

**CITY COUNCIL BUSINESS MEETING AGENDA  
1705 MAIN STREET, DAPHNE, AL  
AUGUST 19, 2013  
6:30 P.M.**

**1. CALL TO ORDER**

**2. ROLL CALL / INVOCATION** / Reverend Paul Matthews / Jubilee Baptist Church

**3. APPROVE MINUTES:** Council meeting minutes / August 5, 2013  
Council Work Session minutes / August 12, 2013  
Council Strategic Plan meeting minutes / August 12, 2013

**PUBLIC HEARING:**

**a.) Amendments to the Land Use & Development Ordinance:**

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

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE** / Conaway

Review minutes / August 12<sup>th</sup>

**a.) Financial Reports**

- Treasurers Report / June 30, 2013 / 7/31/13
- Sales Tax Collection / June 30, 2013
- Lodging Tax Collection June 30. 2013

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

Review minutes / August 5<sup>th</sup>

**C. PUBLIC SAFETY -** Rudicell

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

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

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

Review Environmental Advisory Board minutes / November 28, 2012 – June 24, 2013

**MOTION:** To support participation in the NOAA Community Resilience Index Program

**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

**F. Recreation Board - LeJeune**  
Review minutes / August 12<sup>th</sup>

**MOTION:** Appoint two members to the Recreation Board: One 3 year opening / Term ends 2015  
and one 1 year opening / Term ends 2014 / Designate

**Nominees:**

- a.) Lawrence Yelding
- b.) David Dueitt
- c.) Victor LeJeune
- d.) Jolie J. Jones

**G. Utility Board - Fry**

Presentation: Rob McElroy, General Manager for Daphne Utilities

**6. REPORTS OF OFFICERS:**

**A. Mayors Report**

- a.) Parade Permit / Mystic Order of Persephone / February 28, 2014 / Rain Date March 1, 2014

**B. City Attorney's Report**

**C. Department Head Comments**  
**City Clerk Report**

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

*NO RESOLUTIONS TO CONSIDER*

**ORDINANCES:**

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

- a.) **Amending Chapter 1 of the Employees Handbook: Privately-Owned Firearms and Ammunition in the Workplace ...../Ordinance 2013-43**
- b.) **Regulating the Keeping of Dogs, Cats, Domesticated Animals, Livestock or Fowl within the City of Daphne...../Ordinance 2013-45**

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

- a.) **Amend Land Use & Development Ordinance / Common Space & Recreation Provisions / Definitions & Terms – No Clear Zone Definitions & Terms – Related to Community Standards Ordinance. .... /Ordinance 2013-46**

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

**1. CALL TO ORDER:**

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

**2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGAANCE:**

Pastor Rife Stewart / Destiny 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; Kyle Navarro, Attorney; David Carpenter, Police Chief; James White, Fire Chief; Margaret Thigpen, Civic Center Director; Richard Merchant, Building Official; Michael Hoyt, Municipal Judge; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Adrienne Jones, Director of Community Development; Suzanne Henson, Senior Accountant; Anne Morris, Reference Librarian; Dorothy Morrison; Beautification and Downtown Redevelopment Authority; Willie Robison, BZA; Philip Durant, BZA; Al Guarisco, Village Point Foundation.

Absent: Jay Ross, City Attorney; Tonja Young, Library Director; Vickie Hinman, HR Director.

**3. APPROVE MINUTES:**

**July 15, 2013 Council meeting minutes**

There were no corrections, the July 15, 2013 council meeting minutes stand approved as written.

**July 22, 2013 Strategic Plan meeting minutes**

There were no corrections to the July 22, 2013 Strategic Plan meeting minutes, and the minutes stand approved as written.

**4. REPORT OF STANDING COMMITTEES:**

**A. *FINANCE COMMITTEE* – Conaway**

The committee will meet August 12<sup>th</sup> at 4:00 p.m.

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

The committee met before the council meeting, and the minutes will be in the next packet.

**C. *PUBLIC SAFETY COMMITTEE* – Rudicell**

The June 12<sup>th</sup> minutes are in the packet, and the next meeting will be August 14<sup>th</sup> at 4:30 p.m.

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

The next meeting will be August 12<sup>th</sup> after the Public Safety meeting.

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***E. PUBLIC WORKS COMMITTEE*** – LeJeune

The July 15<sup>th</sup> minutes are in the packet. The next meeting will be August 19<sup>th</sup> at 5:00 p.m.

**MOTION BY Councilman LeJeune to 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. *Secoded by Councilman Lake.***

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

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

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

No report.

***B. Downtown Redevelopment Authority*** – Conaway

There was not a quorum for the June 24<sup>th</sup> meeting.

***C. Industrial Development Board*** – Davis

There was not a meeting in July. The next meeting will be August 26<sup>th</sup> at 6:00 p.m.

***D. Library Board*** – Lake

No meeting in July or August. Mr. Lake reported there were 115 new cards and 230 in July. Circulation in May was 20,383 and July was 41,181. There were 28 request for books, and just today there were 48 requests.

***E. Planning Commission*** – Scott

The June 27<sup>th</sup> minutes are in the packet along with the July 2, 9 and 16 sign Committee minutes.

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

**Revisions to the Zoning Map / Favorable Recommendation**

**MOTION BY Councilman Lake to set a Public Hearing date for September 16, 2013 and to approve advertising to consider:**

**a.) Revisions to the Zoning Map / Favorable Recommendation**

**Secoded by Councilwoman Conaway**

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

**b.) MOTION: To extend the deadline for the Sign Committee’s revisions to the Sign Ordinance**

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**MOTION BY Councilman Lake to extend the deadline for the Sign Committee revisions to the Sign Ordinance to September 24, 2013. Seconded by Councilman Davis.**

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

***F. Recreation Board – LeJeune***

- a.) MOTION: To appoint two members to the Recreation Board:  
One 3 year opening and one 1 year opening / Designate**

The City Clerk received another resume today, which was the closing to receive resumes, and Council agreed to postpone the appointment of new members until the next council meeting.

**Nominees:**

- a.) Lawrence Yelding
- b.) David Dueitt
- c.) Victor LeJeune

- b.) 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 – 2018**

**MOTION BY Councilwoman Conaway to reappoint Rick Cleveland / Term 2011-2014; Matt Cunningham / Term 2012-2017; Frank Pierce / Term 2013-2018; Lisa O’Hara / Term 2011-2016 and Kit Smith / Term 2013-2018. Seconded by Councilman LeJeune.**

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

The next meeting will be August 14<sup>th</sup> at 6:30 p.m.

***G. Utility Board – Fry***

The minutes for the May 29<sup>th</sup> meeting are in the packet. The next meeting will be July 31<sup>st</sup> 5:00 p.m. in the council chambers.

**6. REPORTS OF OFFICERS:**

***A. Mayor’s Report***

No report.

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

No report.

***C. Department Head Comments***

***David McKelroy – Recreation Director*** – reported they have registered 530 for soccer, 170 for football, 50 for cheerleading, and there are 43 adult teams and 140 kick-ballers. They are into fall registration.

***James White – Fire Chief*** – reported that they are hosting Community Emergency Response classes on August 16, 17, 23, and 24, and for anyone interested to call the Fire Department.

***Michael Hoyt – Municipal Judge*** – reported the new magistrate, Landra Burton, started last Monday, and is doing a great job.

***Richard Johnson – Public Works Director*** – reported the city has been awarded the final ATRIP funds for two (2) projects - \$641,000 to pave North Main Street from US 98 to the Jubilee Square Shopping Center – the project requires a \$223,000 match from the city to cover the total cost of \$864,000. ATRIP funding of \$1.27 million will go toward Phase 4 of the repaving project in Lake Forest, requiring a \$433,000 match by the city. The \$1.7 million will repave the remaining portion of Ridgewood Drive and Windsor Drive to North Main Street. He also reported that the City of Daphne received a \$75,000 Recycling Grant where they partnered with several other cities. The grant will pay for a commercial to be aired by all cities participating in the grant.

***Margaret Thigpen – Civic Center Director*** – reported the Taste of the Eastern Shore is August 23<sup>rd</sup>, and they have sold 828 tickets.

***City Clerk Report – Rebecca Hayes –***

**MOTION:** Change the September 2, 2013 Council meeting due to Labor Day

**MOTION BY Councilman Fry to change the September 2, 2013 Council meeting to Tuesday, September 3, 2013. Seconded by Councilman Lake.**

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

Councilman Davis said that the Buildings and Property meeting will move to Tuesday, September 3<sup>rd</sup>.

**AUGUST 5, 2013  
CITY COUNCIL MEETING  
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**7. PUBLIC PARTICIPATION**

*Mr. David Tarwater – Baldwin County Board of Education – 611 Maxwell Avenue* – spoke regarding the importance of long term funding for S.E.E.D.S., and thanked the city for contributing to the schools.

*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. Jordan Caraway – Lake Forest – Student at Daphne Middle School* – spoke supporting funding for S.E.E.D.S.

*Ms. Ashley Robison – 703 Pine Street* – asked for a water fountain at Joe Patrick Park.

*Mr. Stuart Allhands – 8675 PineRun* – spoke regarding the rezoning of Interstate-Baldwin, LLC asking Council to use caution, to use discretion and ask questions regarding the present access and the gated off public street.

*Mr. Ray Pearson – 30102 LePalma Circle* - opposes the rezoning ordinance for Interstate-Baldwin, LLC as it is unsafe.

*Mr. David Hueitt – Lake Forest* – thanked the city for improving the roads in Lake Forest, and asked council to stop and think before acting on the Interstate-Baldwin rezoning ordinance in order to give Mr. Cox and TimberCreek time to work out their differences. He spoke about the impact to the environment, and asked Council not to move too fast on the rezoning.

*Ms. Washington – representing her nephew, Mr. Clarence Herbert who lives at 1707 Pollard Road* - spoke in opposition to the rezoning of the John and Deborah Kim property.

*Mr. Ian Waters – TimberCreek POA* - said that the POA voted 3/1 not to purchase the property owned by Interstate Baldwin, LLC.

**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**

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MOTION BY Councilman Lake to waive the reading of Resolutions 2013-40, 2013-41 and 2013-42. *Seconded by Councilman Rudicell.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Councilman Lake to adopt Resolutions 2013-40 and 2013-41. *Seconded by Councilman Rudicell.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Councilman Fry to adopt Resolution 2013-42 with the following amendment:

Change title: from Support Daphne Utilities in Opposing to The City of Daphne and Daphne Utilities Opposes

Delete: after Now, therefore be it resolved by the Mayor and City Council of the City of Daphne delete to support Daphne Utilities change to that the City of Daphne joins together with Daphne Utilities in opposing

*Seconded by Councilman Lake.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

**ORDINANCES:**

**2<sup>ND</sup> 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.) **Appropriation of Funds: S.E.E.D.S (Supporting Educational Enrichment in Daphne School's) . . . . . /Ordinance 2013-44**

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

- a.) **Amending Chapter 1 of the Employees Handbook:  
 Privately-Owned Firearms and Ammunition in the Workplace. . . . /Ordinance 2013-43**
- b.) **Regulating the Keeping of Dogs, Cats, Domesticated  
 Animals, Livestock or Fowl within the City of Daphne . . . . . /Ordinance 2013-45**

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

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

**NO MOTION TO ADOPT ORDINANCE 2013-39. ORDINANCE FAILS**

**MOTION BY Councilman LeJeune to waive the reading of Ordinance 2013-40. *Seconded by Councilman Fry.***

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

**MOTION BY Councilman Rudicell to adopt Ordinance 2013-40. *Seconded by Councilman Lake.***

Councilman Davis presented the following facts:

- a. Currently 437 homes use Pine Run to access TimberCreek Blvd.
- b. Phase 11 will add 100 homes to the end of Pine Run
- c. Wetlands & Uplands buffer area (46.5 acres of Phase 11 and 24.8 acres of Phase 10-B) will go to the TimberCreek Property Owners Association

Area Study:

- a. Traffic analysis to determine what can be done to improve traffic flow (i.e. 3 way stops, speed limit decrease, traffic trays, etc.)
- b. Second access, Wilson Drive (Spanish Fort) and/or Woodrow Lane
- c. Highway 13 interchange (Phase 10-B)
- d. Storm Water Runoff – Timber Creek and Lake Forest
- e. Joint Public/Private Development – Lake, Nature Trails and Utility Expansions

**ROLL CALL VOTE**

<b>Conaway</b>	<b>Aye</b>	<b>LeJeune</b>	<b>Aye</b>
<b>Rudicell</b>	<b>Aye</b>	<b>Davis</b>	<b>Aye</b>
<b>Lake</b>	<b>Aye</b>	<b>Scott</b>	<b>Aye</b>
<b>Fry</b>	<b>Aye</b>		

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

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**MOTION BY Councilman Lake to waive the reading of Ordinance 2013-42. *Seconded by Councilwoman Conaway.***

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

**MOTION BY Councilman Lake to adopt Ordinance 2013-42. *Seconded by Councilwoman Conaway.***

Council discussed the ordinance and requested that it be on the work session agenda for further discussion.

*Councilman Lake withdrew his motion and Councilwoman Conaway withdrew her second.*

**MOTION BY Councilman LeJeune to postpone Ordinance 2013-42 until at he August 19, 2013 council meeting. *Seconded by Councilman Lake.***

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

**Council President Scott turned the gavel over to Councilwoman Conaway, Council President Pro tem, to chair the meeting for the vote on Ordinance 2013-44 due to a conflict of interest.**

**MOTION BY Councilman Lake to waive the reading of Ordinance 2013-44. *Seconded by Councilman Rudicell.***

**AYE    Conaway, Rudicell, Lake, Fry, LeJeune, Davis      ABSTAIN    Scott**

**MOTION CARRIED**

**AUGUST 5, 2013  
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**MOTION BY Councilman Lake to adopt Ordinance 2013-44 with the following amendment:**

**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.

*Seconded by Councilman Rudicell.*

**AYE** Conaway, Rudicell, Lake, Fry, LeJeune, Davis

**ABSTAIN** Scott

**MOTION CARRIED**

**ORDINANCES 2013-43 and 2013-45 ARE 1<sup>ST</sup> READ.**

**Councilwoman Conaway passed the gavel back to Council President Scott.**

**AUGUST 5, 2013  
CITY COUNCIL MEETING  
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**9. COUNCIL COMMENTS:**

*Councilman Davis* thanked everyone for coming out and giving their input. He feels it is important for people to see how things come about. He mentioned a phrase he thought applies: history made us friends, economics made us partners and necessity made us allies. He said time will tell if their decisions were good ones.

*Councilman LeJeune* said he would like to have the backdrop that Mr. Tarwater had during Public Participation when he is speaking. He said school is only two (2) weeks away.

*Councilman Fry* thanked everyone for coming. He thinks it is nice to know the public cares and wants to know what is going on. He thanked Chief Carpenter and Sgt. Gulsby for inviting him to participate in a training simulator. It put you through several scenarios where you have to make quick decisions, and until he went through this he did not appreciate how quick the city's public safety officers have to make a decision. He appreciated the invitation and really enjoyed the experience.

*Councilman Lake* is glad to be partnering with S.E.E.D.S., and hopes they will continue to grow. He mentioned there are some dead oak trees on US Highway 98, and thinks they may have been poisoned. He said they were in a tree protection zone, and that the Police Department should investigate.

*Councilman Rudicell* said he is thankful that they live in a safe country, and asked everyone to take time this week to remember those in the armed forces that put their lives on the line every day, and to also remember their families.

*Councilwoman Conaway* recognized the teachers, administrators and staff members that were present, and said she appreciates the job they do for students. She encouraged them to come back and visit with council anytime.

*Mayor Haygood* recognized Coach Todd being in the audience, and it was great to see all the teachers and principals in the audience. He said he was disappointed that Hunter Sessions was not at the meeting, but Jordan filled in quite well. He said it was wonderful to see the youth get up and speak before a large audience. He mentioned that they will be having Incident Command sessions Wednesday and Thursday from 8:00 a.m. – 11:30.a.m. He said he looks forward to the partnership with S.E.E.D.S.

