE RUN S 08° 26' 50" E 340.74 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10; THENCE RUN S 81° 33' 10" W ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10, A DISTANCE OF 240.59 FEET TO THE SOUTHEAST CORNER OF AN EXISTING SANITARY SEWER PUMP STATION SITE; THENCE RUN N 08° 26' 50" W ALONG THE EAST BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF SAID SANITARY SEWER PUMP STATION SITE; THENCE RUN S 81° 33' 10" W ALONG THE NORTH BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 40.00 FEET TO THE NORTHWEST CORNER OF SAID SANITARY SEWER PUMP STATION SITE; THENCE RUN S 08° 26' 50" E ALONG THE WEST BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF SAID SANITARY SEWER PUMP STATION SITE, SAID POINT BEING ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10; THENCE RUN S 81° 33' 10" W ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10, A DISTANCE OF 1769.26 FEET TO A POINT;

THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO.10 RUN S 81° 31' 27" W 10.41 FEET TO THE SOUTHEAST CORNER OF AN EXISTING SANITARY SEWER PUMP STATION SITE; THENCE RUN N 08° 28' 33" W ALONG THE EAST BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF SAID SANITARY SEWER PUMP STATION SITE; THENCE RUN S 81° 31' 27" W ALONG THE NORTH BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 40.00 FEET TO THE NORTHWEST CORNER OF SAID SANITARY SEWER PUMP STATION SITE; THENCE RUN S 08° 28' 33" E ALONG THE WEST BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF SAID SANITARY SEWER PUMP STATION SITE, SAID POINT BEING ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10, THENCE RUN S 81° 31' 27" W ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10, A DISTANCE OF 798.04 FEET TO A POINT ON THE CENTERLINE OF A NATURAL DRAIN; THENCE ALONG SAID CENTERLINE OF A NATURAL DRAIN, RUN AS FOLLOWS: N 27° 11' 27" W 182.77 FEET, N 41° 34' 42" W 146.10 FEET, N 57° 14' 28" W 276.05 FEET, N 30° 58' 45" W 144.94 FEET, N 48° 54' 33" W 263.34 FEET, N 48° 17' 00" W 273.03 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF SENIOR DOUGLAS SUBDIVISION, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 116 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE RUN N 89° 43' 17" E 419.65 FEET TO THE SOUTHEAST CORNER OF SAID SENIOR DOUGLAS SUBDIVISION; THENCE RUN N89° 25' 13" E 1321.85 FEET TO THE POINT OF BEGINNING. CONTAINING 97.4945 ACRES.

WHEREAS, the Planning Commission of the City of Daphne on June 11, 2013 has considered said request and set forth an *unanimous favorable recommendation* to the City Council of the City of Daphne that said property be rezoned; and

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 15, 2013 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-2, General Business District to R-6 (G), Garden or Patio Home District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

INTERSTATE-BALDWIN INVESTMENT, L.I.C.

ZONING AMENDMENT

NORTH OF WOODROW LANE, WEST OF TIMBERCREEK, PHASE NINE

EXHIBIT "A"

STATE OF ALABAMA)
COUNTY OF BALDWIN)

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM B-2 TO R-6(G) :

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 28, T4S R2E , BALDWIN COUNTY, ALABAMA, THENCE RUN N 00° 02' 26" W 1323.41 FEET TO A POINT ON A WESTWARD PROJECTION OF THE SOUTH BOUNDARY LINE OF WILSON HEIGHTS SUBDIVISION, FIRST UNIT AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 123 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE RUN S 89° 09' 40" E ALONG SAID PROJECTION LINE AND SAID SOUTH BOUNDARY LINE OF WILSON HEIGHTS SUBDIVISION, FIRST UNIT, AND ALONG THE SOUTH BOUNDARY LINE OF WILSON HEIGHTS SUBDIVISION, THIRD UNIT, AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 184 OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1527.71 FEET TO THE NORTHWEST CORNER OF TIMBERCREEK, PHASE NINE (AMENDED PLAT), AS PER PLAT RECORDED ON SLIDE NO. 2056-D OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE RUN S 20° 51' 15" W ALONG THE WESTERN BOUNDARY LINE OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT) A DISTANCE OF 296.10 FEET TO A POINT ON THE WEST TERMINUS OF PERSIMMON DRIVE; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG SAID WEST TERMINUS OF PERSIMMON DRIVE RUN S 26° 13' 34" W 60.00 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY LINE OF SAID PERSIMMON DRIVE, THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG SAID SOUTHERN RIGHT OF WAY LINE OF PERSIMMON DRIVE, RUN S 63° 46' 26" E 20.33 FEET TO A POINT; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) RUN AS FOLLOWS: S 26° 13' 34" W 150.00 FEET, S 63° 46' 26" E 135.23 FEET, S 12° 39' 08" W 123.51 FEET, S 23° 27' 51" E 138.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG THE WEST TERMINUS OF PINE RUN, RUN S 15° 43' 34" W 250.00 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY LINE OF SAID PINE RUN; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG SAID SOUTHERN RIGHT OF WAY LINE OF PINE RUN, RUN S 74° 16' 26" E 41.00 FEET TO A POINT ; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) RUN S 15° 43' 34" W 222.16 FEET TO THE SOUTHWEST CORNER OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT); THENCE ALONG THE SOUTHERN BOUNDARY LINE OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT) RUN AS FOLLOWS: S 78° 27' 58" E 130.46 FEET, S 83° 59' 10" E 167.69 FEET, S 58° 15' 04" E 308.72 FEET TO A POINT; THENCE RUN S 08° 26' 50" E 340.74 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10; THENCE RUN S 81° 33' 10" W ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10, A DISTANCE OF 240.59 FEET TO THE SOUTHEAST CORNER OF AN EXISTING SANITARY SEWER PUMP STATION SITE; THENCE RUN N 08° 26' 50" W ALONG THE EAST BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF SAID SANITARY SEWER PUMP STATION SITE; THENCE RUN S 81° 33' 10" W ALONG THE NORTH BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 40.00 FEET TO THE

NORTHWEST CORNER OF SAID SANITARY SEWER PUMP STATION SITE; THENCE RUN S 08° 26' 50" E ALONG THE WEST BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF SAID SANITARY SEWER PUMP STATION SITE, SAID POINT BEING ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10; THENCE RUN S 81° 33' 10" W ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10, A DISTANCE OF 1769.26 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10 RUN S 81° 31' 27" W 10.41 FEET TO THE SOUTHEAST CORNER OF AN EXISTING SANITARY SEWER PUMP STATION SITE; THENCE RUN N 08° 28' 33" W ALONG THE EAST BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF SAID SANITARY SEWER PUMP STATION SITE; THENCE RUN S 81° 31' 27" W ALONG THE NORTH BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 40.00 FEET TO THE NORTHWEST CORNER OF SAID SANITARY SEWER PUMP STATION SITE; THENCE RUN S 08° 28' 33" E ALONG THE WEST BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF SAID SANITARY SEWER PUMP STATION SITE, SAID POINT BEING ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10, THENCE RUN S 81° 31' 27" W ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10, A DISTANCE OF 798.04 FEET TO A POINT ON THE CENTERLINE OF A NATURAL DRAIN; THENCE ALONG SAID CENTERLINE OF A NATURAL DRAIN, RUN AS FOLLOWS: N 27° 11' 27" W 182.77 FEET, N 41° 34' 42" W 146.10 FEET, N 57° 14' 28" W 276.05 FEET, N 30° 58' 45" W 144.94 FEET, N 48° 54' 33" W 263.34 FEET, N 48° 17' 00" W 273.03 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF SENIOR DOUGLAS SUBDIVISION, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 116 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE RUN N 89° 43' 17" E 419.65 FEET TO THE SOUTHEAST CORNER OF SAID SENIOR DOUGLAS SUBDIVISION; THENCE RUN N89° 25' 13" E 1321.85 FEET TO THE POINT OF BEGINNING. CONTAINING 97.4945 ACRES.

REVISED: APRIL 23, 2013

ORDINANCE 2013-42

U.S. 98 (SR42) Service Road Extension in Baldwin County Agreement for Preliminary Engineering, ROW Acquisition, Utilities and Construction

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 desires to cooperate with TWOSTEP Partners, LLC and Alabama Department of Transportation (ALDOT) in a construction agreement for the extension of the Service Road on U.S. 98 (SR42) in Daphne with each party sharing 33.33% of the project cost , and

WHEREAS, per the agreement the City will invoice TWOSTEP and ALDOT as work progresses for their 33.33% portion of their cost share ratio.

WHEREAS, the total project cost is estimated to be \$726,000 with the City's share being \$242,000, and

WHEREAS, preliminary engineering will be performed by or for the City at NO cost to TWOSTEP Partners, LLC but all construction, engineering, and inspection will considered as part of the project cost to be shared.

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

- 1) Funds in the amount of \$319,578 (*\$242,000 + Preliminary Engineering - \$77,578.00*) from the General Fund are appropriated to be transferred to Capital Reserve and made a part of the Fiscal Year 2013 budget for the City's 33.33% match for the U.S. 98 Service Road Extension project, and
- 2) Volkert Engineering is hereby selected to provide the engineering services for the project, and
- 3) the Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

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

To: Office of the City Clerk
From: Adrienne D. Jones,
Community Development Director
Subject: Revised City of Daphne Street Map
Date: July 26, 2013

MEMORANDUM

At the July 25, 2013, regular meeting of the City of Daphne Planning Commission, six members were present. The motion to set forth a **favorable recommendation** carried unanimously of the above-mentioned revision to the street map.

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

Upon receipt of said documentation, please prepare a resolution for placement on the City Council agenda of Tuesday, September 3, 2013.

Thank you,
ADJ/jv

cc: file

attachment(s)

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

Planning Commission



ZONING & STREET MAP UPDATES

ZONING AND STREET MAP UPDATES

Every six months the Department of Community Development creates new official city zoning and street maps for the Council's adoption. All modifications shown on these two maps have been approved by the Planning Commission (recorded preliminary/final and/or final subdivision plat) and/or the City Council (annexation, zoning, and/or street acceptance resolution).

During this period the city limits has expanded from 16.56 sq. miles to 16.62 sq. miles. The city has accepted for maintenance 6,237 linear feet of road and road rights of way. Three new lots have been carved out. Thirty one and one half (31.53) acres has been zoned for future residential development.

Instrument	Date of Approval	Action	Size
<i>Annexation</i>			
Ordinance 2013-27	07/01/13	Annex & Zone to R-2	31.53 acres
<i>Street Acceptances</i>			
Resolution 2013-25	04/15/13	Accept ROW for maintenance	2,067.16 l.f.
Resolution 2013-26	04/15/13	Accept ROW for maintenance	209 l.f.
Resolution 2013-27	04/15/13	Accept ROW for maintenance	652 l.f.
Resolution 2013-32	05/20/13	Accept ROW for maintenance	6,237
<i>Subdivisions</i>			
Probate Slide 2481-A	01/31/13	1 additional lot	32,200
Probate Slide 2483-A	03/28/13	1 additional lot	32,363
Probate Slide 2483-D	05/02/13	1 additional lot	50,255

Additional preliminary/final subdivision plats have been approved by the Planning commission however the plats are not recorded in probate records; therefore they are not listed herein. Approval is valid for one year. Once these plats are recorded, the subdivisions will be reflected on a future zoning and street maps. Billy Goat Bluff, Summer oaks Town homes, Webb FLP, resub of lot 2, and Sportsman's marine.

**CITY OF DAPHNE
ORDINANCE NO. 2013-43**

**AN ORDINANCE TO ADOPT A PRIVATELY-OWNED FIREARMS & AMMUNITION
IN THE WORKPLACE POLICY IN CHAPTER 1 OF THE
CITY'S EMPLOYEE HANDBOOK**

WHEREAS, the City Council of the City of Daphne, after due consideration, believes that it is necessary to adopt a new policy in Chapter 1 of the City of Daphne Employee Handbook to comply with Alabama's Guns in the Parking Lot Act which takes effect on August 1, 2013, in order to benefit the health, safety, and welfare of its employees as well as permit employees to enjoy the rights protected by the new state law;

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

SECTION I: ADOPTION OF NEW POLICY:

That the following new policy be made part of Chapter 1 of the City of Daphne Employee Handbook:

The following definitions shall be added to Section 1.7 of the Employee Handbook:

Firearm - As defined in Alabama Code §13A-8-1(4), and in 18 U.S.C. §§926B(e), as those statutes currently exist or are later amended.

Ammunition – Any propellant used in firearms or ammunition including but not limited to bullets, fixed cartridge ammunition, shotgun shells, individual components of fixed cartridge ammunition, or projectiles for muzzle-loading firearms

Pistol - A firearm with a barrel of less than 12 inches in length.

Long Gun - A firearm with a barrel of 12 or more inches in length (*e.g.*, a shotgun or rifle).

Qualified Police Officer - A police officer employed by the City who is in compliance with the Police Department's "Firearms Policy" (SOP 4.11), as such policy currently exists or is later amended, and who meets the definition of "qualified law enforcement officer" as defined by 18 U.S.C. §§926B(c), as such statute currently exists or is later amended.

1.2.6 Privately-Owned Firearms & Ammunition in the Workplace

1 Carrying of a Firearm On Duty. Except for qualified police officers, the City prohibits all employees, including those with a concealed weapons permit or hunting license, from carrying privately-owned firearms or ammunition while on duty on the City's facilities, while on duty in

City-owned vehicles, while in any part of City facilities not open to the general public, or while engaged in work duties on or off City property. Qualified police officers may carry privately-owned firearms in these areas and at these times as authorized by the Police Department “Firearms Policy” (SOP 4.11) as such policy currently exists or is later amended, and as authorized by 18 U.S.C. §§926B, as such statute currently exists or is later amended.

This policy does not alter or limit the rights and responsibilities of an employee as a citizen to transport or store lawfully-possessed firearms or ammunition on City property while the employee is off duty and not engaged in work activities. The same regulations applicable to all citizens coming onto City property with firearms and ammunition apply to employees who are off duty and not engaged in work activities.

2 Transportation of Firearms & Ammunition upon City Employee Parking Lots. While an employee is at work or engaged in work duties, the City does not restrict the transportation or storage of a lawfully possessed, privately-owned firearm or ammunition in an employee’s privately-owned motor vehicle while the vehicle is parked or operated in a City parking area or where the vehicle is otherwise permitted to be upon City property subject to the following:

- (i) The ownership, possession, or use of the firearm or ammunition must not otherwise be prohibited by state or federal law.
- (ii) An employee previously convicted of a crime of violence, has documented prior workplace incidents involving the threat of physical injury or which resulted in physical injury, or is subject to a domestic violence court order may not transport, store, or possess a prohibited firearm on City property.
- (iii) An employee possessing a valid concealed weapons permit or an employee who is a qualified police officer may store or keep a lawfully possessed, privately-owned pistol or a long gun and/or ammunition in his or her locked personal vehicle.
- (iv) An employee possessing a valid Alabama hunting license, the employee may, during hunting season, store or keep a lawfully possessed, privately-owned unloaded long gun (not a pistol) which is legal for hunting and/or ammunition in his or her locked personal vehicle. To reduce the likelihood of theft and to prevent the display or viewing of the firearm or ammunition as be construed as a threat or intimidation, employees must take the following precautions. If a vehicle is attended by the employee, the firearm or ammunition must be kept from ordinary observation within the vehicle as well as to those outside the vehicle. For an unattended vehicle, the firearm or ammunition must be kept from ordinary observation and locked within the interior of the vehicle (or otherwise secured in locked compartment/container which is located in the interior of the vehicle or is permanently affixed to the vehicle).

3 Firearm & Ammunition Policy Inspection & Discipline. If the City believes any employee presents a risk of harm to himself or others, the City may ask the employee whether he has a firearm or ammunition in his vehicle or otherwise upon City property. If the employee’s response indicates the possibility that firearms or ammunition is present on City property, the City may take further action to ensure the employee is in compliance with the above provisions.

If the employee is not in compliance, the City at its discretion may discipline the employee up to an including separation from employment.

SECTION II: REPEALER

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law, or August 1, 2013, whichever date is later in time.

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

**DANE HAYGOOD
MAYOR**

ATTEST:

**REBECCA A. HAYES
CITY CLERK**

**CITY OF DAPHNE
ORDINANCE NO. 2013-~~42~~43**

**AN ORDINANCE TO ADOPT A PRIVATELY-OWNED FIREARMS & AMMUNITION
IN THE WORKPLACE POLICY IN CHAPTER 1 OF THE
CITY'S EMPLOYEE HANDBOOK**

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WHEREAS, the City Council of the City of Daphne, after due consideration, believes that it is necessary to adopt a new policy in Chapter 1 of the City of Daphne Employee Handbook to comply with Alabama's Guns in the Parking Lot Act which takes effect on August 1, 2013, in order to benefit the health, safety, and welfare of its employees as well as permit employees to enjoy the rights protected by the new state law;

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

SECTION I: ADOPTION OF NEW POLICY:

That the following new policy be made part of Chapter 1 of the City of Daphne Employee Handbook:

The following definitions shall be added to Section 1.7 of the Employee Handbook:

Firearm - As defined in Alabama Code §13A-8-1(4), and in 18 U.S.C. §§926B(e), as those statutes currently exist or are later amended.