**AUGUST 5, 2013  
CITY COUNCIL MEETING  
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**10. ADJOURN:**

**MOTION BY Councilman Rudicell 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 8:00 P.M.**

Respectfully submitted by,

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

Certification of Presiding Officer,

\_\_\_\_\_  
Ron Scott, Council President

**AUGUST 12, 2013  
CITY COUNCIL WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

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

Also present: Mayor Dane Haygood; Rebecca Hayes, City Clerk; Jay Ross, City Attorney; Richard Johnson, Public Works Director.

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

**1. PARTICIPATION IN THE NOAA COASTAL RESILIENCE INDEX PROGRAM /  
MIKE SHELTON**

Mr. Shelton presented the program saying it is a community self-assessment. It is a look at itself with a series of different categories regarding storms or other disasters. It will bring the business community and ecumenical community along with city representative together to go over seven (7) topics for about 90 minutes to see what how to recover from a disaster. It will identify training needs, equipment needs, sister cities that can help the city recover.

Mayor Haygood said this would go along with the city's Emergency Operation Plan.

Council President Scott tasked the Mayor with gathering the information.

**2. ORDINANCE 2013-42 / EXNTENSION OF US 98 SERVICE ROAD**

Richard Johnson gave the cost for the project saying the city will be responsible for 1/3 of the cost which is capped at \$242,000. Two Step partners has been having some partnership problems, and if Two Step bows out the project ends,

Council President Scott said there are two (2) things to consider:

1. Are the partners reliable
2. Is this the highest priority for spending the city's money

Consensus of council was to wait to see if Two Step Partners signs on before putting the ordinance back on the agenda.

**3. ANYTHING ELSE DEEMED NECESSARY**

Mr. Tom Lott with the Ruff Wilson Youth Organization asked council to consider funding the club \$20,000 per year. Funds are down, and they do what they can to raise funds, but it is not enough. He said their goal is to educate and bring along underprivileged children.

Council President Scott said this would be money well spent.

Councilwoman Conaway said the club is in dire need of funds.

Council President Scott said that they will consider this request with the 2014 budget as a line item budget item.

**AUGUST 12, 2013  
CITY COUNCIL WORK SESSION  
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**4. RULES OF PROCEDURE**

**Section II**

Strike the last sentence regarding agenda items

**Section V**

Add - City Clerk Report after Department Heads Report

**Section VI**

- a. Add - work session to deadlines
- b. Change - the time for turning in council agenda and work session items to 12:00 on the Wednesday before the meeting
- c. Add – Post council packet on city’s website on Monday morning of the council meeting

**Section VIII**

- a. Separate public participation rule from presentation rule with a breakdown: Public Participation and Presentation headings
- b. Change - the time limit for Presentations to 10 minutes
- c. Change - time for Presentation synopsis to be delivered to the City Clerk to 12:00 on the Wednesday before the meeting

**Section XIV**

- a. Add - roll call vote to the second sentence where it says the presiding officer shall put the motion to a (*roll call*) vote
- b. Add - to the third sentence where it says: If the majority of the council shall vote in favor of the motion for executive session the body shall - ***Add - upon certification of the city attorney that the reason for entering into executive session is legal according to the Open Meetings Act.***

**Section XVII**

That the rules of the Council may be temporarily suspended by unanimous roll call vote of all members present.

**Section XXI**

- a. Add - department heads or designee and delete employees
- b. Add -W Department Heads shall stay at the meeting after Department Heads Report when they have items on the agenda items.
- c. The city attorney will check to see if the city has to have an appointed City Engineer and if the City Engineer is required under state code to attend council meetings.

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CITY COUNCIL WORK SESSION  
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**Section XXIII**

Designate Council will adopt Roberts Rules of Order 11<sup>th</sup> edition.

**Section XXV**

Change - all motions that come from committees still need a second *to* do not need a second.

Mayor Haygood presented a proposal to shorten the process for rezonings. He proposed setting all Public Hearings on the second council meeting of the month, and have the ordinance for a first read on the first council meeting. He said citizens come to the Public Hearing thinking the ordinance will be voted on at that meeting.

Council had questions about this procedure and wanted to think the proposal over before making a decision.

Mr. Davis made comments regarding Section IX. He feels the councilmember for the district that an ordinance is pertaining to should make the motions.

**5. ADJOURN**

There being no further business to discuss the meeting adjourned at 8:35 p.m.

Respectfully submitted by,

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Rebecca A. Hayes,  
City Clerk

Certification of Presiding Officer:

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Ron Scott,  
Council President

**AUGUST 12, 2013**  
**STRATEGIC PLAN MEETING**  
**1705 MAIN STREET**  
**DAPHNE, AL**  
**4:30 P.M.**

Councilman Davis called the meeting to order at 4:42 p.m.

**PRESENT:** Councilwoman Conaway; Councilman Rudicell Councilman Lake; Councilman Fry; Council President Scott; Councilman LeJeune; Councilman Davis; Mayor Haygood; Rebecca Hayes, City Clerk; Sarah Toulman Assistant City Clerk; Margaret Thigpen, Civic Center Director; Vicki Hinman, Human Resources Director; David Carpenter, Police Chief; Richard Johnson, Public Works Director.

Also Present: Troy Strunk, WS Designs, Landscape Architecture.

**1. PUBLIC PARTICIPATION**

No one spoke.

**2. VISION STATEMENT**

Council changed some wording to the Vision Statement omitting the “a” in the phrase “promotes a high quality of life.:

“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.”

**3. STAKEHOLDERS**

Councilman Davis presented the draft letter to the stakeholders, and suggested that it should be the Mayor who signs the letter.

Discussion was held on compiling the stakeholders list, and getting all the POA’s in the city. The City Clerk will check with Public Works, the Planning Department, Daphne Utilities and the Baldwin County Board of Realtors on getting a list of POA’s in Daphne.

**4. MISSION STATEMENT**

The committee agreed upon some changes to the mission statement:

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

**5. GOALS**

The committee added another goal:

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

**AUGUST 12, 2013**  
**STRATEGIC PLAN MEETING**  
**1705 MAIN STREET**  
**DAPHNE, AL**  
**4:30 P.M.**

6. Healthy and active citizenry
7. Enhance transportation and infrastructure

The following can be added as subsections of the goals:

1. Support schools
2. Affordable housing
3. Safe environment
4. Encourage community involvement
5. Expand recreational facilities
6. Support the expansion of educational opportunities
7. Work to sustain existing jobs and attract new jobs
8. Improve economic development opportunities

Also discussed:

1. To work cooperatively with surround governmental agencies
2. To establish an inventory of health care facilities in the city and surrounding area
3. Focus on customer service / Surveys
4. Give department heads a list of the goals and have them give their input on ways they can help accomplish the goals

Councilman Davis asked council to mention the Strategic Plan to the committees they chair or are a liaison for their input.

**6. WHATEVER ELSE IS DEEMED NECESSARY**

There were no other necessary items to discuss.

The next meeting in two weeks, August 26<sup>th</sup>.

The meeting adjourned at 6:05 p.m.

Submitted by

---

Rebecca A. Hayes, City Clerk

Certification of Presiding Officer

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Ron Scott, Council President

**PUBLIC HEARING**

**AUGUST 19, 2013**

**TO CONSIDER:**

**Amendments to the Land Use and Development Ordinance 2011-54**

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

To: Office of the City Clerk  
From: Adrienne D. Jones,  
Director of Community Development  
Subject: Proposed Amendment to Ordinance 2011-54, Land Use and Development Ordinance, to repeal Article 11-14, Open Space Provisions and replace with Common Open Space & Recreation Area Provisions  
Date: July 11, 2013

MEMORANDUM

At the June 27, 2013, regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried for a **unanimous favorable recommendation** of the above-mentioned revision to the Land Use and Development Ordinance.

At the July 10, 2013 Ordinance Committee, three member were present. The motion to send the Planning Commission's recommendation to full Council to set a public hearing carried unanimously.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, July 15, 2013 City Council agenda to set the public hearing for Monday, August 19, 2013.

Thank you,  
ADJ/jv

cc: file

attachment(s)

1. Community Development Report to Ordinance Committee

# **SUMMARY**

## **COMMON AREA & OPEN SPACE PROVISIONS**

### **ACKNOWLEDGMENTS**

- Variety and Diversity in Subdivision types
- Need Tailored Amenities to meet set needs
- Existing Vital City Recreation facilities in some areas

### **GOAL**

- To increase flexibility and innovative design of common open space and recreation areas

### **OBJECTIVE**

- To submit recommendation to Council for consideration to amend the subdivision provisions of the Land Use and Development Ordinance
- Unanimous consent - June 27, 2013

## KEY POINTS

- **3 Types:** Formal Open Space: passive or active or natural areas
- **Applicability:** reserve 10% of property zoned single or multifamily in or out of the corporate limits
- **2 Exemptions:** subdivision zoned R-1 and where less than 5 acres and lots are over 20,000 sq. ft.
- **Credits for proximity to existing City park:** measure ½ mile radius from center point of development
- **Phasing/Implementation**

Upon preliminary plat submission for the first phase of the development **an agreement shall be established** for the implementation of the common open space and recreation area plan. The agreement shall be made using appropriate forms as provided by the city and shall include:

  - a) **the proposed common open space and recreation area plan;**
  - b) **and a cost estimate of all work associated with the common open space and recreation area plan improvements **amended to include** (excludes land and/or utility costs), and;**
  - c) **a renewable surety bond valid for two years in the amount of 110% of the cost estimate **amended to include** or submission of a letter of credit drawn on an Alabama based bank.**
- **Performance Standards:** accessible and useable, direct public access, compact, contiguous

## COMMON OPEN SPACE AND RECREATION AREA PROVISIONS

Whereas the Planning Commission acknowledges that residential subdivision developments come in many varieties; and, acknowledges amenities for common open space and recreation should be tailored to meet the needs of the target market for each subdivision; and, acknowledges the existence and viability of existing municipal recreation areas throughout the city; and, acknowledges the need for increased flexibility and innovative common open space and recreation area design; therefore, after careful review and consideration, the Planning Commission hereby submits to the city council a recommendation for guidance in achieving proper design as an amendment to the subdivision provisions of the Land Use and Development Ordinance as follows:

Repeal Article 11-14(h) Common Open Space Provisions in its entirety and replace it with Article 11-14(h) Open Space and Recreation Provisions as follows:

### **(h) Common Open Space and Recreation Provisions**

Common open space and recreation area set asides shall include formal recreation areas and/or natural open space areas.

There are two types of formal recreation areas: passive and active. Passive recreation areas may include but shall not be limited to: open areas that include arranged plantings, gardens, gazebos or similar structures, fountains, sculptures, and other forms of public art, pedestrian walk ways, dog parks, picnic areas, general landscaped areas, flower gardens, and other uses typical for passive recreation. Active recreation uses may include but shall not be limited to: playground or park for local or neighborhood use with swing sets, ball fields, tennis courts, jogging trails, clubhouses, swimming pools, including accompanying accessory structures, and any other similar use suitable for the common enjoyment of the residents.

Natural open space areas that preserve and conserve the natural condition and hydrology of the property should be included as well as tree groves, wetlands, associated wetland buffers, rock outcrops, pastoral areas, floodplains, lakes, streams, rivers, wildlife habitat, utility and

conservation easements, and scenic vistas and trails. Detention ponds and related storm water facilities, especially low impact development measures, may also be included.

### **Applicability**

Ten percent of each proposed single family or multifamily residential development shall be set aside for common open space and recreation area. Common Open Space and Recreation Provisions shall apply to each residential development within the corporate limits and extraterritorial jurisdiction of the City of Daphne except as exempted below.

### **Exemptions**

Common Open Space and Recreation Provisions shall not apply in the following cases:

Where a unified planned single family residential development (i.e., under single ownership and planned in multiple phases) is five acres (5 ac) or less in total area and the minimum lot size exceeds twenty thousand square feet (20,000 sq. ft.); or,

Where the entire subdivision is zoned R-1, Low Density Single Family Residential.

### **Proximity and Access to Existing Recreation Areas**

The planning commission may allow flexibility in cases or an exemption to these provisions where a site is located adjacent to or within one-half (1/2) mile or two thousand six hundred and forty (2,640) linear feet of any municipal park, sports complex, or similar public use that either currently exists, is under construction, or is planned by a municipality or governmental corporation at the time of preliminary plat submission. Distance shall be measured as a radius from the center point of the preliminary plat. If the proposed subdivision boundary abuts or is contiguous to any municipal park, sports complex, or similar public use that either currently exists, is under construction, or is planned by a municipality or governmental corporation at the time of preliminary plat submission. The planning commission may impose other conditions to guarantee pedestrian access to the aforementioned park or facility. Conditions may include but shall not be limited to sidewalks, pedestrian trails, walkways or similar means of access.

### **Phasing/Implementation**

A common open space and recreation area plan shall be provided as a component of the subdivision master plan for single family or multi-family residential subdivision development, except where herein exempted.

Upon preliminary plat submission for the 1st phase of the development an agreement shall be established for the implementation of the common open space and recreation area plan. The agreement shall be made using appropriate forms as provided by the city and shall include:

- a) the proposed common open space and recreation area plan;
- b) and a cost estimate of all work associated with the common open space and recreation area plan improvements (excludes land and/or utility costs), and;
- c) a renewable surety bond valid for two years in the amount of one hundred and ten percent (110%) of the cost estimate or a letter of credit drawn on an Alabama based bank.

### **Performance Standards**

The following factors shall be considered to determine the location for common open space and recreation areas.

Where possible and appropriate, common open space and recreation areas shall be readily accessible and useable by property owners.

To the maximum extent practical, a portion of the common open space and recreation area should provide focal points for the development.

Common open space and recreation areas shall have at least one direct access to a public right-of-way.

The common open space and recreation areas shall be compact and contiguous unless the land is used as a continuation of or link to an existing or planned adjacent open space resource or where specific natural or topographic features require a different configuration.

In all developments, due regard shall be shown for all natural features such as large trees, heritage trees, water courses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the overall development.

# BACKGROUND INFORMATION FROM MAY 2013 PC MEETING

## MEMO

TO: DAPHNE PLANNING COMMISSION  
FROM: COMMUNITY DEVELOPMENT DIRECTOR/ZONING ADMINISTRATOR  
DATE: 04/12/13

Please review the following information in preparations for discussion at the upcoming meetings. Your familiarity with the existing provisions will be extremely helpful.

### FROM CURRENT PROVISIONS ARTICLE 8 DEFINITION OF TERMS

1. **Common Open Space, Informal.** Areas designated for undisturbed natural features, including wetlands, rock outcrops, pastoral areas, floodplains, lakes, streams, rivers, and wildlife habitat; utility and conservation easements; used for passive recreation uses including walking trails, pathways, and picnic areas.
  
2. **Common Open Space, Formal.** Formal open space is a generally planned and structured area that includes formally designed landscape plantings. The space is regularly maintained and may include streetscape furnishings (e.g., benches, lighting, and sculptures), recreational improvements (e.g., playground, swimming pool, tennis courts), and street improvements at the least.

### EXCERPT FROM CURRENT PROVISIONS ARTICLE 11-14 SPECIAL PROVISIONS OF MINIMUM STANDARDS & REQUIRED IMPROVEMENTS FOR SUBDIVISIONS & COMMERCIAL SITE DEVELOPMENT

- (h) Common Open Space Provisions:
- (1) Common open space set asides shall include *formal open space or informal open space* to be used for active or passive recreational uses or for *resource protection purposes*.
  - (2) Each area shall be appropriately designated on the subdivision plat and assigned a lot number.
  - (3) Notes shall be placed on the plat indicating ownership of common open space areas and shall reference subdivision restrictive covenants by instrument number as recorded in the Baldwin County Probate Records.
  - (4) A note shall be provided on the plat indicating that the City of Daphne shall not maintain any common open space areas.

- (5) Where relevant and appropriate, *open space areas shall be located so as to be readily accessible and useable by residents of the development.*
- (6) To the maximum extent practical, a portion of the open space should provide *focal points for the development.*
- (7) Open space set-aside areas shall have at least one direct access to a public right-of-way.
- (8) The lands shall be *compact and contiguous* unless the land is used as a continuation of or *link to an existing or planned adjacent open space resource* or where specific *natural or topographic features* require a different configuration.
- (9) In all developments, *due regard shall be shown for all natural features* such as large trees, water courses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the property.
- (10) In a *residential subdivision or residential development of more than five (5) acres* in size, the subdivider shall provide suitable recreation land of at least fifteen percent (15 %) of the total area of land to be subdivided.
- (11) In subdivisions *five acres in size or less*, the subdivider shall provide suitable recreation land of at least ten (10%) percent of the total area of land to be subdivided.
- (12) A residential subdivision which is *to be developed in phases or units shall at the time of the submittal of the preliminary plat make an appropriate agreement with the Planning Commission to assure that the dedication of the required land is to be provided.* Said agreement shall be based upon the Planning Commission's *approval of a master plan for the overall site.*

(i) Informal Open Space

*Informal Open Space* shall be areas designated on the subdivision plat for *undisturbed natural features* including: tree groves, *wetlands*, rock outcrops, pastoral areas, *floodplains*, lakes, streams, rivers, and wildlife habitat; utility and *conservation easements*; and for passive recreation uses including walking trails, pathways, and picnic areas. *Detention ponds and related storm water facilities may be included* in areas designated as informal open space.

(j) Formal Open Space/ Recreational Provisions

*Landscaped formal open space/recreation areas, comprising not less than ten (10) percent of all common area* required by this Article, may include the following: pedestrian access *walkways, children play areas, general landscaped areas, flower gardens, and areas for passive recreation, swimming pools, including accompanying*

*accessory structures, and areas for organized sports, any other areas suitable for the common area enjoyment of the residents.*

- (1) Due consideration shall be given to the allocation of areas centrally located and of adequate size for a playground or park for local or neighborhood use, and other public service areas including but not limited to pools, ball fields, playgrounds, tennis courts, jogging trails, and clubhouses used primarily for recreation purposes. Additionally, open areas that include arranged plantings, gardens, gazebos or similar structures, fountains, sculptures, and other forms of public art may be credited toward this provision.
- (2) Where such features provide a clear community benefit, the Planning Commission may credit towards the minimum recreation provision any plazas and sidewalk areas exceeding the minimum sidewalk width requirements that contain at least four of the following features towards formal open space area requirements: seating elements; specialized or decorative paving features; pedestrian lighting beyond that required to illuminate public rights-of-way; canopies, awnings, or overhangs to shield pedestrians; street furnishings, including but not limited to planters, waste receptacles, bicycle racks, drinking fountains, or shelters for persons utilizing public transit; or informational kiosks.
- (3) *Detention ponds shall not be counted towards formal open space/recreational area provisions*; however, retention ponds centrally located and accessible to the residents may be counted towards these recreation provisions. *One-half (1/2) of the land area occupied by retention ponds and other bio-retention devices shall be counted toward these provisions.*
- (4) All formal open space/recreational areas shall be suitably developed for neighborhood use prior to final approval of the subdivision except where an agreement has been established for implementation in several phases.

To: Office of the City Clerk  
From: Adrienne D. Jones,  
Director of Community Development  
Subject: Proposed Amendment to Ordinance 2011-  
54, Land Use and Development  
Ordinance, Article 8, Definition of  
Terms, Definition of "No Clear Zone"  
Date: July 11, 2013

MEMORANDUM

At the June 27, 2013, regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried for a **unanimous favorable recommendation** of the above-mentioned revision to the Land Use and Development Ordinance.

At the July 10, 2013 Ordinance Committee, three member were present. The motion to send the Planning Commission's recommendation to full Council to set a public hearing carried unanimously.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, July 15, 2013 City Council agenda to set the public hearing for Monday, August 19, 2013.

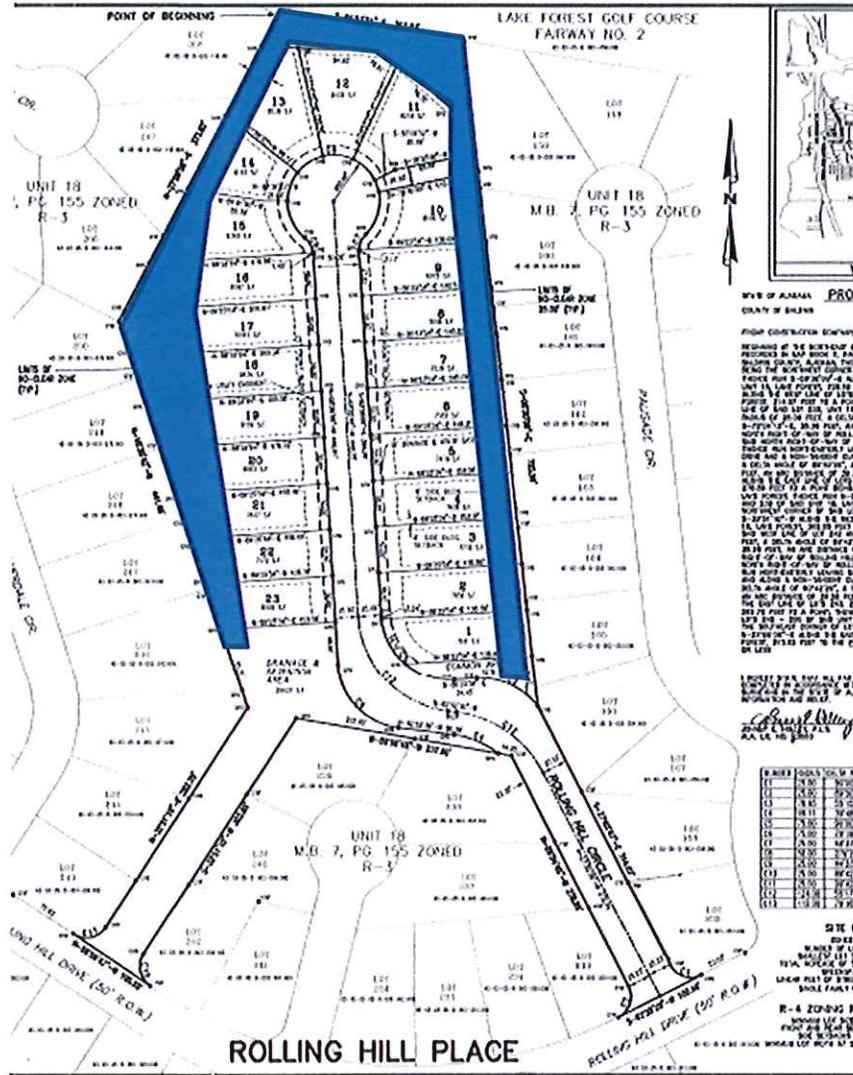
Thank you,  
ADJ/jv

cc: file

attachment(s)

1. Community Development Report to the Ordinance Committee

# No Clear Zone Definition



## ---BACKGROUND---

**From:** Jan Dickson [<mailto:cdcoordinator@daphneal.com>]

**Sent:** Monday, April 22, 2013 1:39 PM

**To:** Adrienne Jones

**Subject:** Rolling Hills Subdivision

Please issue to Lake Forest Property Owners Association, Attn: Rob Wright, General Manager, 1 Golf Terrace, Daphne, Alabama 36526 for purchaser Jdon Baldwin, Unit 18, Lot 21, as known as Rolling Hills Subdivision. Mr. Baldwin has requested in writing the interpretation and/or definition by the City of Daphne Community Development of the no clear zone shown on the plat (see attached minutes and plat). Pam, LFPOA, 251-626-4721, for additional information. Thank you,

## SUMMARY

### NO CLEAR ZONE

#### ACKNOWLEDGMENTS

- Need clarification for future references

#### GOAL

- Provide definition and prescribe limited disturbance in these areas

#### OBJECTIVE

- Submit recommendation to Council for consideration to amend the provisions of the Land Use and Development Ordinance
- Unanimous Consent on June 27, 2013

### KEY POINTS

**Area to be preserved:** 25-ft of property line

#### Exceptions:

- Install fence or wall
- Remove dead trees
- Utility improvements **amended to include** replanting and reforestation shall be required where more than one half of the utility easement is destroyed or removed by a utility company.

**Permitted: Building Inspections Dept.**

## NO CLEAR ZONE DEFINITION

Whereas the Planning Commission acknowledges the term ‘no clear zone’ has been specified on one or more subdivision plats and may be used on future subdivision plats, and, that Article 8 of the Land Use and Development Ordinance does not provide a definition of said term; acknowledges the need to define the term for clarification and future reference; therefore, after careful review and consideration, the Planning Commission hereby submits to the city council a recommendation to add to Article 8 of the Land Use and Development Ordinance the following terms:

**No clear zone.** 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 feet (25 ft.) of the rear property line of either underbrush or vegetation or trees, except to the extent necessary to install a fence or wall along the property line(s), to install utilities within a utility easement, or remove trees that have died naturally shall be allowed. Any allowable modifications or alterations in a no clear zone must be permitted by the Building Inspections Department. Replanting and reforestation shall be required when more than one half of the utility easement is destroyed or removed by a utility company.

To: Office of the City Clerk  
From: Adrienne D. Jones,   
Director of Community Development  
Subject: Proposed Amendment to Ordinance 2011-54, Land Use and Development Ordinance, Article 8 and 35, adding references to the **Community Standards** Ordinance  
Date: July 11, 2013

## MEMORANDUM

At the June 27, 2013, regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried for a **unanimous favorable recommendation** of the above-mentioned revision to the Land Use and Development Ordinance.

At the July 10, 2013 Ordinance Committee, three member were present. The motion to send the Planning Commission's recommendation to full Council to set a public hearing carried unanimously.

Please prepare an ordinance for placement on the City Council agenda of Monday, July 15, 2013 City Council agenda to set the public hearing for Monday, August 19, 2013.

Thank you,  
ADJ/jv

cc: file

attachment(s)

1. Community Development Report to the Ordinance Committee

# **SUMMARY**

## **COMMUNITY STANDARDS ORDINANCE**

### **ACKNOWLEDGMENTS**

- Proposed Ordinance 2013-38 is being considered by the Council
- References and definitions must be added to the Land Use & Development Ordinance aka (L.U.D.O) for clarity

### **GOAL**

- Provide definitions and references to the council in a timely manner

### **OBJECTIVE**

- Submit recommendation to Council for consideration to amend the provisions of the Land Use and Development Ordinance
- Unanimous Consent June 27, 2013

## KEY POINTS

- **Amend Article 8: add 7 definitions**
- Adult Cabaret/Entertainment Facility, Adult Companionship Establishment, Adult Novelty/Book Store, Adult Theater, Tattoo Facility, Sexually Oriented Businesses, Sexually Oriented Business Permit
- **Amend Table of Permitted Uses:**
- **Tattoo:** B-2 zone by right or B-1 with Planning Commission Approval
- **Other SOB:** C/I by right or B-2 with Planning Commission Approval
- Distance requirements are established in Ordinance 2013-38
- Should Council modify Ordinance 2013-38, the clerk and city attorney will modify these recommendations accordingly

## AMENDMENTS RELATED TO COMMUNITY STANDARDS ORDINANCE

Whereas the Planning Commission acknowledges the anticipated adoption of Ordinance# 2013-38, Community Standards Ordinance by the City Council; and, several terms related to land use and land development are included therein, and, these terms must be codified in Article 8 and Article 35 of the Land Use and Development Ordinance for reference and clarity, therefore, the Planning Commission hereby submits to the city council a recommendation to add terms to Article 8 and to add reference to the Community Standards Ordinance in Article 35 of the Land Use and Development Ordinance as follows:

### **Section I. Amend Article 8**

**Adult Cabaret/Entertainment Facility.** A nightclub, bar, theater, concert hall, auditorium, restaurant or similar establishment which, having entertainment, staff, live performances or appearances by nude or topless females, or entertainment, live performances or appearances characterized by their emphasis on matters depicting, describing or relating to nudity or sexual activity as permitted in Ordinance 2013-38, Community Standards Ordinance.

**Adult Companionship Establishment.** An establishment of business which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by their emphasis on matters depicting, describing or relating to nudity or sexual activity as permitted in Ordinance 2013-38, Community Standards Ordinance.

**Adult Novelty/Book Store.** An establishment which, as one of its profit Centers, offers for sale or rental books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records, compact disks or other form of visual or audio representations or instruments, devices, games, costumes, props or paraphernalia (excluding contraceptives) which are distinguished or characterized by their emphasis on matters depicting, describing or relating to nudity or sexual activity as permitted in Ordinance 2013-38, Community Standards Ordinance.

**Adult Theater.** A commercial establishment where films, motion pictures, or other photographic reproductions are regularly shown or created which are distinguished or characterized by their emphasis on matters depicting, describing or relating to nudity or sexual activity as permitted in Ordinance 2013-38, Community Standards Ordinance.

Tattoo Facility. A use as permitted in Ordinance 2013-38, Community Standards Ordinance. The geographic location at which an individual does one or more of the following for compensation: places an indelible mark upon the body of another individual by the insertion of a pigment in or under the skin; places an indelible design upon the body of another individual by production of scars; the perforation of human tissue other than ear for a nonmedical purpose.

Sexually Oriented Businesses. Adult cabaret/entertainment facilities, adult companionship establishment, adult novelty/book stores or adult theaters as permitted in Ordinance 2013-38, Community Standards Ordinance.

Sexually Oriented Business Permit. As defined in Section II of Ordinance 2013-38, Community Standards Ordinance.

## **Section II. Amend Article 35**

In accordance with the Community Standards Ordinance, as permitted in Ordinance 2013-38 the Planning Commission recommends the city council amend Article 35, Table of Permitted Uses as follows:

Any use, as permitted in Ordinance 2013-38, Community Standards Ordinance, except a tattoo facility, may be permitted in a B-2 zone district upon Planning Commission review and approval or in a C/I zone district by right. A tattoo facility may be permitted in a B-1 upon Planning Commission review or B-2 zone by right. In all cases, the provisions of Ordinance 2013-38 must be satisfied for each use noted therein.

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

**AN ORDINANCE ADDING/AMENDING THE CITY OF DAPHNE, ALABAMA  
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE  
CITY COUNCIL ON JULY 18, 2011**

**WHEREAS**, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and

**WHEREAS**, The City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 27<sup>th</sup> day of June, 2013, and has made a favorable recommendation for adoption to the City Council; and

**WHEREAS**, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public Hearing was held before the City Council on August 19, 2013.

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

**SECTION I: AMENDMENT TO ARTICLE 11-14(h) OPEN SPACE PROVISIONS**

**WHEREAS**, the Planning Commission acknowledges that residential subdivision developments come in many varieties; and, acknowledges amenities for common open space and recreation should be tailored to meet the needs of the target market for each subdivision; and, acknowledges the existence and viability of existing municipal recreation areas throughout the city; and, acknowledges the need for increased flexibility and innovative common open space and recreation area design; therefore, after careful review and consideration, the Planning Commission hereby submits to the city council a recommendation for guidance in achieving proper design as an amendment to the subdivision provisions of the Land Use and Development Ordinance as follows:

That Article XI entitled "*Common Open Space Provisions*", denoted as section 11-14(h), and is hereby deleted in its entirety and is replaced as follows:

**11-14(h) Common Open Space and Recreation Provisions**

Common open space and recreation area set asides shall include formal recreation areas and/or natural open space areas.

There are two types of formal recreation areas: passive and active. Passive recreation areas may include but shall not be limited to: open areas that include arranged plantings, gardens, gazebos or similar structures, fountains, sculptures, and other forms of public art, pedestrian walk ways, dog parks, picnic areas, general landscaped areas, flower gardens, and other uses typical for passive recreation. Active recreation uses may include but shall not be limited to: playground or park for local or neighborhood use with swing sets, ball fields, tennis courts, jogging trails, clubhouses, swimming pools, including accompanying accessory structures, and any other similar use suitable for the common enjoyment of the residents.