Ammunition – Any propellant used in firearms or ammunition including but not limited to bullets, fixed cartridge ammunition, shotgun shells, individual components of fixed cartridge ammunition, or projectiles for muzzle-loading firearms

Pistol - A firearm with a barrel of less than 12 inches in length.

Long Gun - A firearm with a barrel of 12 or more inches in length (*e.g.*, a shotgun or rifle).

Qualified Police Officer - A police officer employed by the City who is in compliance with the Police Department's "Firearms Policy" (SOP 4.11), as such policy currently exists or is later amended, and who meets the definition of "qualified law enforcement officer" as defined by 18 U.S.C. §926B(c), as such statute currently exists or is later amended.

1.2.6 Privately-Owned Firearms & Ammunition in the Workplace

1.2.6.1 Carrying of a Firearm On Duty. Except for qualified police officers, the City prohibits all employees, including those with a concealed weapons permit or hunting license, from carrying

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privately-owned firearms or ammunition while on duty on the City’s facilities, while on duty in City-owned vehicles, while in any part of City facilities not open to the general public, or while engaged in work duties on or off City property. Qualified police officers may carry privately-owned firearms ~~while on the City’s facilities or while engaged in work duties~~ in these areas and at these times as authorized by the Police Department “Firearms Policy” (SOP 4.11) as such policy currently exists or is later amended, and as authorized by 18 U.S.C. §§926B, as such statute currently exists or is later amended.

This policy does not alter or limit the rights and responsibilities of an employee as a citizen to transport or store lawfully-possessed firearms or ammunition on City property while the employee is off duty and not engaged in work activities. The same regulations applicable to all citizens coming onto City property with firearms and ammunition apply to employees who are off duty and not engaged in work activities.

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1-2-6-2 Transportation of Firearms & Ammunition upon City Employee Parking Lots. While an employee is at work or engaged in work duties, ~~T~~the City does not restrict the transportation or storage of a lawfully possessed, privately-owned firearm or ammunition in an employee’s privately-owned motor vehicle while ~~the vehicle~~ is parked or operated in a City parking area or where the vehicle is otherwise permitted to be upon City property while engaged in work duties, subject to the following:

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- (i) ~~An employee whose~~ The ownership, possession, or use of the firearm or ammunition ~~is must not otherwise be~~ prohibited by state or federal law ~~may not transport, store, or possess a prohibited firearm on City property.~~
- (ii) An employee previously convicted of a crime of violence, has documented prior workplace incidents involving the threat of physical injury or which resulted in physical injury, or is subject to a domestic violence court order may not transport, store, or possess a prohibited firearm on City property.
- ~~(iii)~~ (iii) An employee possessing a valid concealed weapons permit or an employee who is a qualified police officer may store or keep a lawfully possessed, privately-owned pistol or a long gun and/or ammunition in his or her locked personal vehicle.
- ~~(iv)~~ (iv) An employee possessing a valid Alabama hunting license, the employee may, during hunting season, store or keep a lawfully possessed, privately-owned unloaded long gun (not a pistol) which is legal for hunting and/or ammunition in his or her locked personal vehicle.
- ~~(v)(iv)~~ (iv) ~~While engaged in work duties, precaution must be taken to keep firearms or ammunition which is stored or transported in vehicles upon City property from the view of others in order T~~to reduce the likelihood of theft and to prevent the display or viewing of the firearm or ammunition as be construed as a threat or intimidation, employees must take the following precautions. If a vehicle is attended by the employee, the firearm or ammunition must be kept from ordinary observation within the vehicle as well as to those outside the vehicle. For an unattended vehicle, the firearm or ammunition must be kept from ordinary observation and locked within the

Comment [h1]: Moving this provision to this area appears to contradict the Alabama statute. This particular limitation appears in the section limiting the ability of a person without a concealed carry permit to bring a long gun to work during hunting season. No similar limitation appears in the section about the rights of the person with the concealed carry permit.

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interior of the vehicle (or otherwise secured in locked compartment/container which is located in the interior of the vehicle or is permanently affixed to the vehicle).

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1.2.6.3 Firearm & Ammunition Policy Inspection & Discipline. If the City believes any employee presents a risk of harm to himself or others, the City may ask the employee whether he has a firearm or ammunition in his vehicle or otherwise upon City property. If the employee's response indicates the possibility that firearms or ammunition is present on City property, the City may take further action to ensure the employee is in compliance with the above provisions. If the employee is not in compliance, the City at its discretion may discipline the employee up to an including separation from employment.

SECTION II: REPEALER

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law, or August 1, 2013, whichever date is later in time.

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

RON SCOTT
CITY COUNCIL PRESIDENT

DANE HAYGOOD

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MAYOR

ATTEST:

REBECCA A. HAYES
CITY CLERK, ~~MMC~~

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ORDINANCE 2013-43 AMENDING EMPLOYEE HANDBOOK / FIREARMS

ORDINANCE 2013-44
S.E.E.D.S. (Supporting Educational Enrichment in Daphne's Schools) - FY
13 APPROPRIATION

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 a certain appropriation is required and should be approved and made a part of the Fiscal Year 2013 budget; and

WHEREAS, the City of Daphne recognizes S.E.E.D.S and the importance of the organizations to the students and citizens of the City of Daphne, and

WHEREAS, S.E.E.D.S. mission is to promote a lifelong love of learning among the children of Daphne by providing enrichment opportunities at school and in the community and by advocating for educational improvements and innovation, and

WHEREAS, S.E.E.D.S. wants to ensure that Daphne's schools offer world-class learning opportunities that give our students the competitive edge they need for entering college and the 21st century workplace, and

WHEREAS, S.E.E.D.S has requested \$100,000 for the following projects: Enrichment of the K-12 learning experiences through activities including but not limited to: establishment of foreign language studies for grades K-6, Hobson's Naviance College and Career-readiness platform, and 135 iPads for Grades K-6.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that \$100,000 from the General Fund is hereby appropriated to S.E.E.D.S for enrichment projects to include:

- \$34,000 - establishment of foreign language studies for grades K-6
- \$13,000 - Hobson's Naviance College and Career-readiness platform
- \$52,700 - 135 iPads for Grades K-6

and the Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in the S.E.E.D.S. agreement.

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

AMENDMENT TO ORDINANCE 2013- 44
APPROPRIATION OF FUNDS: S.E.E.D.S.

Amendment to Ordinance 2013-44 requested by Councilman LeJeune and Councilman Davis:

DELETE THE FOLLOWING:

WHEREAS, S.E.E.D.S has requested \$100,000 for the following projects: Enrichment of the K-12 learning experiences through activities including but not limited to: establishment of foreign language studies for grades K-6, Hobson’s Naviance College and Career-readiness platform, and 135 iPads for Grades K-6.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that \$100,000 from the General Fund is hereby appropriated to S.E.E.D.S for enrichment projects to include:

- \$34,000 - establishment of foreign language studies for grades K-6
- \$13,000 - Hobson’s Naviance College and Career-readiness platform
- \$52,700 - 135 iPads for Grades K-6

REPLACE WITH THE FOLLOWING:

WHEREAS, S.E.E.D.S has requested funding for the following projects: Enrichment of the K-12 learning experiences through activities including but not limited to: establishment of foreign language studies for grades K-6, Hobson’s Naviance College and Career-readiness platform, and 135 iPads for Grades K-6.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that \$35,000 from the General Fund is hereby appropriated to S.E.E.D.S for enrichment projects or other classroom enhancements that will benefit the Daphne students, and the Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in the S.E.E.D.S. agreement.

CITY OF DAPHNE

ORDINANCE NO. 2013-45

AN ORDINANCE REGULATING THE KEEPING OF DOGS, CATS, DOMESTICATED ANIMALS, LIVESTOCK OR FOWL WITHIN THE CITY OF DAPHNE, ALABAMA

WHEREAS the City Council of the City of Daphne has determined that consolidating the existing animal control ordinances which are currently in effect is necessary to effectuate and implement more efficient means of animal control within the City of Daphne; and

WHEREAS the City Council of the City of Daphne has determined that this ordinance consolidating all existing animal control ordinances is in the interest of the public health, safety and welfare of the citizens of the City of Daphne.