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**Applicability**

Ten percent of each proposed single family or multifamily residential development shall be set aside for common open space and recreation area. Common Open Space and Recreation Provisions shall apply to each residential development within the corporate limits and extraterritorial jurisdiction of the City of Daphne except as exempted below.

**Exemptions**

Common Open Space and Recreation Provisions shall not apply in the following cases:

Where a unified planned single family residential development (i.e., under single ownership and planned in multiple phases) is five acres (5 ac) or less in total area and the minimum lot size exceeds twenty thousand square feet (20,000 sq. ft.); or,

Where the entire subdivision is zoned R-1, Low Density Single Family Residential.

**Proximity and Access to Existing Recreation Areas**

The planning commission may allow flexibility in cases or an exemption to these provisions where a site is located adjacent to or within one-half (1/2) mile or two thousand six hundred and forty (2,640) linear feet of any municipal park, sports complex, or similar public use that either currently exists, is under construction, or is planned by a municipality or governmental corporation at the time of preliminary plat submission. Distance shall be measured as a radius from the center point of the preliminary plat. If the proposed subdivision boundary abuts or is contiguous to any municipal park, sports complex, or similar public use that either currently exists, is under construction, or is planned by a municipality or governmental corporation at the time of preliminary plat submission. The planning commission may impose other conditions to guarantee pedestrian access to the aforementioned park or facility. Conditions may include but shall not be limited to sidewalks, pedestrian trails, walkways or similar means of access.

**Phasing/Implementation**

A common open space and recreation area plan shall be provided as a component of the subdivision master plan for single family or multi-family residential subdivision development, except where herein exempted.

Upon preliminary plat submission for the 1st phase of the development an agreement shall be established for the implementation of the common open space and recreation area plan. The agreement shall be made using appropriate forms as provided by the city and shall include:

- a) the proposed common open space and recreation area plan;
- b) and a cost estimate of all work associated with the common open space and recreation area plan improvements (excludes land and/or utility costs), and;
- c) a renewable surety bond valid for two years in the amount of one hundred and ten percent (110%) of the cost estimate or a letter of credit drawn on an Alabama based bank.

**Performance Standards**

The following factors shall be considered to determine the location for common open space

and recreation areas.

Where possible and appropriate, common open space and recreation areas shall be readily accessible and useable by property owners.

To the maximum extent practical, a portion of the common open space and recreation area should provide focal points for the development.

Common open space and recreation areas shall have at least one direct access to a public right-of-way.

The common open space and recreation areas shall be compact and contiguous unless the land is used as a continuation of or link to an existing or planned adjacent open space resource or where specific natural or topographic features require a different configuration.

In all developments, due regard shall be shown for all natural features such as large trees, heritage trees, water courses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the overall development.

## **SECTION II: AMENDMENT TO ARTICLE 8, DEFINITIONS OF TERMS**

Amending Definition of Terms to add "*No Clear Zone*"

**WHEREAS**, the Planning Commission acknowledges the term 'no clear zone' has been specified on one or more subdivision plats and may be used on future subdivision plats, and, that Article 8 of the Land Use and Development Ordinance does not provide a definition of said term; acknowledges the need to define the term for clarification and future reference; therefore, after careful review and consideration, the Planning Commission hereby submits to the city council a recommendation to add to Article 8 of the Land Use and Development Ordinance the following terms:

**No clear zone.** 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 feet (25 ft.) of the rear property line of either underbrush or vegetation or trees, except to the extent necessary to install a fence or wall along the property line(s), to install utilities within a utility easement, or remove trees that have died naturally shall be allowed. Any allowable modifications or alterations in a no clear zone must be permitted by the Building Inspections Department. Replanting and reforestation shall be required when more than one half of the utility easement is destroyed or removed by a utility company.

## **SECTION III: AMENDMENT TO ARTICLE 8 AND 35 ADDING REFERENCE TO THE COMMUNITY STANDARDS ORDINANCE 2013-38**

Amending Definition of Terms and Table of Permitted Uses as related to the Community Standards Ordinance 2013-38.

**WHEREAS**, the Planning Commission acknowledges the anticipated adoption of Ordinance 2013-38, Community Standards Ordinance by the City Council; and, several terms related to land use and land development are included therein, and, these terms must be codified in Article 8 and Article 35 of the Land Use and Development Ordinance for reference and

clarity, therefore, the Planning Commission hereby submits to the city council a recommendation to add terms to Article 8 and to add reference to the Community Standards Ordinance in Article 35 of the Land Use and Development Ordinance as follows:

**Section A. Amend Article 8**

**Adult Cabaret/Entertainment Facility.** A nightclub, bar, theater, concert hall, auditorium, restaurant or similar establishment which, having entertainment, staff, live performances or appearances by nude or topless females, or entertainment, live performances or appearances characterized by their emphasis on matters depicting, describing or relating to nudity or sexual activity as permitted in Ordinance 2013-38, Community Standards Ordinance.

**Adult Companionship Establishment.** An establishment of business which provides the service of engaging in or listing to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by their emphasis on matters depicting, describing or relating to nudity or sexual activity as permitted in Ordinance 2013-38, Community Standards Ordinance.

**Adult Novelty/Book Store.** An establishment which, as one of its profit Centers, offers for sale or rental books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records, compact disks or other form of visual or audio representations or instruments, devices, games, costumes, props or paraphernalia (excluding contraceptives) which are distinguished or characterized by their emphasis on matters depicting, describing or relating to nudity or sexual activity as permitted in Ordinance 2013-38, Community Standards Ordinance.

**Adult Theater.** A commercial establishment where films, motion pictures, or other photographic reproductions are regularly shown or created which are distinguished or characterized by their emphasis on matters depicting, describing or relating to nudity or sexual activity as permitted in Ordinance 2013-38, Community Standards Ordinance.

**Tattoo Facility.** A use as permitted in Ordinance 2013-38, Community Standards Ordinance. The geographic location at which an individual does one or more of the following for compensation: places an indelible mark upon the body of another individual by the insertion of a pigment in or under the skin; places an indelible design upon the body of another individual by production of scars; the perforation of human tissue other than ear for a nonmedical purpose.

**Sexually Oriented Businesses.** Adult cabaret/entertainment facilities, adult companionship establishment, adult novelty/book stores or adult theaters as permitted in Ordinance 2013-38, Community Standards Ordinance.

**Sexually Oriented Business Permit.** As defined in Section II of Ordinance 2013-38, Community Standards Ordinance.

**Section B. Amend Article 35**

In accordance with the Community Standards Ordinance, as permitted in Ordinance 2013-38 the Planning Commission recommends the city council amend Article 35, Table of Permitted Uses as follows:

Any use, as permitted in Ordinance 2013-38, Community Standards Ordinance, except a tattoo facility, may be permitted in a B-2 zone district upon Planning Commission review and approval or in a C/I zone district by right. A tattoo facility may be permitted in a B-1 upon Planning Commission review or B-2 zone by right. In all cases, the provisions of Ordinance 2013-38 must be satisfied for each use noted therein.

**SECTION IV: CONFLICT WITH OTHER ORDINANCES**

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

**SECTION V. SEVERABILITY**

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

**SECTION VI: EFFECTIVE DATE.**

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

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

\_\_\_\_\_  
**DANE HAYGOOD,  
MAYOR**

**ATTEST:**

\_\_\_\_\_  
**REBECCA A HAYES,  
CITY CLERK**

**REPORT  
OF  
STANDING COMMITTEES**

**CITY OF DAPHNE  
FINANCE COMMITTEE MINUTES  
AUGUST 12, 2013  
4:00 P.M.**

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

The meeting was called to order at 4:00 pm. Present were Chairperson Mrs. Conaway, Councilman Ron Scott, Councilman Joseph Davis, Deputy Finance Director Christine Ciancetta, Senior Accountant Suz anne Henson and Accounting Technician Sue Moody.

Councilman John Lake was absent. Mayor Dane Haygood arrived at 4:03.

Also in attendance were Human Resource Director Vickie Hinman, Public Works Director Richard Johnson, and Civic Center Director Margaret Thigpen. .

**II. PUBLIC PARTICIPATION**

No public participation.

**III. HUMAN RESOURCES BUSINESS**

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resource Report including open position status.

<b><u>Positions</u></b>	<b><u>Status</u></b>
Accounting Technician	Open
Finance Director	Open
Revenue Officer	Open
Sr. Mechanic	DOH: 8/8/2013
(2) PT Public Service Workers	Reviewing Applications
Public Service Worker	Reviewing Applications
Crossing Guard	Reviewing Applications

Mrs. Hinman noted that after the report was submitted an offer has been made for a new Revenue Officer. The Mayor noted that the new Revenue Officer will begin work on 8-26-13 and that he had also made an offer to fill the Finance Director position but he wanted to speak to all council members on the way that position is being structured and noted that he could speak to Council at the Work Session tonight.

Safety Committee Meeting, July 31, 2013 – Committee will research grants for Confined Spaces training. This would primarily be for employees in the Street Department.

Mrs. Hinman discussed City recognized departments responsible for the City receiving grant funds. Mrs. Hinman noted that Mrs. Tonja Young, Library Director had applied for a \$25,000 grant of which the City was awarded and she asked Mr. Johnson to review the Public Works Grants awarded. Mr. Johnson stated that Tracey Miller, Solid Waste Coordinator had applied for two grants and noted the City was awarded: \$37,000 for Recycling Equipment (Glass Crusher and Recycle Carts) and \$75,000 for a Recycling Advertising Campaign.

Mrs. Hinman reminded everyone that the Employee Benefits/Wellness Fair is tomorrow, August 14<sup>th</sup> from 11 a.m. – 2 p.m. and she encouraged everyone to come.

## IV. CURRENT BUSINESS

### A. Financial Reports

#### 1. Treasurer's Report: July, 2013

The Treasurer's Report totaling \$18,761,690.99 was presented by Mrs. Henson. Mrs. Conaway noted that June's final Treasurer's Report and July's were both in the packet. Mrs. Henson noted that the previous two month's Treasurer's Reports could not be presented at that time as reconciled report due to loss of personnel in the Finance Department. Ms. Henson noted that Mrs. Manning, who had returned out of retirement in May to work two days a week to assist with training the new hire for her position had been off for two weeks prior to returning so cash receipts entries were behind. Mrs. Henson noted that Mrs. Manning's only duty now is to enter cash receipts (*Finance currently has a temp to process Purchase Orders*) and that she was able to enter all July's cash receipts just prior to the Finance packet being prepared. Mrs. Henson noted that Ms. Manning is off this week so cash receipts are behind at this time and this may affect presenting next month's Financials in the September packet. Mrs. Henson also noted that Mrs. Manning had advised that she would be officially retiring the first week of October, but that date may need to be moved to Sept 30<sup>th</sup> since the Mayor is proposing to cut this Accounting Technician position in the FY2014 Budget. (*Note: Other smaller duties of the vacant position are being rotated around to other Finance personnel with the temp working approximately 20 hours/week to process Purchase Orders.*) Mrs. Henson also noted that one of the two remaining accounting technicians is out on leave at this time.

#### 2. Sales and Use Taxes: \$1,097,507.32 - June 30 , 2013

Mrs. Henson reviewed the Treasurer's Report and noted that sales tax collections were down \$24,781 for June from what was budgeted. Mr. Scott discussed that changes were made to the online payment system which may have delayed some payments and that might account for the deduction in June's collections.

#### 3. Lodging Tax Collections: 71,090.69 - June 30 , 2013

Discussion was made on what the surrounding Cities collect for Lodging Tax and that the City of Foley is currently considering increasing their Lodging Tax rate. Mr. Scott noted that Daphne's Lodging Tax rate is 4%.

#### 4. Report: New Business Licenses- July, 2013

Mrs. Conaway reviewed the Business License report.

#### 5. Review Bill Paid Report - July , 2013

The Bills Paid report was presented and reviewed.

### B. Special Finance Committee Meeting – need to set a date

Mr. Scott discussed setting a date for a Special Finance Committee Meeting to discuss the FY2014 Budget.

<p><b><i>Motion by Mr. Scott to schedule a Special Council Finance meeting on Wednesday, August 28<sup>th</sup>, 2013, and invite all Council members to discuss FY2014 Budget. Seconded by Mr. Davis. Motion carried.</i></b></p>
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## V. OLD BUSINESS

## VI. ADJOURN

Meeting was adjourned at 4:19 p.m.

Dane Haygood  
Mayor  
Vickie Hinman  
Human Resources Director



Sherree Hilburn  
Payroll and Benefits Coordinator

Michele Hanson  
Human Resources Assistant

*The Jubilee City*

August 9, 2013

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

**Positions**

**Status**

Accounting Technician	Open
Sr. Mechanic	DOH: 8/8/2013
(2) PT Public Service Workers	Reviewing Applications
Public Service Worker	Reviewing Applications
Crossing Guard	Reviewing Applications
Finance Director	Open
Revenue Officer	Open

**Safety Committee Meeting:**

**July 31, 2013** – Committee will research grants for Confined Spaces training. This would primarily be for employees in Streets.

HR projects/meetings:

- Working on department 2014 budget
- Interviewing candidates for Finance Director and Revenue Officer
- Employee Benefits/Wellness Fair – Aug. 14 from 11-2

# TREASURER'S REPORT

As of July 31, 2013

TO: FINANCE COMMITTEE

FROM: FINANCE DEPARTMENT

July 2013

ACCT TITLE	BANK	BALANCE
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>		
MMA ACCT	COMPASS	\$5,631,936.03
OPERATING ACCT	COMPASS	(\$617,436.43)
PAYROLL ACCT	COMPASS	\$0.00
CREDIT CARD DONATION ACCT ((\$500 transf frm GF to open acct)	COMPASS	\$500.00
		\$5,014,999.60
<b>INVESTMENT FUND</b>	RAYMOND JAMES (investment \$4,828,875.15)	\$5,143,413.12
<b>AGENCY FUNDS</b>		
MUNICIPAL COURT	COMPASS	\$417,751.21
<b>SPECIAL REVENUE FUNDS</b>		
SAIL SITE	PNC BANK	\$5,497.18
4 CENT GAS TAX	PNC BANK	\$111,955.01
7 CENT GAS TAX	PNC BANK	\$393,999.34
		\$511,451.53
<b>CAPITAL PROJECT FUNDS</b>		
CAPITAL RESERVE	WELLS FARGO	\$1,637,327.99
2012 CONSTRUCTION	REGIONS	\$62,777.45
2012 CONSTRUCTION INVESTMENT ACCT	RAYMOND JAMES	\$1,391,597.81
		\$3,091,703.25
<b>DEBT SERVICE FUNDS</b>		
DEBT SERVICE	WELLS FARGO	\$1,673,670.31
		\$15,852,989.02

PRIOR YEAR BALANCE      July 31, 2012      \$18,761,690.99

**TREASURER'S REPORT - Actual / Final - 7/17/13**  
As of June 30, 2013

TO: FINANCE COMMITTEE  
FROM: FINANCE DEPARTMENT

June 2013

ACCT TITLE	BANK	BALANCE
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**GENERAL FUND & ENTERPRISE FUNDS**

MMA ACCT	COMPASS	\$6,619,517.24
OPERATING ACCT	COMPASS	(\$627,265.94)
PAYROLL ACCT	COMPASS	\$0.00
CREDIT CARD DONATION ACCT (\$500 transf frm GF to open acct)	COMPASS	\$500.00
		\$5,992,751.30

**INVESTMENT FUND**

RAYMOND JAMES	\$5,138,747.78
(investment \$4,828,875.15)	

**AGENCY FUNDS**

MUNICIPAL COURT	COMPASS	\$414,485.71
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**SPECIAL REVENUE FUNDS**

SAIL SITE	PNC BANK	\$3,704.64
4 CENT GAS TAX	PNC BANK	\$107,015.93
7 CENT GAS TAX	PNC BANK	\$387,654.49
		\$498,375.06

**CAPITAL PROJECT FUNDS**

CAPITAL RESERVE	WELLS FARGO	\$1,541,372.01
2012 CONSTRUCTION	REGIONS	\$178,851.41
2012 CONSTRUCTION INVESTMENT ACCT	RAYMOND JAMES	\$1,390,046.02
		\$3,110,269.44