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

SECTION I. OFFICE OF ANIMAL CONTROL OFFICER CREATED

A. There is hereby recognized within the City of Daphne (the “City”), the previously established position of Animal Control Officer. The Animal Control Officer shall be under the supervision, direction and control of the City of Daphne Police Department. The Animal Control Officer shall be supervisor over the City of Daphne Animal Shelter and over all employees assigned to the City of Daphne Animal Shelter. All enforcement officers assigned to the City of Daphne Animal Shelter shall hereafter be known as Animal Control Officers.

B. It shall be unlawful for any person to knowingly or willingly oppose or resist any Animal Control Officer in executing or attempting to execute any lawful process or in the discharge of any regular duty, or in any way to interfere with, hinder or prevent any such officer from discharging his duty.

SECTION II. DEFINITIONS

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.

Animal. The term shall mean any nonhuman, animate being which is endowed with the power of voluntary motion to include, but not limited to: Mammals, i.e. dogs, cats, horses, hogs, cows, sheep, goats, rabbits, etc.; reptiles; birds; salamanders; toads; frogs; sharks; snakes; rays; bony fishes; and amphibians.

Animal shelter. The place designated or used as such by the City for the maintenance and operation of a pound.

Animal Control Officers. All enforcement officers assigned to the City of Daphne Animal Shelter.

At large. Any animal which is off the property of its owner or person in charge and not carried by said person, kept in an effective closure or under control or restraint by such person by means of a leash in such a way as to prevent its free movement, and so as to prevent said animal from freely charging or attacking persons or animals.

Bitten. Seized with teeth or jaws such that the skin of the person or thing seized has been nipped or gripped or has been wounded or pierced and there has been probable contact of saliva with the break or abrasion of the skin.

Caged. Confinement in a container, which may include a vehicle but not its trunk, in such a way that the free movement of such animal is restrained and so as to prevent the animal caged from biting or attacking a person or animal.

Cat. All members of the domestic feline family.

City of Daphne Animal Shelter. The location designated or used as such by the City for a place of confinement of animals held pursuant to the authority of this Ordinance.

Corral. Any uncovered, enclosed parcel of land where large animals are kept.

Dog. All members of the domestic canine family.

Dogs Presumed to be vicious. Any dog which is known by the owner or person in charge to habitually chase moving vehicles or charge persons on the public streets and other public ways shall be presumed to be vicious, whether or not such dog has actually bitten or attacked a person or other animal.

Domesticated Animal. Shall mean, but is not limited to rabbits, squirrels, raccoons, pot-bellied pigs or any other animal used as a pet.

Fowl. Chicken, turkey, ducks, geese, guineas or other domestic fowl.

Livestock. Horses, mules, donkeys, oxen, sheep, goats, cows, buffaloes and swine, or any one of them.

Owner. means any person, firm, corporation, organization, or department having a right of property in the animal, or who keeps or harbors the animal, or who has it in his care, or acts as its custodian, or who permits the animal to remain on or about any premises occupied by him or her.

Person in Charge. Any person who feeds a dog or cat not owned by him or her or who otherwise cares for the animal. This definition shall not include individuals who perform humane acts for the health and safety of an animal on a one time or temporary basis.

Vicious and dangerous animal.

- (1) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals.
- (2) Any dog which because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which constitutes a danger to human life or property if it were not kept in the manner required by this chapter.
- (3) Any dog which, without provocation, attacks or bites or has attacked or bitten a human being or domestic animal.
- (4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

The terms “potentially dangerous” and “vicious” shall not apply to dogs used by law enforcement officials for legitimate law enforcement purposes, nor dogs used as certified guide dogs for the blind, hearing dogs for the deaf nor aid dogs for the handicapped nor shall it apply to licensed kennels, humane society shelters, animal control facilities, or veterinarians.

SECTION III. LIVESTOCK & FOWL.

A. GENERAL PROVISIONS

1. General Prohibition

It shall be unlawful for any person to keep any livestock or fowl within the city limits of the City.

2. Exceptions

a) All livestock or fowl within the city limits of the City, prior to adoption of Ordinance No. 2003-11, are hereby grand fathered. Animal Control Officers shall have made full inventory of all livestock and fowl currently maintained within the city limits at the time of adoption of

Ordinance No. 2003-11. It shall be unlawful to replace any livestock or fowl that is sold, traded, given away, lost, deceased or otherwise disposed of. All livestock or fowl located upon any real property within the City at the time of adoption of Ordinance No. 2003-11 shall be removed therefrom upon the sell, lease, rent, conveyance or gift of said real property or upon the death of the owner of said livestock or fowl.

b) This section shall not apply to those whose property is annexed in the future should those property owners maintain livestock or fowl upon the property prior to annexation.

3. Condition of Premises

If the premises, exempted from this section as described in Section III, A (2), where livestock or fowl are kept shall not be free from unsanitary droppings, refuse and odors, or shall be in such condition as to breed flies, the Animal Control Office shall notify the owner or person-in-charge of the animals or fowl to remove such matter or cure such condition within a reasonable time to be fixed by the Animal Control Officer and, if such objectionable conditions are not cured within such time as is specified, the Animal Control Officer shall issue a citation to the owner or person-in-charge.

B. LIVESTOCK OR FOWL AT LARGE

It shall be unlawful for any owner or person-in-charge to knowingly, voluntarily or willfully permit any livestock or fowl to be at large within the City.

C. HORSE STABLE PERMIT

1. Any person, firm or corporation desiring to open, operate or be in charge of a horse stable within the City must obtain a yearly permit therefor. The application for permit shall be maintained by the Animal Control Officer and will indicate the number and type of horses, the name, address and phone number of the owner or person-in-charge of each and the veterinarian contact number. The cost of a stable permit will be one hundred fifty dollars (\$150.00) for a new permit and one hundred dollars (\$100.00) for yearly renewal.
2. A consent petition must be signed by all neighbors within five hundred (500) feet of the exterior parameter of the real property line where the stable is located. The petition and application will then be forwarded to the Planning Commission along with plans reflecting, at a minimum, the boundaries of the proposed pasture area and the proposed stable area with square footage per animal indicated thereon.

Commission will then make a recommendation to the City Council. If approved and the stable becomes operational, Animal Control Officers will conduct an inspection of the facility to determine whether the condition of the premises is in compliance with Section I, A (3). A stable exists where two or more horses are kept.

3. This section does not apply to stables existing within the City prior to the adoption of Ordinance No. 2003-11 or to newly annexed properties where stables existed and were operated immediately prior to annexation.

SECTION IV. LICENSE REQUIRED

A. DOGS AND CATS

The owner or person-in-charge of every dog or cat in the City which is more than three (3) months of age shall annually register the same as to sex, breed, description, name and address of the owner or person-in-charge, and name of the dog or cat, if any. At the time of said registration, such owner or person-in-charge shall obtain a license for said dog or cat and shall pay a license fee as follows:

Unspayed or unneutered male or female: \$5.00
Spayed or neutered male or female: \$3.00

B. LICENSE TAG ATTACHED

The license tag issue at the time of registration shall be attached to the collar and worn by the dog or cat at all times within the City. It shall be unlawful for any owner or person-in-charge of any dog or cat not to keep attached to said dog or cat the tag evidencing registration with the City as provided in this section.

SECTION V. DOG, CAT OR DOMESTICATED ANIMAL AT LARGE

A. GENERAL PROHIBITION

No owner or person in charge of a dog, cat or domesticated animal shall permit the dog, cat or domesticated animal to be at large at any time within the City.

B. OWNER LIABILITY

If the owner of any dog, cat or domesticated animal carelessly manages said dog, cat or domesticated animal or permits said animal to be at large, and another person, without fault suffers damage thereby, such owner shall be liable for damages.

SECTION VI. SEIZURE OF DOGS, CATS OR DOMESTICATED ANIMALS AT LARGE

A. POLICE OFFICER'S DUTY TO NOTIFY ANIMAL CONTROL OFFICER OF DOGS OR CATS AT LARGE; PROCEDURE FOR SEIZURE OF DOGS OR CATS AT LARGE

It shall be the duty of every police officer in the City, upon discovering a dog, cat or domesticated animal at large within the City, to promptly notify the Animal Control Officer. It shall be the duty of the Animal Control Officer when so notified, or whenever the Animal Control Officer observes any dog, cat or domesticated animal at large, to immediately seize the dog, cat or domesticated animal and confine the animal to the City of Daphne Animal Shelter and if said dog or cat is licensed by the City, to make a reasonable effort to notify the owner. Any dog, cat or domesticated animal found unlawfully to be at large within the City is hereby declared a nuisance and shall be seized and confined by the Animal Control Officer, and cared for in a humane manner for a period of not less than ten (10) days.

B. RETURN OF DOGS, CATS OR DOMESTICATED ANIMALS TO OWNER PERMITTED

In addition to, or in lieu of, confining a dog, cat or domesticated animal found unlawfully at large when the owner or person-in-charge of said dog, cat or domesticated animal is known to the Animal Control Officer, the Animal Control Officer may return the dog, cat or domesticated animal to the owner or person in charge and issue a citation for violation of this Ordinance.

C. NOTICE TO OWNER OF CONFINEMENT OF DOGS, CATS OR DOMESTICATED ANIMALS

Immediately upon confinement of a dog, cat or domesticated animal, the Animal Control Officer shall make reasonable effort to ascertain the identity of and notify the owner or person-in-charge of such dog, cats or domesticated animal of their confinement and of the conditions under which they may regain possession of such animal.

SECTION VII. NOISY ANIMALS

A. RESIDENTIAL NEIGHBORHOOD PROHIBITION AGAINST KEEPING OF NOISY ANIMALS

It shall be unlawful and a nuisance for any person to keep on a residential lot or premises any animal or group of animals known to said person to habitually, continuously or intermittently to make or emit sounds or noises of such volume and nature as unreasonably to interfere with or disturb the peace, quiet, comfort and repose of persons of ordinary sensibilities within the neighborhood in the reasonable use and enjoyment of adjacent property.

B. OTHER AREAS PROHIBITION AGAINST KEEPING OF NOISY ANIMALS

It shall be unlawful and a nuisance for any person to keep, on any tract, lot or premises within the City, any animal or group of animals under such circumstances that the sounds or noises emitted by said animals are of such volume and nature as unreasonably to interfere with or disturb the peace, quiet, comfort and repose of persons of ordinary sensibilities in the reasonable use and enjoyment of any adjacent property used for residential purposes.

C. ABATEMENT OF NOISE; ENFORCEMENT

1. Any owner or person-in-charge violating this section shall be guilty of maintaining a nuisance. However, that no prosecution shall be commenced and no arrest made pursuant to this section, except upon affidavit made before, and warrant issued by a Magistrate.
2. Any Police Officer or Animal Control Officer may take steps immediately to cure the situation to cause the noise to be abated, either through issuance of a citation, or impounding the animal if the owner, agent or person-in-charge cannot be found at the time of the disturbance.

SECTION VIII. RIGHT OF ENTRY ONTO LAND

The Animal Control Officer shall have the right and duty and to enter upon any property, except inside a private dwelling house, for the purpose of capturing any dog, cat or domesticated animal at large, in compliance with the provisions of this Ordinance.

SECTION IX. PROCEDURE FOR REDEMPTION

The owner of any impounded dog, cat or domesticated animal may, within seven (7) days after the dog, cat or domesticated animal is impounded, redeem the dog or cat or domesticated animal by paying to the City the sum of twenty-five dollars (\$25.00) for impounding and four dollars (\$4.00) per day for the care of said dog, cat or domesticated animal; but if said dog or cat is not currently licensed by the City, the owner must also secure a City license after exhibiting evidence that the dog or cat has

been inoculated against rabies.

SECTION X. DISPOSITION OF UNREDEEMED DOGS, CATS OR DOMESTICATED ANIMALS

A. ADOPTION OR HUMANE DESTRUCTION

In the event any impounded dog, cat or domesticated animal is not redeemed within ten (10) days after the same is impounded and the dog, cat or domesticated animal does not bear a current City license, or if after ten (10) days from the time notice has been made to the owner of dog, cat or domesticated animal which has been picked up but bears a current City license, the Animal Control Officer may, at such Officer's discretion, place said dog, cat or domesticated animal in a home or turn the dog, cat or domesticated animal over to the Daphne Animal Shelter for adoption, or the Animal Control Officer, at such officer's discretion, may destroy said dog, cat or domesticated animal by lethal injection prior to the expiration of the ten (10) days if the animal is injured or ill.

B. HUMANE DESTRUCTION OF NUISANCE ANIMALS

After a dog, cat or domesticated animal has been confined for the period of time as otherwise provided in this Ordinance and if the owner or person in charge entitled to possession fails to make application for release of such dog, cat or domesticated animal as herein provided, or fails to pay the fine(s) as provided in this Ordinance or fails to pay the proper inoculation for rabies, or if such satisfactory evidence as required by Ordinance is not provided, then such dog, cat or domesticated animal is hereby declared a nuisance and a danger to the health, safety and welfare of the City; and the authorized Animal Control Officer shall cause such dog, cat or domesticated animal to be humanely destroyed as herein provided; however, any dog, cat or domesticated animal under two (2) weeks old or whose eyes have not opened since birth may be humanely disposed of upon being impounded where it has been found in violation of this Ordinance.

C. AUTHORITY TO USE FIREARM

Any Animal Control Officer may be authorized by the Chief of Police to carry a firearm for the purpose of assisting in impounding any dog, cat or domesticated animal shall have the authority to shoot and kill such dog, cat or domesticated animal if, in attempting to capture the same or in otherwise keeping the same, it shall become an immediate hazard to the safety of the person or to the safety of persons or

animals in the immediate vicinity.

D. HUMANE DESTRUCTION OF DISEASED ANIMALS - ACTS OF MERCY

Any confined dog, cat or domesticated animal that is injured or diseased, shall, as an act of mercy, be humanely destroyed immediately after inspection by a veterinarian, or by the Animal Control Officer if it is determined that such destruction is necessary to prevent unnecessary suffering, to prevent the spread of disease or because the animal is incurable. A written agreement to this effect shall be signed by those inspecting the animal and such agreement shall be retained by Animal Control for a period of one (1) year.

E. MANNER OF DISPOSAL

The Animal Control Officer, when required to dispose of dogs, cats or domesticated animals, shall do so by such process as is recognized by veterinary science as being a humane manner in which to destroy dogs, cats and domesticated animals.

F. DISPOSAL OF NON-DOMESTICATED ANIMALS

Non-domesticated animals may be destroyed by the Animal control Officer or by their direction, for public safety to prevent the spread of disease and acts of mercy. Such authority shall come from the Chief of Police for animal control personnel to carry out the provisions of this order.

G. REQUIRED STERILIZATION

Any person who adopts a sexually mature dog or cat, at least 180 days in age, is required by state law to have the animal properly sterilized. Therefore, for all animals adopted through the Daphne Animal Shelter, the following fees will be collected by the Daphne Animal Shelter prior to the adoption of any dog or cat that is not sterilized and which is not privately owned:

For an unsterilized dog: \$85.00
For an unsterilized cat: \$55.00

These fees will be deposited with the Baldwin Animal Rescue Center which has agreed to be responsible for the voluntary transport of the required documentation, the payment, and the animal to a licensed veterinarian, the name and location of which shall be given to the adopting party for the retrieval of the animal after sterilization. The adopting party may, at their election, transport the animal to a specified veterinarian, but in any case, the payment and documentation will be delivered to that veterinarian by the Baldwin Animal Rescue Center. Follow-up will be conducted by the Baldwin Animal Rescue Center to determine that the adopting

party has complied with the sterilization law. Should it be determined that an adopting party has not complied with the law, which is a misdemeanor offense, referral will then be made by the Baldwin Animal Rescue Center to the proper authorities for enforcement.

This section does not apply to private persons who have evidence of ownership of an animal taken into custody of the Daphne Animal Shelter.

SECTION XI. RABIES VACCINATION REQUIRED - PENALTY

A. RABIES VACCINATION REQUIRED

It shall be unlawful for any owner or person in charge of any premises where dog or cat is kept to keep any dog or cat more than three (3) months of age, thereon, which has not been vaccinated against rabies within the preceding twelve (12) months.

B. PENALTY

Any owner or person in charge in violation hereof shall be subject to a penalty not to exceed an amount equal to twice the State approved charge for inoculation, to be imposed by the Animal Control officer or his authorized representative, in addition to the fee prescribed for the inoculation.

C. LICENSED VETERINARIAN

In order to be sufficient under this Ordinance, the vaccination of any dog or cat shall be accomplished by a licensed veterinarian.