**DEBT SERVICE FUNDS**

DEBT SERVICE	WELLS FARGO	\$1,879,977.70
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\$17,034,606.99

PRIOR YEAR BALANCE	June 30, 2012	<u>\$18,991,181.79</u>
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# SALES & USE TAXES

## ACTUAL COLLECTIONS

	FY 2013 BUDGET/ACTUAL COMPARISONS														
	2007	2008	2009	2010	2011	2012	2012 Eastern Shore Park		2013 Eastern Shore Park		Actual-2013	Budget	Monthly Variance	YTD Variance	% of Budget
October	944,542.36	867,190.18	806,503.85	764,641.13	800,512.03	864,727.27	-	919,399.50	99,665.87	October	1,019,065.37	925,163	93,902.37	93,902.37	10.15%
November	918,837.95	915,890.97	801,075.91	761,955.37	819,834.09	845,342.45	-	910,116.86	101,697.10	November	1,011,813.96	924,116	87,697.76	181,600.13	9.49%
December	1,182,584.39	1,120,005.09	1,078,330.45	1,004,037.20	1,121,383.45	1,165,135.62	-	1,141,639.06	124,412.44	December	1,266,051.50	1,252,860	13,191.55	194,791.68	1.05%
January	914,876.33	822,020.87	755,541.41	723,504.28	817,230.14	809,785.59	-	803,032.70	92,684.49	January	895,717.19	894,947	770.52	195,562.20	0.09%
February	877,975.60	865,625.83	748,620.87	733,335.60	840,768.01	845,101.34	-	901,887.85	102,461.65	February	1,004,349.50	921,098	83,251.44	278,813.64	9.04%
March	1,071,598.38	993,616.04	863,535.78	918,657.55	976,181.39	1,018,721.43	-	1,054,154.80	126,852.75	March	1,181,007.55	1,108,559	72,448.06	351,261.70	6.54%
April	960,140.54	963,691.85	823,173.33	809,588.73	916,536.59	911,438.60	-	925,050.96	114,718.91	April	1,039,769.87	1,004,237	35,532.92	386,794.62	3.54%
May	1,021,498.14	957,167.20	829,099.81	862,254.54	889,945.33	911,839.30	-	976,076.02	122,472.03	May	1,098,548.05	1,014,317	84,230.80	471,025.42	8.30%
June	1,066,433.92	997,274.15	868,309.52	887,262.68	946,206.78	995,894.44	118,255.09	970,489.48	127,017.84	June	1,097,507.32	1,122,289	(24,781.28)	446,244.14	-2.21%
July	993,216.66	888,690.34	808,113.93	839,192.33	902,457.24	898,566.91	111,626.17	-	-	July	-	1,047,748	-	-	0.00%
August	954,421.57	964,626.26	831,984.35	790,713.80	871,437.04	909,570.34	111,697.42	-	-	August	-	1,021,696	-	-	0.00%
September	965,107.35	918,551.15	825,257.74	841,035.40	863,630.36	898,557.39	106,103.65	-	-	September	-	1,031,560	-	-	0.00%
<b>Totals</b>	<b>11,871,233.19</b>	<b>11,279,349.93</b>	<b>10,039,546.95</b>	<b>9,934,178.61</b>	<b>10,766,122.45</b>	<b>11,074,680.68</b>	<b>447,682.33</b>	<b>8,601,847.23</b>	<b>1,011,983.08</b>	<b>Totals</b>	<b>9,613,830.31</b>	<b>12,268,590</b>	<b>446,244.14</b>		

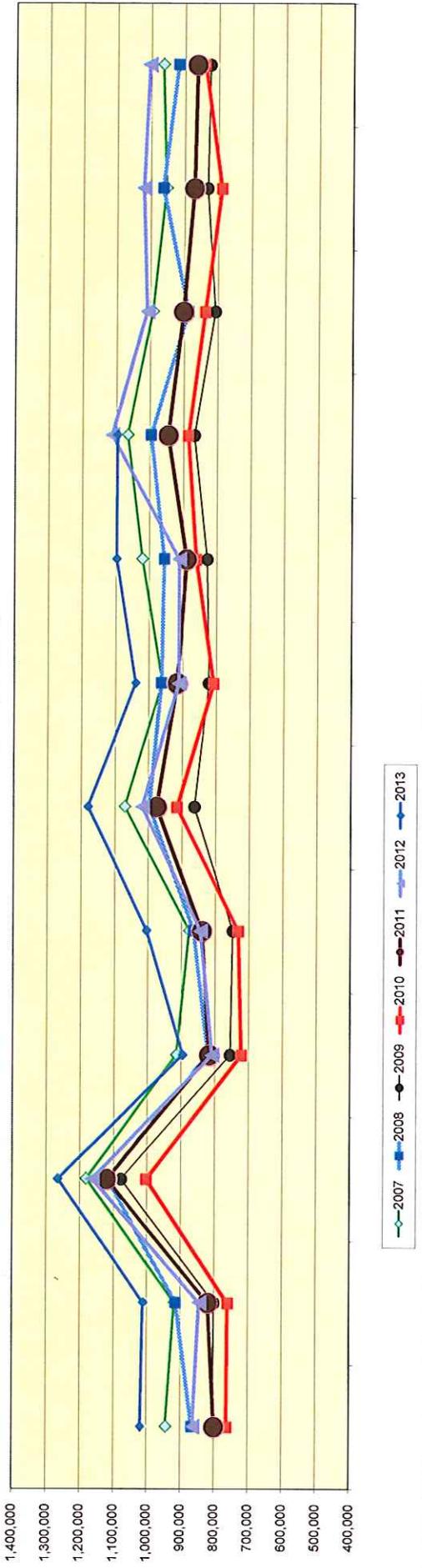
## FISCAL YEAR COMPARISONS

	FISCAL YEAR COMPARISONS													
	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2007-2008		2008-2009		2009-2010		2010-2011	2011-2012
October	(77,352.18)	(60,686.33)	(41,862.72)	35,870.90	64,215.24	154,338.10	October	-8.19%	-7.00%	-5.19%	4.69%	8.02%	17.85%	
November	(2,946.98)	(114,815.06)	(39,120.54)	57,878.72	25,508.36	166,471.51	November	-0.32%	-12.54%	-4.88%	7.60%	3.11%	19.69%	
December	(62,579.30)	(41,674.64)	(74,293.25)	117,345.25	43,752.17	100,915.88	December	-5.29%	-3.72%	-6.89%	11.69%	3.90%	8.66%	
January	(92,855.46)	(66,479.46)	(32,037.13)	93,725.86	(7,444.55)	85,931.60	January	-10.15%	-8.09%	-4.24%	12.95%	-0.91%	10.61%	
February	(12,349.77)	(117,004.96)	(15,285.27)	107,432.41	4,333.33	159,248.16	February	-1.41%	-13.52%	-2.04%	14.65%	0.52%	18.84%	
March	(72,982.94)	(135,080.26)	53,121.77	59,523.84	42,540.04	162,286.12	March	-6.81%	-13.53%	6.15%	6.49%	4.36%	15.93%	
April	3,551.31	(140,518.52)	(13,584.60)	106,947.86	(5,087.99)	128,331.27	April	0.37%	-14.58%	-1.65%	13.21%	-0.56%	14.08%	
May	(64,330.94)	(128,067.39)	33,154.73	27,690.79	21,893.97	186,708.75	May	-6.30%	-13.38%	4.00%	3.21%	2.46%	20.48%	
June	(69,159.77)	(128,964.63)	18,953.16	58,944.10	167,942.75	(16,642.21)	June	-6.49%	-12.93%	2.18%	6.64%	17.75%	-1.67%	
July	(104,526.32)	(80,576.41)	31,078.40	63,264.91	107,735.84	-	July	-10.52%	-9.07%	3.85%	7.54%	11.94%	-	
August	10,204.69	(132,641.91)	(41,270.55)	80,723.24	149,830.72	-	August	1.07%	-13.75%	-4.96%	10.21%	17.19%	-	
September	(46,556.20)	(93,293.41)	15,777.66	22,594.96	141,030.68	-	September	-4.82%	-10.16%	1.91%	2.69%	16.33%	-	
<b>Annual \$ Change</b>	<b>(591,883.26)</b>	<b>(1,239,802.98)</b>	<b>(105,368.34)</b>	<b>831,943.84</b>	<b>756,240.56</b>	<b>1,127,589.18</b>	<b>Annual % Cha</b>	<b>-4.99%</b>	<b>-10.99%</b>	<b>-1.05%</b>	<b>8.37%</b>	<b>7.02%</b>	<b>10.18%</b>	

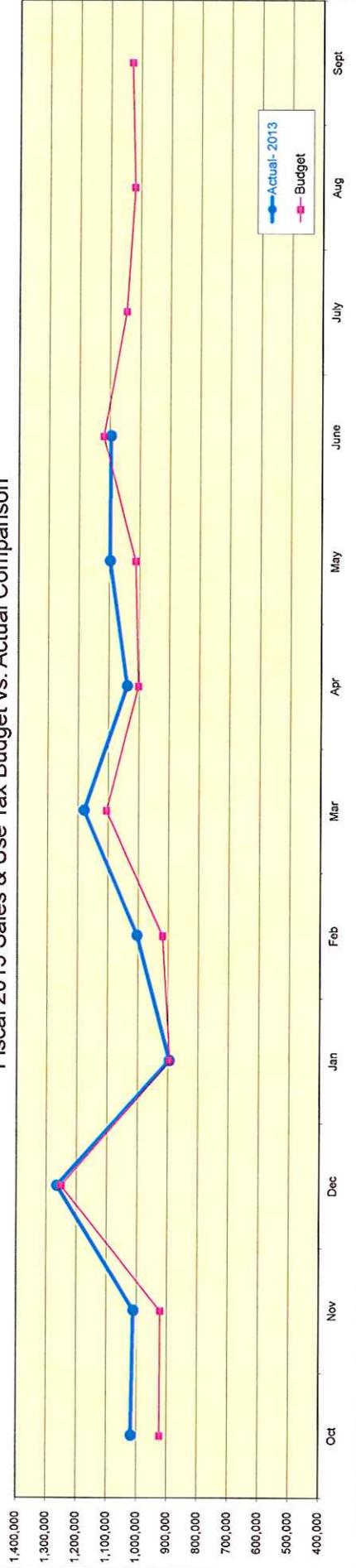
<b>TOTAL collections thru: 6-30-13</b>	<b>9,613,830</b>
Budgeted thru: 6-30-13	9,167,586
Actual Coll>(<)Budget, 6-30-13	446,244
% Over/(Under) Budget, 6-30-13	4.87%

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

### Sales & Use Tax Comparisons



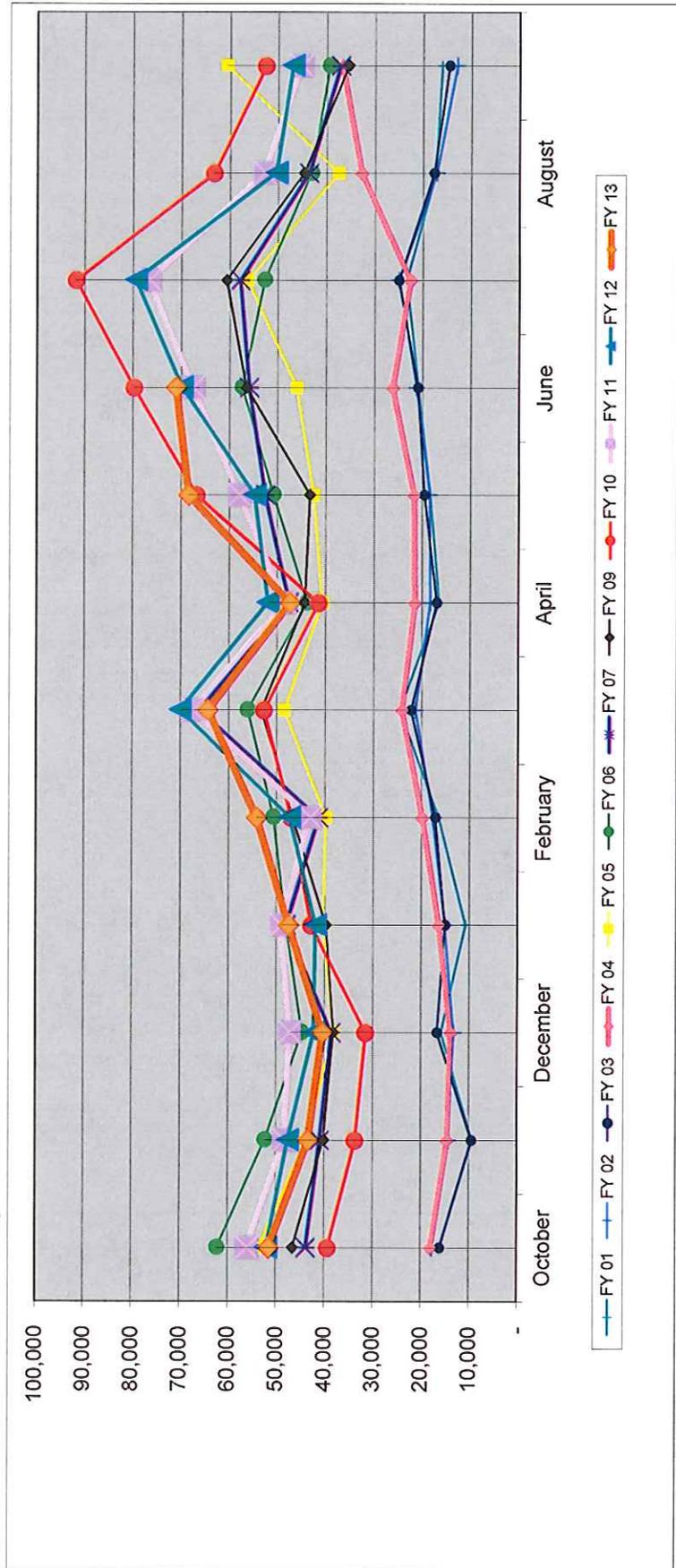
### Fiscal 2013 Sales & Use Tax Budget vs. Actual Comparison



### Monthly Lodging Tax Collections

	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13
Oct	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	46,543.20	39,405.56	56,001.39	52,002.53	51,578.40
Nov	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69	33,763.37	48,329.73	47,568.08	43,459.48
Dec	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	38,144.69	31,571.38	47,210.56	42,279.22	40,495.14
Jan	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	39,706.04	42,883.70	49,006.12	41,917.34	47,548.01
Feb	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	46,699.01	46,998.32	43,052.68	47,346.50	54,207.03
Mar	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	53,230.85	52,771.52	67,422.43	70,058.33	64,325.47
Apr	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	44,277.75	41,531.05	48,487.83	51,939.06	47,434.55
May	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	43,293.74	66,820.96	57,880.48	54,740.45	68,448.49
Jun	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	56,494.11	79,822.84	67,544.77	69,822.91	71,090.69
Jul	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	60,619.78	91,906.47	76,631.86	79,417.80	-
Aug	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	44,636.82	63,323.58	52,820.33	50,417.73	-
Sep	12,997.60	14,563.86	36,847.13	60,635.33	39,398.90	37,180.99	49,698.91	35,430.62	52,662.79	45,216.75	46,968.89	-
Total	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	549,255.30	643,461.54	659,604.93	654,478.84	488,587.26

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



FY 2013 Budget  
650,000  
% Budget Collected,  
6/30/2013  
75%



## **Buildings & Property Committee Meeting**

**Monday, August 5, 2013 5:30 PM**

### **Daphne City Hall**

#### **Committee**

Councilman Joe Davis, Chair  
Councilman Randy Fry  
Councilman Pat Rudicell  
Mayor Dane Haygood  
Richard Merchant, Building Official  
Frank Barnett, Maintenance Supervisor  
Margaret Thigpen, Civic Center Director  
Rick Whitehead, IT Coordinator

#### **Committee Minutes**

Present: Councilman Joe Davis, Councilman Randy Fry, Councilman Pat Rudricell, Mayor Dane Haygood, Richard Merchant, Frank Barnett, Margaret Thigpen, Richard Johnson, Councilman John Lake, Sarah Toulson (Recording Secretary)

Absent: Rick Whitehead

The meeting brought to order at 5:35 pm by Chairman Joe Davis

1. **Approval of the Minutes:** Motion by Mr. Rudicell to adopt the July 1, 2013 minutes as written. Seconded by Mr. Fry. Motion carried unanimously.
2. **Civic Center & Bayfront Report:** Margaret Thigpen distributed and discussed her reports, noting the upcoming event Taste of the Eastern Shore, with 28 written confirmed vendors and 8 verbally confirmed vendors. Also noted were Savvy Mom bookings for October and March. Figures shown indicated that revenues to date are ahead of pace from the previous fiscal year. Ms. Thigpen also mentioned the decking project at Bayfront was scheduled to begin on August 12.
3. **Building Inspection Monthly Reports:** Richard Merchant reported that 15 new residential projects had been started, with 123 permits filed during July. Total job cost was \$5,502,688.17 with permit fees totaling \$39,797.05.
4. **Daphne Search and Rescue:** Mr. Davis updated the committee, stating that he had not been in touch with Daphne Search and Rescue, nor have they attempted to contact him. Mr. Davis will contact again if needed.

5. **Nicholson Center:** Frank Barnett reported that the reroofing of the Nicholson Center was all but complete, and soon the crews would move on to complete work on City Hall. He had cleaning crews remove all roofing debris from the premises. Additionally, Mr. Barnett reported that the two doors in the back hallway of City Hall were to be repairs on August 9<sup>th</sup>.
6. **Water Fountain at Joe Louis Patrick Park:** A citizen asked that the committee consider adding a water fountain at Joe Louis Patrick Park. Mr. Johnson stated that they would look into it. It was noted that the water was already present at the park, a bubbler or fountain would simply need to be installed.

Chairman Davis asked that Ms. Toulson contact the citizen and inform her that this item was being discussed and considered.

7. **Other items:**

- a. **Surplus Property Resolution:** It was noted that garbage truck 1207 should be hauled off as surplus property.
- b. **Corner of Pollard and West Spring Pines Property:** Mayor Haygood noted that the City had received the deed for the legacy corner of Pollard and West Spring Pines. Mr. Johnson noted that this land will be incorporated into the right of way instead of being listed as a separate parcel when the deed is recorded.
- c. **Williams Property:** Mayor Haygood mentioned that the City is still working through some title issues before this sale is final. The Mayor also noted that he has encouraged City apply for grant funding to assist in the cleanup of this property.
- d. **Landscaping for Interstate Exits:** Mr. Johnson stated that they were currently seeking inspiration. The Mayor has been working with Beautification Committee on this. The exits for the City need to be consistent in style and attractiveness.
- e. **Transit Shelters:** Mayor Haygood updated the committee on information coming from the MPO, stating that there is the possibility that the City may be able to acquire federal funds to build temporary transit shelters near the Civic Center and Jubilee Square for BRATS.

Mr. Fry moved to adjourn, and was seconded by Mr. Rudicell. The motion carried unanimously.  
**The Meeting was adjourned at 6:02 pm.**

**Ordinance Committee**  
*Wednesday, August 14, 2013*  
*1705 Main Street*  
*Daphne, AL*  
*5:30 p.m.*

*Councilman Randy Fry, Chairman*  
*Councilman Ron Scott*  
*Councilman Robin LeJeune*  
*Councilman Pat Rudicell*

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

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

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

Also present: Rebecca Hayes, recording secretary; Vickie Hinman; Sherree Hilburn; Ashley Campbell; Scott Hetrick, Attorney, Kyle Navarro, Attorney; Jim Scroggins, City Prosecutor.

**II. APPROVE MINUTES / July 10, 2013**

**Motion by Councilman Scott to approve the July 10, 2013 minutes. Seconded by Councilman LeJeune.**

**Motion Carried Unanimously**

**III. PUBLIC PARTICIPATION**

No one spoke.

**IV. ORDINANCE REVIEW**

**a.) Revisions to Employee Handbook**

Scott Hetrick summarized changes to the Employee Handbook chapters 1,, 7, 8, 9, 11. Changes are to bring the handbook up-to-date with current Federal guidelines and to make the handbook flow better for easier understanding.

**MOTION BY Councilman Scott to send the ordinances to council with a favorable recommendation. Seconded by Councilman LeJeune.**

**Motion Carried Unanimously.**

**b.) Land Disturbance Ordinance**

Ashley Campbell, Environmental Programs Manager, gave a summary of the ordinance saying it is updating the 2007 ordinance with eight (8) definitions and updating the permit

section. The ordinance aids with the city's MS-4. She also moved sections around to make the ordinance flow better.

Councilman Scott asked that she send a redline version showing the changes to committee members and to Kyle for review, and to bring it back to the committee next month.

**c.) Illicit Discharge Ordinance**

Ashley presented the new ordinance to the committee explaining that the ordinance will give her authority to correct illicit discharges and to facilitate the correction of the problem. It also has language to give her the authority to inspect industry.

The committee asked Ashley to send this ordinance to Kyle also for review, and bring it back to the committee next month.

**d.) Business License Consolidation**

Kyle mentioned that this is a consolidation of six (6) amendments.

The committee asked Kyle to reference Adult Entertainment and Tattoo parlors in the ordinance, and to converse with the new Revenue Officer regarding the ordinance. The ordinance will be on next month's agenda.

**V. SCHEDULE OF FINES**

Kyle mentioned that he had updated the ordinance with the updated fines, and has sent it to Judge Hoyt for review. He add that he put a clause in that the fines would be whatever the state fines when updated so they would not have to keep amending the ordinance.

After discussion with Mr. Scroggins Kyle will review the ordinance, and send to Mr. Scroggins and Judge Hoyt for review and bring it back to next month's meeting.

The committee discussed if the city could set some court cost or if they have to go with what the code states. Kyle will check on this and report back.

The committee discussed a community contribution ordinance, and asked the City Clerk to send Councilman's Scotts draft to Councilwoman Conaway to include discussing it at the August 28<sup>th</sup> Special Finance Committee meeting to discuss the FY 2014 budget.

**VII. OTHER BUSINESS**

Mr. Jim Scroggins, the City Prosecutor, discussed the Animal Control Ordinance with the committee pointing out some changes that should be made to the ordinance.

- a. Section V(b) Owner Liability should be omitted / city does not have jurisdiction
- b. Section XIV(A) Omit "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."
- c. Section XIV(B) Omit it is unnecessary since it is illegal for a dog to be out on its own.
- d. Section XXIII(A) Amend definition of a vicious animal.

- e. Section XXIII(B) Registration of Dogs should be moved to another section since it does not have anything to do with vicious animals. Move to Section IV.
- f. Section XXIII(D) Investigation of vicious animal does not designate if it is a complaint or MOT. It seems this ordinance is telling the circuit court what to do and what evidence to admit. Need to find out what the city thinks of the procedure  
1. An administrative hearing 2. MOT
- g. Section XXIII(E) Notice Court Hearing and Appeal – Need to check language very carefully to make sure of intent. Need to check to see if the city can conduct administrative hearings.

The committee agreed the ordinance should be pulled from Monday's agenda due to all the changes to the ordinance. The revised ordinance will be sent to Mr. Scroggins and Judge Hoyt for review and come back to the committee next month.

### **VIII. NEXT MEETING**

The next meeting will be September 11<sup>th</sup>.

### **IX. ADJOURN**

**MOTION BY Councilman Scott to adjourn. Seconded by Council Rudicell.**

**Motion Carried Unanimously.**

There being no further business to discuss the meeting adjourned at 7:00 p.m.

Respectfully submitted

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Rebecca A. Hayes, Recording Secretary

Code Enforcement / Ordinance Committee

# ***ENVIRONMENTAL ADVISORY COMMITTEE***

## ***Meeting Minutes***

***November 28, 2011 to April 29, 2013***



*The Jubilee City*



16

City of Daphne - Environmental Advisory Committee

Organizational Meeting  
Monday, November 28, 2011 – 4:00 PM Daphne City Hall  
**Minutes**

Meeting called to order at 4:05 pm. In attendance: Dr. Thomas "Dan" Bailey, Bret M. Webb, Chester McConnell, Stan Arbaczauskas, Carl Pinyerd, II, Councilwoman Cathy Barnette, Ashley Campbell, Adrienne Jones, and Richard D. Johnson. Six appointed members were in attendance constituting a quorum.

Welcome was given by Richard Johnson and each member went around the table and introduced themselves.

Richard Johnson led a discussion on the Committee's Organization and Procedures.

Organization topics included: Resolution 2007-66, Appointed Members, Required Officers (chairman and vice chairman and a secretary to take minutes), Length of Officeholders (Not specified, Committee may determine), Length of appointment (Most committees are for four year appointments. Councilwoman Barnette indicated further clarification from the city council is needed and recommended at a minimum the appointment be for two years), Committee Bylaws (The committee is advisory only and should follow Roberts Rule of Order. If the committee wants to establish bylaws, the bylaws would only govern the committee) and the EAC Reports to Public Works Committee.

Procedures topics included: Meeting Dates and Time (The Committee will ultimately determine meeting date, frequency & time - then it can be formally posted on the City Calendar. The City Clerk highly recommends the committee look at city calendar and pick a date and time with no conflict with other meetings), Minimum meetings per year (To be established by the committee), Voting members (All members appointed by the city council), Quorums are required (6 members would constitute a quorum) and Minutes (minutes should be taken for the actions that the committee takes. Dialog unless specifically requested to be included in minutes should be left off).

A discussion was held on the Environmental Advisory Committee's Role in the City of Daphne. The Preliminary Scope Document was presented to the committee followed by comments from Councilwoman Barnette, each committee member and City Staff.

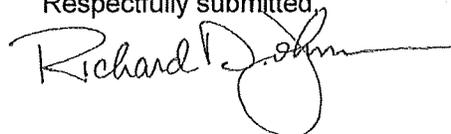
The Committee decided to defer the Election of Officers until all appointed members were present. The Committee decided to compile a reading list of material for each member to review prior to their next meeting. Public Works will serve as the support staff to the committee and will facilitate the collection and distribution of documents. The committee proposed to meet next on Monday, January 23, 2012 at 4:00 pm at City Hall. Public Works will be responsible for notification and room reservation. It was suggested that the January Agenda involve Daphne's Recycling Program in relation to the annual ADEM Grant Application.

Pending issues to be addressed on a Council level:

1. Length of member appointment (term)
2. Additional Council Member Appointment
3. Voting status of Mrs. Campbell and Mrs. Jones (they reside outside corporate limits)

Meeting Adjourned at 5:00 pm

Respectfully submitted,



City of Daphne - Environmental Advisory Committee

Meeting

Monday, January 24, 2012 – 4:00 PM Daphne City Hall

**Minutes**

Meeting called to order at 4:06 pm. In attendance from the Committee: Bret M. Webb, Chester McConnell, Matthew Locke, Fred Nation, Carl Pinyerd, II, Art Hosey, John W. Peterson, Councilwoman Cathy Barnette, Ashley Campbell, Adrienne Jones, and Richard D. Johnson. Eight appointed voting members were in attendance constituting a quorum. In attendance as guests of the Committee: Tracey Miller and Frank Barnett.

Welcome was given by Richard Johnson and each member went around the table and introduced themselves.

Minutes from the November 28, 2011 Meeting were reviewed and approved as written.

Program Items:

Tracey Miller, Solid Waste Coordinator with Daphne Solid Waste gave a presentation on the City's Recycling Program and discussed the 2012 ADEM Recycling Grant. The objectives and details of the grant application was discussed and input sought by the Committee. Copies of last year's application were provided and Mrs. Miller requested that any comments and suggestions for this year's application be provided within the next week.

Frank Barnett, Building Maintenance Supervisor, Daphne Public Works gave a presentation on a proposal for an Energy Management/Savings Program for City Hall. He provided background on the energy use at City Hall and details of the proposal. The Committee engaged in a series of questions and answers on the proposal. Dr. Webb inquired if there has been any direct cost comparisons between the proposal before the committee verses the City purchasing a management program upfront and maintaining the system in-house while reaping 100% of the savings. Copies of the current proposal were provided and Mr. Barnett requested that any comments and suggestions be provided within the next week.

Business Items:

Elections of Officers were held with the following results (all unanimous):

Chairman: Dr. Bret M. Webb  
Vice-Chairman: John W. Peterson  
Secretary: Adrienne Jones

It was decided that Office Holders would serve a one-year term and elections would be held annually in January.

Dr. Webb took leadership of the Meeting.

It was decided that the EAC would meet Monthly on the 4<sup>th</sup> Monday at 4:00 pm at City Hall. After the 1<sup>st</sup> Quarter of 2012

Corrections and updates of the Contact Information for the Committee were called for and given. The updated Contact Information is attached.

City of Daphne - Environmental Advisory Committee

The EAC Resources Page Website was introduced to the committee at the following URL Address: <http://www.daphneal.com/residents/public-works/environment-advisory-board-resources/> Members were encouraged to submit data and documents to Public Works for posting.

The following documents are to be added to the website:

- 2011 ADEM Recycling Grant – Complete City of Daphne Application
- 2012 ADEM Recycling Grant – Summary of Application Scope/Goals
- Facility Services Proposal – RE: Energy Management/Savings Program for City Hall
- “Minimizing runoff nutrient pollution with marsh restoration in a world of rising seas.”

Mrs. Ashley Campbell gave a presentation requesting the Committee’s endorsement of, and recommendation to the Public Works Committee for a Letter of Endorsement for Weeks Bay Reserve’s project titled: “Minimizing runoff nutrient pollution with marsh restoration in a world of rising seas.” The Committee deferred any action until their next meeting. The reserved the right to poll their membership by email if a recommendation is required prior to their next meeting.

With no further business brought before the Committee, the meeting Adjourned at 5:04 pm

Respectfully submitted,

A handwritten signature in black ink that reads "Richard Johnson". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

## ENVIRONMENTAL ADVISORY BOARD

Dr. Thomas (Dan) Bailey 30715 Pine Court Daphne, AL 36527	455-7955 C 625-1745 H	<a href="mailto:tdb8254@yahoo.com">tdb8254@yahoo.com</a>
Bret M. Webb, Ph.D. 30586 Middle Creek Circle Daphne, AL 36527	625-3530 H 591-0588 C 460-7507 W	<a href="mailto:bretwebb@gmail.com">bretwebb@gmail.com</a>
Chester McConnell 8803 Pine Run Daphne, AL 36527	626-7804 H	<a href="mailto:wmicmc@bellsouth.net">wmicmc@bellsouth.net</a>
Stan Arbaczauskas 116 Windsor Drive PO Box 2458 Daphne, AL 36526	654-1427 C	<a href="mailto:stan@saenvironmental.net">stan@saenvironmental.net</a>
Matthew Locke 123 Durnford Hill Court Daphne, AL 36526	954-707-1905 C	<a href="mailto:matmba1@gmail.com">matmba1@gmail.com</a>
Fred Nation 120 Havenwood Circle Daphne, AL 36526	626-6816 H 454-3837 C	<a href="mailto:fredmoe@bellsouth.net">fredmoe@bellsouth.net</a>
Carl Pinyerd, III 121 Michael Loop Daphne, AL 36526	510-6616 C	<a href="mailto:cpinyerd@thompsonengineering.com">cpinyerd@thompsonengineering.com</a> <a href="mailto:pinyerds@bellsouth.net">pinyerds@bellsouth.net</a>
Art Hosey P.O. Box 464 Daphne, AL 36526	626-5308 H	<a href="mailto:arthosey@bellsouth.net">arthosey@bellsouth.net</a>
John W. Peterson, P.E. Hatch Mott MacDonald P.O. Box 1290 Daphne, Alabama 36526	626-5514 W	<a href="mailto:John.Peterson@hatchmott.com">John.Peterson@hatchmott.com</a>

### **CITY BOARD MEMBERS**

Councilwoman Cathy Barnette	379-0462 C	<a href="mailto:councildistrict2@daphneal.com">councildistrict2@daphneal.com</a>
Richard Johnson, P.E. Director Public Works	621-3182 W 379-1305 C	<a href="mailto:directorpw@daphneal.com">directorpw@daphneal.com</a>
Adrienne Jones Director Community Dev.	621-3184 W	<a href="mailto:cddirector@daphneal.com">cddirector@daphneal.com</a>
Ashley Campbell, CPESC Environmental Programs Manager	621-3080 W 621-9000 #155 W	<a href="mailto:epm@daphneal.com">epm@daphneal.com</a>

## Meeting Minutes

Monday, February 27, 2012 - 4:00 PM  
City of Daphne - Environmental Advisory Committee  
Daphne City Hall – Executive Boardroom

**Call to order** at 4:05 p.m.

**Attendees:** Bret Webb, Carl Pinyerd, Councilman John Lake, Richard Johnson, Ashley Campbell, and Adrienne Jones. Special Guest: Mike Shelton with Weeks Bay Reserve

**Minutes** reviewed for the January 23, 2012 meeting and three corrections were noted. Approval postponed due a lack of quorum. Grammatical error on the 2<sup>nd</sup> page, Mr. Pinyerd's name, and the Environmental Advisory Committee, per the resolution of establishment, is a committee not a board.