D. TAG ATTACHMENT MANDATORY

The serially numbered rabies tag issued at the time of inoculation shall at all times be attached to a collar or harness worn by the dog or cat for which the tag is issued. It shall be unlawful for any owner or person in charge of any dog or cat not to keep attached to said dog or cat the tag evidencing the anti-rabies vaccine or inoculation as provided in this Ordinance. However, said tag need not be attached during supervised obedience training classes or animal shows.

E. ANIMAL BITE

1. Whenever the Daphne Police Department or an Animal Control Officer receives information that any person has been bitten by an animal required to be inoculated against rabies, the animal will be placed in quarantine with a duly licensed veterinarian for observation of rabies for ten (10) consecutive days. The owner or person-in-charge shall be responsible for ensuring the

quarantine is carried out immediately and at the owner or person-in-charge's expense. A police report will be completed documenting the incident and confirmation of quarantine. It shall be unlawful for any person having knowledge that any person has been bitten by any such animal to refuse to notify promptly the Daphne Police Department or an Animal Control Officer.

2. It shall be unlawful for an owner or person-in-charge to refuse or fail to quarantine an animal.
3. Where biting occurs by a stray animal, the Animal Control Officer may humanely destroy the animal immediately after the bite and submit the Animal's head to the state health laboratory for rabies examination.
4. K-9 animals used by law enforcement shall be exempted from the quarantine period where such bite occurs in the line of duty and evidence of proper vaccination against rabies, but shall be examined at the end of ten (10) days by a duly licensed veterinarian.

SECTION XII. VACCINATION PERIOD

The vaccination of any dog or cat against rabies shall be valid for a period of one (1) year.

SECTION XIII. CONFINEMENT OF DOGS OR CATS IN HEAT

- A. Every female dog or cat in heat shall be kept confined by the owner or person-in-charge. At any time a female dog or cat in heat is found to be causing a disturbance of any dog or cat on adjoining premises, it shall be the duty of the owner or person-in-charge of said dog or cat to immediately confine said dog or cat in a manner so as to avoid such disturbance.

SECTION XIV. DUTY TO RESTRAIN

- A. DOGS, CATS OR DOMESTICATED ANIMALS

It shall be the duty of every owner or person in charge of any dog, cat or domesticated animal to keep said animal under effective restraint, while the same is within the limits of the City, whether or not said dog or cat is upon or away from his or her premises. It shall be unlawful for the owner or person in charge of any dog or cat to fail to keep said animal under effective restraint. Proof that a dog, cat or domesticated animal was not properly restrained, whether on or off the premises of the owner or person in charge, shall be prima facie evidence of a violation. Negligent failure to provide or maintain effective restraint shall not be a defense; however, competent evidence that said failure was occasioned by an unforeseeable and independent act of a third person shall shift the burden on the City to prove

otherwise.

B. DOGS, CATS AND DOMESTICATED ANIMALS / DESTRUCTION-DAMAGE TO PROPERTY

It shall be unlawful for the owner or person-in-charge of any dog, cat or domesticated animal within the City known to said person to habitually cause destruction or damage to the property of another to allow said dog, cat or domestic animal to run at large.

C. DEFECATION ON ANOTHER'S PROPERTY

No owner or person-in-charge of any dog, cat or domesticated animal shall permit such animal to defecate on another person's property. Such owner or person-in-charge shall, while walking such animal, utilize a restraint device to prevent the animal from defecating on other person's property. It shall be the duty of the owner or person-in-charge to remove and dispose of any feces deposited by said animal upon the grounds of any public park or public place, upon any residential lot of another occupied for human habitation, or upon any right-of-way adjacent thereto. Such removal and disposal shall be done on demand by the owner or occupant of such property or by the Animal Control Officer.

D. CONDITION OF PREMISES

1. The premises where any dog, cat or domesticated animal is kept shall be free from unsanitary droppings, refuse and odors, or in a condition to breed flies or infestation of fleas. Unsanitary or inhumane living conditions for these animals will not be allowed. The Animal Control Officer shall notify the owner or person-in-charge of the premises to remove such matter or cure such condition within a reasonable time, to be fixed by the Animal Control Officer. If such condition is not remedied within the time so fixed, the Animal Control Officer shall issue a citation to the owner or person-in-charge. Animals found in cruel, abusive or neglectful situations may be promptly impounded if the life or health of the animal is at risk. If no contact is immediately made with the owner, then a written notice shall be left indicating the location of the animal and the reason for impoundment. The animal may remain impounded until the condition has been corrected.
2. An owner or person-in-charge of any dog, cat or domesticated animal shall provide adequate shelter from the elements if the animal is kept outside. Adequate food and water shall be made available to the animal. Dogs shall not be kept or maintained on a chain or tether in the City. Any dog confined with a fenced in yard must have adequate space for exercise based on the dimensions of at least 150 square feet per dog. Such enclosure shall be

constructed of chain link or wooden fencing or a similar type material with all four sides enclosed. The enclosure shall be of sufficient height to prevent the animal from escaping from such enclosure and shall meet the requirements of the Alabama Animal Rights Protection Act, Section 13A-11-24(1). At no point in time may an animal be tied or leashed to an inanimate object, i.e., tree, post, etc.

As an alternative, the owner may use underground invisible fencing to meet the requirements of this section in lieu of a chain link or wooden fence. The invisible fencing must be able to properly and humanely restrain the dog on the property. A dog at large is prima facie evidence that the invisible fence did not properly restrain the animal. During power outages, etc., the owner must take other proper measures such as bringing the animal inside to prevent the animal from being at large during power outages.

3. No dog, cat or domesticated animal shall be restrained with a restraining device less than six (6) feet long unless walking or training such animal.
4. No dog, cat or domesticated animal shall be placed, confined or allowed to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or welfare of the animal because of temperature, lack of food or water, or such other conditions as may reasonably be expected to cause suffering, disability or death.

E. RIGHT OF ENTRY TO INSPECT

The Animal Control Officer shall have the right and it shall be the Officer's duty to enter upon any property, except a private dwelling house, for the purpose of inspecting any living condition for an animal for which there is a reasonable suspicion to believe that there exists thereupon a violation of this Ordinance.

SECTION XV. STRAY DOGS, CATS OR DOMESTICATED ANIMALS MAY BE TAKEN UP

Any person in the City finding any dog, cat or domesticated running at large about his premises or residence, or the residence of which he is in charge, may have such animal confined by the Animal Control Officer as an at large animal or stray.

SECTION XVI. HUMANE TRAPS

- A. The Animal Control officer is hereby authorized, in order to apprehend animals in violation of this Ordinance which are otherwise difficult to apprehend, to use traps designed to humanely capture said animals by placing the same upon any public property of the City, upon the right of way of any public street or highway or upon

the private property of any person granting permission therefor.

- B. It shall be the duty of the Animal Control Officer to check such traps daily and remove captured animals therefrom to the City of Daphne Animal Shelter where they shall be disposed or treated as otherwise provided herein.
- C. It shall be unlawful for any person to molest or tamper with any such trap, or to remove any animal captured in any such trap or to interfere with the Animal Control Officer in setting or servicing any such trap.
- D. Any owner or person-in-charge of any premises within the City may set their own humane trap on such premises for the purpose of removing any animal, except songbirds, which has entered onto the premises.
- E. It shall be the duty of the owner or person-in-charge to check such trap daily and deliver any animal captured therein to the City of Daphne Animal Shelter or to the animal's owner.
- F. Any owner or person-in-charge of any dog, cat or domesticated animal captured in a humane trap which is off the premises of the owner or person-in-charge thereof shall be prima facie presumed to have allowed, suffered or permitted such animal to be or run at large. At any time Dogs or cats are captured by use of such trap and the owner or person-in-charge is known or becomes known to the Animal Control Officer, such owner or person-in-charge shall be given a citation to appear in City Court as provided hereafter.

SECTION XVII. CRUELTY TO ANIMALS

- A. Any person who commits any of the acts enumerated hereafter shall be guilty of a misdemeanor:
 - 1. any person who overrides, over-drives, overloads, drives when overloaded, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills or causes or procures to be overridden, over-driven, overloaded, driven when overloaded, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, abandoned or cruelly killed; or
 - 2. any person having the charge or custody of such animal, either as owner or otherwise, inflicts unnecessary cruelty upon same, or fails to provide the same with proper food, drink or protection from the weather, or cruelly drives or allows to be ridden or over-driven when unfit for labor; or
 - 3. any person who, having the charge or custody of any animal known to him to

require medical treatment or care in order to prevent unjustifiable physical pain, suffering or death, who having such knowledge fails to provide proper treatment and care, or in the alternative to cause said animal to be humanely disposed of; or

4. any person who unlawfully or maliciously kills, disables, disfigures, or injures any animal, without good cause.

B. EXCEPTION:

This section shall not be construed as prohibiting the dehorning or castration of cattle, sheep or goats.

SECTION XVIII. ANIMALS SUSPECTED OF HAVING RABIES DECLARED NUISANCES; IMPOUNDMENT OF SAME:

Any animal suspected of infection with rabies is hereby declared to be a public nuisance and a danger to the health and safety of the community. The Animal Control Officer may take up and confine any such animal.

SECTION XIX. CITATIONS

When any animal is found by the Animal Control Officer to be in violation of any provision of this Ordinance, and the person or persons responsible become known to the Animal Control Officer, a citation may issue to the owner or person in charge for said violation directing the person to appear in Municipal Court at a time and date stated therein to answer to charges of violations of this Ordinance, which said charges shall be stated in said citation. It shall be unlawful and a misdemeanor for any person to fail to appear in City Court at the time and place stated in a citation issued by the Animal Control Officer.

SECTION XX. DISPOSITION OF FEES

All monies collected, as provided for in this Ordinance, shall be turned over and delivered forthwith to the City Treasurer and all revenues generated through enforcement of any section of this Ordinance shall be appropriated by the City for use in supporting, maintaining and providing for the ongoing expense of operating the City of Daphne Animal Shelter and expenses and costs incurred in the enforcement of this Ordinance.

SECTION XXI. MINIMUM PENALTIES

A. PENALTY FOR VIOLATION - FINES:

The following schedule of fines is hereby established by the City pursuant to this Ordinance and the laws of the State of Alabama. In addition to the fines so

established, the Defendant shall pay, in addition to such fine amount, any court costs which are in effect at the time of such violation occurs. If the Defendant elects to plead guilty before a magistrate to a violation of any of the municipal offenses contained herein for which there is a fine set forth in this section, the fine plus applicable court cost shall apply. In lieu of appearing before a magistrate, the Defendant may sign a guilty plea and waiver of trial provision on the municipal offense citation, and deliver the amount of the fine plus applicable court costs to the Clerk of the Municipal Court or mail such amount to the Clerk of the Municipal Court for the City of Daphne at 1502 Highway 98, Daphne, Alabama 36526.

B. SCHEDULE OF FINES:

Any person found guilty of the provisions of this Ordinance as referenced herein, the minimum fines shall apply as follows:

<u>INFRACTION</u>	<u>FINE</u>	
Allowing dog to defecate another's property	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Animal restrained by leash or restraining device less than six (6) feet long	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Cat at large/ destruction damage to property (no tag)	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Cat at large/ destruction damage to property (with tag)	1 st offense within a twelve month period	\$10
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Cruelty to animals	1 st offense	Court
	2 nd offense	Court
	3 rd offense	Court
Dog at large (with tag)	1 st offense within a twelve month period	\$10
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50

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Dog at large (no tag)	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Failure to Restrain	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Fowl at large	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Failure to quarantine animal that has bitten	1 st offense within a twelve month period	Court
	2 nd offense within a twelve month period	Court
Failure to notify authorities of bite	1 st offense within a twelve month period	Court
	2 nd offense within a twelve month period	Court
Failure to obtain rabies vaccination	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Failure to attach rabies tag	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Failure to attach tag (dog/cat)	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Failure to license (dog/cat)	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Failure to surrender Dangerous/Vicious animal	1 st offense	Court
	2 nd offense	Court

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Failure to confine dog/cat in heat	1 st offense within a twelve month period	\$25
	2 nd offense within a twelve month period	\$50
	3 rd offense within a twelve month period	\$100
Keeping a dangerous and Vicious animal	See Section J	
Failure to provide adequate shelter/ food and or water	1 st offense within a twelve month period	\$25
	2 nd offense within a twelve month period	\$50
	3 rd offense within a twelve month period	Court
Interfering/ opposing Animal Control Officer	1 st offense within a twelve month period	Court
	2 nd offense within a twelve month period	Court
	3 rd offense within a twelve month period	Court
Keeping prohibited livestock in city limits	1 st offense within a twelve month period	\$25
	2 nd offense within a twelve month period	\$50
	3 rd offense within a twelve month period	Court
Keeping prohibited fowl in city limits	1 st offense within a twelve month period	\$25
	2 nd offense within a twelve month period	\$50
	3 rd offense within a twelve month period	Court
Livestock at large	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Noisy animals	1 st offense within a twelve month period	\$100
	2 nd offense within a twelve month period	\$250
	3 rd offense within a twelve month period	\$500 & Court
Operating illegal horse stable	1 st offense within a twelve month period	Court
	2 nd offense within a twelve month period	Court
Promoting animal fighting	1 st offense	Court
	2 nd offense	Court
Refusing to allow inspection	1 st offense within a twelve month period	Court

	2 nd offense within a twelve month period	Court
Tamper with animal trap/ removing animal from trap/interfering with ACO in setting/servicing trap	1 st offense within a twelve month period	Court
	2 nd offense within a twelve month period	Court
	3 rd offense within a twelve month period	Court
Unsanitary living condition- fowl/livestock	1 st offense within a twelve month period	\$25
	2 nd offense within a twelve month period	\$50
	3 rd offense within a twelve month period	Court
Unsanitary/inhumane living condition (any animal)	1 st offense within a twelve month period	\$50
	2 nd offense within a twelve month period	\$100
	3 rd offense within a twelve month period	Court
Dangerous and vicious animal at large	1 st offense	Court
	2 nd offense	Court
	3 rd offense	Court

- C. That in addition to any offense not referred to in this section, any person so convicted of any other section of this Ordinance, separately and/or separately shall be fined the sum of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) Dollars, and/or incarceration in the Daphne Municipal Jail for a period not to exceed 180 days or both, at the discretion of the Municipal Court Judge

SECTION XXII. DONATIONS TO ANIMAL SHELTERS

This section shall establish an additional procedure for donations to the City of Daphne Animal Shelter via online payment at the City of Daphne Animal Shelter website through generally accepted credit cards.

SECTION XXIII. VICIOUS ANIMALS

A. HARBORING

No person shall own or harbor any animal for the purpose of animal fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging said animal to attack human beings or domestic animals when not provoked.

No person shall sell, offer for sale, breed, buy or attempt to buy any vicious animal within the City.

B. REGISTRATION OF DOGS

The tag and a certificate of registration or license shall be of such form and design and shall contain such information as the City shall prescribe and shall be issued to the owner or keeper upon payment of the registration fee. The registration fee for all neutered and spayed dogs shall be \$3.00 and the registration fee for all un-neutered and un-spayed dogs shall be \$5.00.

The owner or person in charge shall at all times, keep the tag affixed to said dog or cat. It shall be unlawful for any owner or person in charge of an animal to fail to comply fully with all of the requirements of this section by failing to register a dog or a cat. It shall also be unlawful for any person, except the owner or person in charge and upon its own premises, to remove a tag from a dog or cat tagged under the provisions of this section or to place a tag upon a dog or cat for which said tag was not issued, to procure a tag from the City by fraud or misrepresentation, or to disfigure or alter the words or figures upon a tag.

If a tag becomes lost or mutilated it shall be replaced with a tag or decal marked "duplicate" upon payment of the fee of \$3.00. No duplicate tag or decal shall be issued unless the dog or cat has been inoculated for rabies within twelve (12) months of the date of issuance of the duplicate tag.

In addition to the information listed above, if an animal is vicious or presumed to be vicious, as defined herein or as is determined at a hearing for such purpose, then the owner shall provide two identification color photographs of the animal clearly showing the color, any markings and approximate size of the animal.

C. INSURANCE

All owners or keepers of a vicious dog or dog presumed to be vicious, as previously defined or as shall be determined to be vicious after judicial review, shall provide proof of liability insurance in a single incident amount of at least \$100,000.00, specifically covering any damage or injury which may result from the ownership, keeping or maintenance of such animal.

The policy shall contain a provision requiring the City to be named as an additional insured for the sole purpose of being notified by the insurer of any cancellation, termination or expiration of the liability insurance policy.

D. INVESTIGATION OF VICIOUS DOGS

When any person claims that an animal is vicious, he or she shall make a sworn statement setting forth the name of the animal's owner, the location where the animal

is being kept in the City, and the reason he or she believes the animal to be vicious.

The sworn statement will be delivered to the Animal Control Officer who will complete a vicious animal investigation.