### Old Business

*Ashley Campbell introduced Mike Shelton gave a report on the Week's Bay Letter of Endorsement Update.*

Mr. Shelton distributed a handout that summarized a grant proposal to be submitted for funding. Exploring the cost-effectiveness of restored marshes as filters of runoff pollution in a world of rising sea. Participants/partners will include the sea lab, the estuarine research reserve, weeks bay foundation, Universities of Alabama and Connecticut. Research questions what effects will sea level rise have upon efforts of shoreline restoration; can marsh restoration serve to effectively reduce stormwater runoff pollution? And in an era of rising seas, is it possible to maintain a capacity to reduce runoff pollution? Data for the project would be acquired through a series of experiments. Upon completion the research is anticipated to produce/report cost-effective management strategies to reduce runoff pollution through marsh restoration; training for coastal resource managers, and strategies to consider the effects of sea level rise. Collaboration of public and private entities, BMRPs to reduce runoff pollution similar to BMPs, to assist and advise in meeting stormwater policies/regulations to tailor efforts that would help the given client.

Richard questioned the research time period.

Shelton stated that in May they would announce whether the project is funded or not. In the mean time they are continuing to build the infrastructure to carry out the project and experiments whether or not the project is funded. If funded, then it is anticipated that the project would be complete in 2014.

Mr. Pinyary questioned whether replications would occur.

Shelton responded in the affirmative. The model exists; the new concept is climate change and rising sea level.

The Chair questioned whether one type of vegetation used would be used. Shelton indicated that fringing marsh and "lizard tongue" would be used. There would be additional benefits including minimized erosion shoreline and mitigation.

Ashley asked when a letter of support is needed. Richard discussed procedural protocol regarding the committee: EAC to forward motion to PWC who then forwards to Council for Council resolution. This can be accomplished by the 3<sup>rd</sup> Monday in March.

Chairman indicated that he will contact members to take member's vote

## **New Business**

### **EAC Member Resignation submitted by Mr. Thomas Bailey**

Chairman discussed that Dr. Bailey, due to illness has requested to be removed. EAC has no bylaws or procedures for appointments/resignations.

Richard reported that in speaking to Councilman Palumbo, he suggests to allow Dr. Bailey to remain on the board and to forward meeting proceedings to him.

Councilman Lake suggested the advantage of being a committee is the ability to poll the members. Council is looking for guidance and advice to defend their vote.

Richard will ask Sandi to do a count/reminder notice to members in the future.

Chairman stated that he would ask whether Dr. Bailey would like to remain or not and ask Council to appoint another committee member. He will send an e-mail to Councilman Palumbo to that affect.

Chairman requests that Mr. Shelton's handouts be placed on the EAC website.

Richard reported that the Well Road to County Road 13 extension can become a workshop project for bio-retention, as suggested by Ashley wherein Trey Jinright has volunteered to perform the design work for the project. Ashley will seek funding for sidewalks and boardwalks. Would like item on next agenda for discussion.

### **John Peterson Abandoned Stormwater Ponds**

Table stormwater pond discussion until the next meeting.

### ***(Ashley Campbell, EPM) reported on 3 projects***

#### **MS4 Permitting Program Updates**

ADEM Phase II, MS4. Annual report due at the end of March. SWP is due in June. She will submit to committee in late April. MS4 does have a budget.

Richard explained that he and Ashley have met with County who agrees to share spatial data with them; they have budgeted monies for license and hardware to export the county's data—a template of a database to map/inventory GIS tracking of stormwater and street data—rather than using old methods.

Councilman Lake questioned naming "unnamed tributaries" as an easy way to track expenditures spent to fix problems in those areas. Ashley to look into that.

#### **Stream Restoration Project CIAP Update**

Stream Restoration using MMS Offshore mining grant funds. Tier 1-Highway 90/CR 13 head cut has been awarded \$250,000. Greenwood Ct-Tier 2 classification (if funds are left they may be used for repairs. In 1 to 2 years Highway 90 will be compromised due to the conditions of these areas. Conditions have already significantly changed within 1 year of monitoring. Needs the County Commission's support.

**ADEM/MBNEP Restoration of Joe's Branch**

ADEM/MBNEP 319 grant awarded 1.2 million dollars to restore Joe's Branch, a tributary to D'Olive Creek, succeeded in funding as it crosses political boundaries. The goal is to de-list Joes Branch, i.e. remove it from the ADEM 303-D List of impaired streams. Thompson Engineering to perform engineering, in June start the project and by the Hurricane season, complete the project. Step pool conveyance method will be used in the project. Upon completion, guided tours will be available. It is located behind the cottages of Westminster Village.

**Adjourn** Mr. Pineyard motioned to adjourn Ashley seconded.

5:12 pm adjourned.



Adrienne Jones  
Secretary

## Meeting Minutes

City of Daphne - Environmental Advisory Committee  
Daphne City Hall – Executive Boardroom  
Monday, April 23, 2012 - 4:00 PM

Call to order at 4:12 pm. Attendees present: Bret Webb, John Peterson, Chester McConnell, Fred Nation, Carl Pinyerd, Cathy Barnette, Richard Johnson, Ashley Campbell, Adrienne Jones. Dr. Webb presided.

Minutes reviewed for the January 2012 and February 2012 meetings were approved as presented. (Motion by McConnell-second by Barnette)

Richard Johnson announced the May 7<sup>th</sup> city-sponsored Relay for Life event and availability of raffle tickets to support the event.

Ashley Campbell gave an update on several environmental projects including the Phase 2 MS4 permit. She will discuss at the May meeting the finished Storm water management plan. In regard to CIAP, a percentage of oil and gas sales are available to coastal cities and counties. Richard added that the Tier 1 project was approved but during the wait time, the need has worsened. Desirous to swap tier 1 and tier 2 projects (Greenwood and Malbis property). City would handle everything except engineering. CIAP would cover construction costs. He noted that it oftentimes is difficult to fund projects that aren't in the public "eye." This is a county problem not just a city problem. There are several challenges associated with the project including that there's no match program. Will follow up soon.

Richard said they would like to schedule a time to visit the sites for EAC members. Dr. Webb said it's best to make use of available funds rather than do nothing and stated that we should seek funding sources to address problems identified. Mr. McConnell stated that we need to avoid doing something that will be destroyed and to stop the runoff problem.

Mr. Peterson discussed retention/detention ponds and associated health and environmental hazards to some neighborhoods. He questioned the city's inspection procedures.

Richard explained that the property owners association is given notice by mail allowing it to have an opportunity to hire a consultant to fix the problem. After a certain timeframe, each association member is notified of the problems and need for repairs. As a last resort, the city has the ability to repair the problem and place a tax lien on the association members.

Councilwoman Barnette explained the indemnification form currently used by the Planning Commission for new developments and redevelopments. The form identifies a contact person responsible for the detention/retention pond.

Ms Campbell explained the current language in the Land Use Ordinance and provided a copy to Mr. Peterson. She also explained that they are currently in the process of evaluating, inventorying, and monitoring detention/retention ponds and needs to create a protocol and give to council for approval. She discussed the need to map problem sites, maybe an internship program could be used to compile the list. Mr. Johnson added that there are about 25% of the ponds that are unseen and unevaluated.

## Meeting Minutes

City of Daphne - Environmental Advisory Committee  
Daphne City Hall – Executive Boardroom  
Monday, April 23, 2012 - 4:00 PM

Dr. Webb suggested ways to get public input by making it available to register environmental complaints, by distributing flyers through Riviera and Daphne Utilities. Richard added that people could volunteer as inspectors along with the EAC. Cathy added the use of windshield surveys similar to the 'water watch' concept. Ashley noted the need to redo the original evaluations and states that GPS equipment is needed.

Richard discussed the creation of a bio-retention area planned for Well Road. An engineer has volunteered to design the area. Public works will grade and move earth. Ashley mentioned tying the area to the dog park and school wetlands, planting aquatics, using pervious pavers and showing various LID techniques, and eventually finding funding for sidewalks and a biological trail. Mr. McConnell mentioned the need for volunteers to assist in the process.

Adrienne distributed the LID/GI questionnaire booklet and explained how the city was given a grant to develop low impact development and green infrastructure manual and the importance of having input from the EAC on the development of the final ordinance or regulations. She requested that the group complete the questionnaire and return them as soon as possible. She left the meeting after the presentation and Ashley assumed the role of recording minutes.

In regard to: Opportunities for Environmental Enhancement

Dr. Webb would like the committee to identify environmental problems or needs and to search for funding sources such as grants.

Ashley expressed the need for assistance in writing grants...the committee agreed that was a role it could play.

Cathy mentioned taking a portion of the Planning Department Permit and/or application fees to fund such projects.

Ashley mentioned using a percentage of the Commercial Land Disturbance Permit and the Residential Land Dist. Permit.

All agreed further discussion with the Committee was necessary.

Open Comments

Ashley mentioned for everyone to keep an eye out for the New D'Olive Watershed Signs.

Adjourn

*Adrienne Jones*  
Secretary

City of Daphne - Environmental Advisory Committee  
Daphne City Hall – Executive Boardroom

Meeting Minutes  
Monday, October 1, 2012  
4:00 PM

- I. Call to Order by John Peterson at 4:03 pm-Members present: John Peterson, Bret Webb, Carl Pinyerd, Chester McConnell, Stan Arbaczauskas, Art Hosey, Adrienne Jones, Ashley Campbell, Richard Johnson.
- II. Review and Approval of Previous Minutes (March 23, 2012 and July 23, 2012) – no vote taken.
- III. Presentation by John Curry, Hydro-Engineering Solutions

Introduction of speaker by Richard Johnson

- John Curry discussed several stormwater models that are based upon traditional and nontraditional methods.
- H&H Modeling (hydrology and hydraulics) which can be used on built-out watersheds in lower and upper areas.
- GSSHA-Gridded Surface/subsurface Hydrologic Analysis model–physics based by the Corp of Engineers.
- Rain Wave storm analysis examples from Montgomery, Eufala and Elba, Alabama. This analysis provides for long term simulation.
- Fish River Basin study-Baldwin County with the assistance of MBNEP developed 74 spectral mapping simulations which show conceptual pond location scenarios.

Question and answer period followed.

- IV. Discuss Agenda for Next Meeting on October 29, 2012: Presentation by Ashley Campbell, Existing and Potential Environmental Projects

Meeting adjourned 5:15pm

*Adrienne  
D. Jones  
Secretary*

City of Daphne - Environmental Advisory Committee Minutes  
Daphne City Hall – Executive Boardroom

Meeting Minutes  
Monday, October 29, 2012  
4:00 PM

- I. Call to Order at 4:10 pm. Attendees-Dr. Brett Webb, Mike Shelton (guest speaker), Carl Pinyerd, Stan Arbaczauckas, Chester McConnell, Richard Johnson, Ashley Campbell, Adrienne Jones
- II. Review and Approval of Previous Minutes (March 23, 2012 and July 23, 2012 and October 1, 2012) – no action
- III. Presentation by Mike Shelton-Alabama Department of Conservation—discussed the possibility of the City of Daphne participating in the Community Resilience Index. A project sponsored by NOAA Sea grant. He would like to complete an assessment with the City of Daphne and the following was discussed:
  - Who should be involved? Local reps from either of the following: fire, police, council, committees, disaster response groups, chamber of commerce, large employer, public works, and/or utilities.
  - Why? To develop a response to hazards, storms, oil spill, sea level rise, climate change, etc.
  - What? Identify challenges, strengths, and areas for improvement in infrastructure, transportation, and businesses, i.e., Target, Home Depot, social systems-civic, ecumenical groups, disaster response and recovery. Learn how to work together in distributing essentials such as water, ice, clean debris, etc.
  - How? Steps to take-convene a group to discuss previous major storm event and review as a benchmark—critical infrastructure and facilities, transportation issues, community plans and agreements, mitigation measures, business plans, social systems, determine resilience index and interpret results.
  - Coordinator can assist in making improvements where needed. Index is non-judgmental and isn't meant to point fingers at inadequacies but rather guide post for improvements.
  - Questions: CM-state/county involvement necessary? RJ-each municipality has an operational requirement to have a command structure in case of emergency.
  - Q&A
    - How many people are needed? 12 at the most
    - Should info be sent ahead of time to allow for research? No may skew responses.
  - Wants – recommendation from EAC, resolution of support to forward to council
  - RJ-emergency management and mayor can then involve council if changes are needed.
  - City to draft letter to invite 12 people.
  - Anytime other than the end of November.
  - Richard will hand off to emergency management coordinator.
  - Ashley volunteered to assist in setting meetings, etc.
  - BW suggests a letter to recommend to incorporate findings into emergency management plan and do assessment before the council's table top exercise in January.

City of Daphne - Environmental Advisory Committee Minutes  
Daphne City Hall – Executive Boardroom

- IV. Presentation by Ashley Campbell, Existing and Potential Environmental Projects  
Ashley presented maps of priority erosion areas and noted areas of concern as follow:
- Big Sandy near Red Gulley;
  - Henry C. Williams property along Yancy Branch;
  - #2. 83 acres-Woodland Bay Group-Jeff Lane now noted as the Retreat at Tiawasee;
  - 0.18 acres owned by Friday construction and M. Cocker on Edgar circle (need to heal it);
  - #1-192 acres Malbis Plantation Inc. owner, near existing restoration project.
  - #3-Joe's Branch;
  - 130 acres owned by Malbis Plantation;
  - John Curry (9 watershed model study) will pick 1 to address;
  - Westminster-fix now working on it. North of Bass Pro Shop;
  - Wish list of lands to preserve and restore-Malbis next to the Estates of Tiawasee south of the high school ;
  - Friday Construction (9 ac near creek) unbuildable
- V. Discuss Possible Agenda for Next Meeting

*Adrienne A. Jones*  
Secretary

City of Daphne - Environmental Advisory Committee  
Daphne City Hall – Executive Boardroom

Meeting Minutes  
Monday, January 28, 2013  
4:00 PM

- I. Call to Order—  
Ashley Campbell, Carl Pinyerd, Stan Arba, John Peterson, Fred Nation, Bret Webb,  
Adrienne Jones, Richard Johnson
- II. Review and Approval of Previous Minutes (October 29, 2012)
- III. Discussion by EAC regarding undeveloped land along northern right of way of I-10—  
TimberCreek
- IV. Survey by Ashley Campbell, Education, Outreach for MS4—Upcoming Training  
Opportunities
- V. Update on Joe's Branch project by Ashley Campbell
- VI. Discussion by City Staff regarding creation of a Tree Ordinance

*no minutes  
prepared see  
recap described  
in Dec 25, 2013  
minutes.*



City of Daphne - Environmental Advisory Committee  
Daphne City Hall – Executive Boardroom

Meeting Minutes  
Monday, February 25, 2013  
4:00-5:01 PM

Attendees: Chester McConnell, J. Peterson, R. Johnson, A. Campbell, B. Webb, B. McConnell, C. Pinyerd, E. Riser, A. Jones

Call to Order by Chairman and welcome to Elliot Reiser as new member a retired engineering manager for Kimberly Clark.

Recap of January meeting: Timbercreek POA previous meeting regarding the undeveloped land along I-10, wherein no action was taken. Tree Ordinance discussion. Fred Nation mentioned interest in Tree Ordinance as he was involved in the development of the Fairhope Tree Ordinance. Ashley Campbell attended a NOAA Forever Wild grant program which will have future grant options to help fund land purchases for preservation and mitigation. In house grant writer would be advantageous.

Tree Ordinance discussion led by Richard Johnson. There is a need to fill the gaps where our current provisions do not: give clear and concise measures in regard to tree removal on individual residential lots not subject to Planning Commission review; list specific trees to protect; address residential streets that should have tree protection zone and encourage street trees; address permitting utility companies for work in tree protection zones; address critical slopes and bluffs; outline meandering stream buffer areas as tree protection areas; consider pine trees as significant; clarify/define protected species; or have teeth to discourage violations.

Objective to make a stand alone ordinance which could apply 90% without subjectivity; require arborist report to justify need to remove tree; make measurements from the centerline of the road; create list of exemptions (emergency situations, POA conflicts) and address deficiencies [as noted in the previous paragraph].

Ashley reminds all to complete the survey on survey monkey. Other updates on stream wetland restoration on Park Drive at the Sports Complex. Richard reports on the ADEM recycling grant obtained to replace bins with carts. We are reapplying to get a glass crusher.

*Adrienne  
Jones  
Secretary*

City of Daphne - Environmental Advisory Committee  
Daphne City Hall – Executive Boardroom

Draft Meeting Minutes  
Monday, April 1, 2013  
4:00 -5:00 PM

Attendees: Bret Webb, Arthur Hosey, Councilman Lake, Councilman Rudicell, Adrienne Jones, Ashley Campbell, Richard Johnson, John Pinyerd, John Peterson, Stan Arbaczauskas, Chester McConnell

Call to Order by Chairman at 4:10 pm.

Minutes of February 25, 2013 EAC meeting approved.

Briefings by Ashley Campbell:

**LID Auburn University grant**-will take to Council for worksession. Explained the grant process. Grant to restore unnamed tributary and to perform hydrologic study.

**Joe's Branch** –is complete subject to a few punch list items. Will be glad to schedule tours.

**Illicit Discharge ordinance**-Provided draft copy of proposed ordinance. This document is a requirement of MS4 permit compliance. Asked that the draft be reviewed and then discussed at the next meeting. Would like EAC to recommend approval to the Ordinance Committee prior to sending the draft to the full Council, but there's no rush. Confirmed that this is for new residential and/or commercial developments and occurrences not subject to review, i.e. oil or chemicals dumped into a creek. Existing ordinance doesn't have teeth to address these but should as a way to prepare for future city growth. The original goal was to educate, but need a mechanism for enforcement and penalty [(\$500) and subject to ADEM violation]. The proposal is based upon EPA guidance (customized use of EPA template). Sediment will be added to the definition for illicit discharge.  
Chairman requested draft ordinance distribution via e-mail to EAC body.

**Erosion and Sediment Control ordinance** was adopted in 2008. In order to stay current with the state's regulations, the existing city ordinance needs to be amended to reference state regulatory agency permitting regarding erosion and sediment control and MS4.

### **Other Business**

A report on the CIAP grant will be made at the next EAC meeting.

In regard to the Auburn University letter of support for the data collection, storm water modeling, identifying appropriate BMPs based on model, as well as education and outreach on the homeowner's level for new and existing development.

LID/GI update-ordinance was approved by City Council at most recent meeting.

Discussed City Public Works staff work on the Timbercreek Golf course. As result of flooding on Green Court, the City documented a problem with drainage. The problem

City of Daphne - Environmental Advisory Committee  
Daphne City Hall – Executive Boardroom

was corrected while seeking to inspect and identify a by-pass and pipe. Discovery couldn't be made without removing silt and erosion from the pond, the result was a doubled capacity of the lake (near par 7) to hold water in a rain event.

Tree Ordinance discussion was moved to the end of the agenda. Identified needs to incorporate the following in an ordinance: add sensitive coastal viewing area; define protected trees (maybe some pines); what zones should be considered (public space/street scape not back yards) and which areas should not be; determine permitting process; create exemptions (in building footprint or silviculture/agriculture); Planning Commission to decide what significant trees would otherwise be allowed removal; tree trimming or raise crown canopy need permitting-no; use the functional classification established by the ESMPO in determining the protection zones.

Things to do: develop list of protected species and calipers. Draft language as an addendum to the city code which will be sent to the ordinance committee and then the council.

*Adrienne  
Jones  
Secretary*

## ENVIRONMENTAL ADVISORY BOARD

Bret M. Webb, Ph.D. 30586 Middle Creek Circle Daphne, AL 36527	625-3530 H 591-0588 C 460-7507 W	<a href="mailto:bretwebb@gmail.com">bretwebb@gmail.com</a>
Chester McConnell 8803 Pine Run Daphne, AL 36527	626-7804 H	<a href="mailto:wmicmc@bellsouth.net">wmicmc@bellsouth.net</a>
Stan Arbaczauskas 116 Windsor Drive PO Box 2458 Daphne, AL 36526	654-1427 C	<a href="mailto:stan@saenvironmental.net">stan@saenvironmental.net</a>
Fred Nation 120 Havenwood Circle Daphne, AL 36526	454-3837 C 610-6955 C	<a href="mailto:frednmoe@bellsouth.net">frednmoe@bellsouth.net</a>
Carl Pinyerd, III 121 Michael Loop Daphne, AL 36526	510-6616 C	<a href="mailto:cpinyerd@thompsonengineering.com">cpinyerd@thompsonengineering.com</a> <a href="mailto:pinyerds@bellsouth.net">pinyerds@bellsouth.net</a>
Art Hosey P.O. Box 464 Daphne, AL 36526	626-5308 H	<a href="mailto:arthosey@bellsouth.net">arthosey@bellsouth.net</a>
John W. Peterson, P.E. Hatch Mott MacDonald P.O. Box 1290 Daphne, Alabama 36526	626-5514 W 343-4366 W x7319	<a href="mailto:John.Peterson@hatchmott.com">John.Peterson@hatchmott.com</a>
R. Elliott Riser 8 Lake Shore Drive Daphne, AL 36526	626-6426 H 610-5053 C	<a href="mailto:reriser@aol.com">reriser@aol.com</a>

### **CITY BOARD MEMBERS**

Richard Johnson, P.E. Director Public Works	621-3182 W 379-1305 C	<a href="mailto:directorpw@daphneal.com">directorpw@daphneal.com</a>
Adrienne Jones Director Community Dev.	621-3184 W	<a href="mailto:cddirector@daphneal.com">cddirector@daphneal.com</a>
Ashley Campbell, CPESC Environmental Programs Manager	621-3080 W 621-9000 #155 W	<a href="mailto:epm@daphneal.com">epm@daphneal.com</a>

City of Daphne - Environmental Advisory Committee  
Daphne City Hall – Executive Boardroom

Meeting Minutes  
Monday, April 29, 2013  
4:14 to 5:14 PM

**Call to Order** by Brett Webb. Those in attendance: Elliott Riser, Chester McConnell, Fred Nation, Adrienne Jones, Ashley Campbell. Low attendance may be cured by having quarterly meetings. —No Quorum

**Review and Approval of Previous Minutes** (April 1, 2013) approved as submitted.

**Tree Ordinance Group Discussion**

Mr. Nations presented a list of trees (recommended, not recommended, shrubs). Adrienne also presented a similar list and other items to review. Options to narrow list down to 10-12 trees or leave it open for increased flexibility? Should slow growing trees get greater preference? All trees behave differently in different wind events-won't make reference to hurricane resistance to thus avoid liability. List will be recommendations rather than mandates. Owner still has the right to request (with justification) other trees to plant (if they are non-invasive).

Optional-use the "Guide to Native Trees for Landscaping for Eastern Shore of Mobile Bay" as a reference in the ordinance.

Some language from the existing Landscape and Tree protection provisions will be used; however, this is to be a stand-alone ordinance that pertains to trees. This will cover instances that are not subject to Planning Commission review but rather the Director of Public Works.

Foley protects some trees 30-inches in caliper, Fairhope 24-inches in caliper. Daphne, according to John Lake, chose to protect 12-inch Oaks because the ordinance was intended to protect newly planted trees along Highway 98 in the 1980s.

Determine whether we are to use the distance from the edge of pavement or the centerline of the right of way. Richard J. in a previous meeting suggested that it would be easier for citizens to measure from the edge of pavement.

City of Daphne - Environmental Advisory Committee  
Daphne City Hall – Executive Boardroom

Which area should be protected? Entire front yard and not the back yard?

Birding Trail may be worth protecting. Need more information on Alabama State Guide. Don't say it's protected unless the state guide designates it as such.

Stream buffer (named and unnamed tributaries) may be appropriate to address those areas separately from an environmental position, rather than aesthetics, quality of life position currently being addressed.

Permitting should be addressed after we've devised the "bare bones" of the proposed ordinance. Adrienne to draft language with input from Richard J. and other EAC members.

Goal is to draft an ordinance for review, open to communicate ideas via e-mail to Adrienne; the draft will be discussed in detail at the June 24<sup>th</sup> meeting. (No May Meeting)

**Discussion by Ashley Campbell:** Asked for input on Illicit Discharge Draft submitted at previous EAC meeting. Only received one set of comments—to add sediment as a pollutant. She would like to have it done within a year.

Create a Clean Water Future Education Outreach Campaign –showed commercial that will air on local tv stations in May. Showed poster which will be posted and displayed in the Jubilee Breeze.

The Village Point Invasive Species Grant Application-has received permission from the Mayor to pursue a grant for 35,000. Would like EAC endorsement in support of this pursuit.

No other business to discuss.

*Adrienne  
Jones  
Secretary*

City of Daphne - Environmental Advisory Committee Minutes  
Daphne City Hall – Mayor’s Executive Boardroom

Meeting Minutes from Monday, June 24, 2013 Meeting  
4:00 to 5:16 PM

Committee Chair, Dr. Bret Webb called the meeting to order at 4:00 pm. Those in attendance were: Adrienne Jones, Ashley Campbell, Selena Vaughn, Richard Johnson, Bret Webb, Councilman Pat Rudicell, Elliot Riser, Art Hosey, John Peterson, and Carl Pinyerd.

Minutes from the April 29, 2013 meeting were reviewed and approved by the committee.

**Mr. Riser moved to approve and Mr. Hosey seconded the motion. No discussion. Unanimous vote to approve the motion.**

A discussion was led by Ms. Selena Vaughn, Village Point Foundation, in regard to supporting the application for a grant from Forever Wild to be used by the city in purchasing real estate currently owned by Friday Construction located north of I-10. Once purchased, the land may be used for recreational use in conjunction with Gator Alley, not for development but to grant public access to the site via sidewalk/boardwalk. The city may be able to acquire a grant to actually build the access.

During the committee’s discussion, it was mentioned that this addition may be an excellent opportunity to improve the overlook and access for Gator Alley, a popular destination. Forever Wild would negotiate the deal and do the footwork on behalf of the city and the city would not have to enter into negotiations with the land owner. Friday construction has given general consent to the Village Point Foundation. This may be a great opportunity to take Gator Alley to another level, additional spurs may be added along the trail and a welcome center as well—all to be maintained by the city.

**Mr. Riser moved to send a formal recommendation to Public Works Committee in support of the Village Point Foundation and Forever Wild in acquiring the property. Mr. Hosey seconded the motion. No discussion. Unanimous vote to approve the motion.**

A discussion was led by Adrienne Jones presenting the 1<sup>st</sup> draft of the Tree Ordinance. Councilman Rudicell mentioned, prior to leaving to attend another meeting, that the language should be focused on the front yards of private property and support property owner’s rights. Points made during the discussion were: reference to page 3- heritage tree definition; page 4-measure perpendicular to right of way measuring 25-ft from the edge of pavement; tie streets to Eastern Shore Metropolitan Planning Organization’s Functional Classification Map; during permit processing 3 checks must be achieved to acquire a permit—zone, list, size and staff to perform site visit to verify requests for tree removal; provide expansive list of protected trees (3-5 is not enough) educate the council to gain support; permit procedure – 3 to 5 business days not 90 days; list still needs to be culled; seek assistance from Master Gardeners and Fred Nations; specify size of protected long leaf pines. Each committee member is responsible for reviewing the draft and sending comments to Adrienne in preparation for a 2<sup>nd</sup> draft. Ashley volunteered to contact Mr. Nations to get his opinion on the draft and in culling the list. No action was taken with regard to the first draft of the Tree Ordinance.

City of Daphne - Environmental Advisory Committee Minutes  
Daphne City Hall – Mayor's Executive Boardroom

Reports were given by members of the EAC. A report was given by Ashley Campbell in regard the grant presentation to Finance Committee. A report was given by Richard Johnson in regard to the Williams property (asking price \$150,000 vs. final price \$9,200).

A report was given by Dr. Webb in regard to the preliminary flood elevation maps from FEMA.

The next meeting is August 26<sup>th</sup> at 4 pm in the Mayor's Executive Boardroom.

**John Peterson moved for adjournment. Richard Johnson seconded the motion. No discussion. Unanimous vote to adjourn.**

The meeting was adjourned at 5:16.

Approved on \_\_\_\_\_

Attested by \_\_\_\_\_

Submitted by Adrienne D. Jones, Secretary

**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

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**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](mailto: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](mailto:councildistrict3@daphneal.com); Ashley Campbell; Stan Arbacauskas; [councildistrict2@daphneal.com](mailto: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

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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](mailto:bwebb@southalabama.edu)  
Web: [southce.org/bwebb](http://southce.org/bwebb)

**REPORT  
OF  
SPECIAL BOARDS**

**City of Daphne Recreation Board**  
**26505 Hwy 98**  
**Daphne, AL. 36526**  
**July 10, 2013**

**Members Present:** Rick Cleveland, Matt Cunningham, Frank Pierce and Kit Smith

**Members Absent:** Jan Mittemeyer and Lisa O'Hara

**Advisory Staff:** Councilman Robin LeJeune, Glenn Vickery and David McKelroy, Parks & Recreation Director  
Councilman Pat Rudicell

**Call to Order**

Meeting was called to order at 6:40pm.

**Review and Approval of Minutes**

Motion was made by Matt Cunningham and seconded by Rick Cleveland to approve the May 15, 2013 minutes. Motion passed.

**Public Participation**

None

**Program Reports**

Information was provided regarding programs. Fall sports registration begins July 13.

**Old / New Business**

1. Lott Park           The board was informed that Dixie Youth Baseball would like to consider removing the grass infields at Lott and replacing them with dirt infields. No formal request or decision has been made by Daphne Dixie Youth Baseball to do so.
2. Budget             FY2014 proposed budget information was presented to the board.
3. Members           Board was informed of the resignation of Doug Dugat as of May 20. The board also discussed the attendance of member Jan Mittemeyer. By-laws of the Daphne Recreation Board state that "the third consecutive absence from the meetings of the Board shall constitute a member's resignation from the board." Mr. Mittemeyer has not responded to e-mail. The board recommends the termination of Mr. Mittemeyer's appointment due to failure to comply with attendance requirements as stated in the by-laws.
4. Tennis Court       The board was informed by Councilman LeJeune about the progress with the tennis courts at the new Sports Complex.

**Comments from Director**

Director informed the board that all head coaches are required to take a concussion awareness program.

**Comments from Advisors**

Coach Vickery talked about the importance of the summer clinics at the high school.

**Adjourn**

The meeting was adjourned at 7:41pm.

# 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

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*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