Animal Control Officers are authorized to initiate a vicious animal investigation in cases where a bite or serious injury to any person has been reported or when the officer has other reason to believe a dog may be vicious.

Police officers and/or animal control officers shall be permitted to enter the exterior property where a vicious animal or animal presumed to be vicious is located for the purpose of investigating the allegation of viciousness. If the police officer and/or animal control officer has reason to believe an animal poses an immediate threat to the health, safety or welfare of the general public, the officer may seize the animal and impound the animal at the animal shelter pending completion of the investigation and hearing.

If an animal control officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that an animal is potentially dangerous or vicious, the animal control officer, the chief officer of the public pound or animal control department or his or her immediate supervisor or the head of the local law enforcement agency, or his or her designee, shall determine whether or not the animal in question should be declared potentially dangerous or vicious.

Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for the animal control officer or law enforcement officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition.

In the event the vicious animal investigation leads the Animal Control Officer to believe the allegation is unfounded, the Animal Control Officer shall advise the complainant of his findings and submit the results of the investigation to the Municipal Court and his animal control supervisor.

E. NOTICE, COURT HEARING, AND APPEAL

1. The owner or keeper of the animal shall be served with notice of the hearing and a copy of the petition, either personally or by first-class mail with return receipt requested. The hearing shall be held no less than ten (10) days nor more than twenty (20) days after such notice is mailed to the owner or keeper of the animal and shall be open to the public.
2. At such hearing all interested persons shall have the opportunity to present evidence on the issue of the animal's dangerousness. The court may admit all

relevant evidence, including incident reports and the affidavits of witnesses, photographs and video tapes, limit the scope of discovery, and may shorten the time to produce records or witnesses.

In the event that the animal in question has caused injury to any person, the municipal judge may impound the animal, at the owner's expense, pending the hearing and determination of the complaint. If the court finds that the animal is potentially dangerous or vicious, it may make any orders authorized by this chapter or other laws, including but not limited to assessment of fines and costs as provided in this Code.

3. If a determination is made that the animal is potentially dangerous or vicious and no appeal is filed, the owner or keeper shall comply with the municipal court's order no later than fourteen (14) days following the rendering of the decision. If the owner or keeper of the animal contests the determination, he or she may, within fourteen (14) days of the municipal court's decision appeal the decision to the circuit court of the county. All filing fees and costs shall be paid by the owner or keeper of the animal. The owner or keeper of the animal shall serve notice upon the City that the appeal has been filed.
4. The Circuit Court shall conduct a hearing de novo, and make its own determination as to potential danger and viciousness and make other orders authorized by this chapter, based upon the evidence presented. The court may admit all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. If the court rules the animal to be potentially dangerous or vicious, compliance with the order shall begin within upon receiving Circuit Court Order.
5. The determination of the circuit court shall be final and conclusive upon all parties. However, the animal control authority shall have the right, following due process, to later declare an animal to be vicious or to determine that the animal constitutes a threat to the public health and safety, for any subsequent actions of the animal.

F. REGULATION OF POTENTIALLY DANGEROUS OR VICIOUS ANIMALS

If it is determined at the hearing that the animal is dangerous or vicious, the Court may order the following:

1. Confinement:
 - a) Owners shall provide an exterior perimeter fence suitable to contain an average animal of the same type. The perimeter fence shall be

constructed of chain link or wooden privacy type and shall be at least four (4) feet in height.

- b) Owners shall provide an additional fence or pen of adequate size inside the perimeter fence to humanely confine the vicious animal.
 - 1) This additional fence or pen may not share common fencing with the perimeter fence.
 - 2) This additional fence or pen must have secure sides and a secure top attached at all sides.
 - 3) All four sides of this additional fence or pen must be sunk at least two feet into the ground or the fence or pen must be built over a concrete pad to prevent the animal from digging out.
 - 4) The additional fence or pen must have an inward-opening gate and shall be kept locked at all times by pad lock or key lock except when tending to the care of the animal.
 - 5) The sides of this additional fence or pen shall be from ground to top at least twice the height of the animal, the height of the animal being measured from its shoulders.
 - 6) The additional fence or pen must not be positioned so that neighbors or passersby have access to the animal. It must be no less than twenty (20) feet from any neighboring property line.
 - 7) Signs shall be posted on each side of this additional fence or pen stating that a vicious animal is enclosed and shall specify the type of animal enclosed, i.e. "Vicious Dog". Signs must be printed and legible from 20 feet.
 - 8) The pen or structure must also provide the animal with protection from the elements and must at all times be kept in sanitary condition.
- c) Whenever the animal is outside either the additional fence or pen provided for this section:
 - 1) It must be attended by the owner;
 - 2) It must be restrained by a secure collar and leash or rope to

no longer than eight (8) feet and of sufficient strength to prevent escape; and

- 3) It must be securely muzzled so as to effectively prevent such animal from biting another animal or person.
- d) No vicious animal shall be allowed outside the owner's property except in emergencies or for normal or necessary medical or health related treatment.

2. Destruction of a Vicious Dog

In the event it is determined at the hearing that the release of the animal would create a significant threat to the public health, safety and welfare, the animal may be humanely destroyed by the Department of Animal Control.

3. When it is Determined that the Animal is not Dangerous or Vicious

In the event it is determined at the hearing that the animal is not vicious, the court shall inform the complainant of said findings.

G. MINOR OWNER OR KEEPER

In the event that the owner or keeper of a potentially dangerous or vicious animal is a minor, the parent or guardian of such minor shall be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by such potentially dangerous or vicious animal.

H. PROCEDURE UPON LOSS, SALE OR TRANSFER OF ANIMAL

The owner or keeper of a potentially dangerous or vicious animal shall notify the department of animal control or the police department immediately if such potentially dangerous or vicious animal is loose or missing or if the potentially dangerous or vicious animal has attacked or wounded a human being or another animal. If the animal in question dies, or is sold, transferred, or permanently removed from the city or county where the owner or keeper resides, the owner of a potentially dangerous or vicious animal shall notify the animal control department of the changed condition and new location of the animal in writing within two (2) working days. If the owner or keeper of a potentially dangerous or vicious animal moves the animal to a different address within the city limits of the City, such owner or keeper shall notify the department of animal control of such fact and the new address within twenty-four (24) hours.

I. KEEPING POTENTIALLY DANGEROUS OR VICIOUS ANIMALS

It shall be unlawful for any owner, keeper or other person to be in violation of any provision of this chapter or any order of any court as provided in this chapter. Any owner or keeper found to be in violation of this section shall be guilty of a misdemeanor and shall be punishable as provided in Subsection J of this Section.

J. PENALTY FOR VIOLATION

The penalty for violation of any provision of this section shall be as follows:

1 st Offense	Not less than \$100.00 or more than \$350.00 and/or not to exceed 6 months in jail;
2 nd and Subsequent Offenses	Not less than \$350.00 or more than \$500.00 and/or not to exceed six (6) months in jail.

In addition, the Court shall assess the violator with any and all costs incurred for the impoundment and/or destruction of the dog.

K. CONFINEMENT GENERALLY

No owner, keeper or harbinger of an animal shall permit a vicious or dangerous dog to be kept on a chain, rope or other type of leash outside of its fence and/or pen unless it is under physical control of a leash. Such dogs may not be leashed or chained to inanimate objects such as trees, posts, buildings, etc. outside of the perimeter fence and/or pen. No vicious or dangerous dog may be kept on a porch, patio or in any other portion of the house or structure that would allow the dog to exit such building or structure on its own volition. In addition, no such animal may be kept in a house or structure where screen doors are the only obstacle preventing the dog from exiting the structure.

L. REGISTRATION OF VICIOUS DOGS

All dangerous or vicious dogs as defined herein or as found to be vicious after a Municipal Court hearing shall be registered on the City's website. Such registry shall include the address where the dog is located and identifying information on the dog, including two (2) identifying color photographs of the dog. The registry shall not contain the name or names of the owners or tenants at said location.

SECTION XXIV. DONATIONS TO ANIMAL SHELTERS

This section shall establish an additional procedure for donations to the City of Daphne

Animal Shelter via online payment at the City of Daphne Animal Shelter website through generally accepted credit cards.

SECTION XXV. SEVERABILITY

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held to be unconstitutional or invalid, such decision shall not affect or impair the remainder of this 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 XXVI. REPEALER

Ordinance Nos. 1998-33, 2001-02, 2003-11, 2007-27, 2010-56, 2010-67 and 2013-13 are hereby repealed in their entirety. All other City Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION XXVII. EFFECTIVE DATE

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

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

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK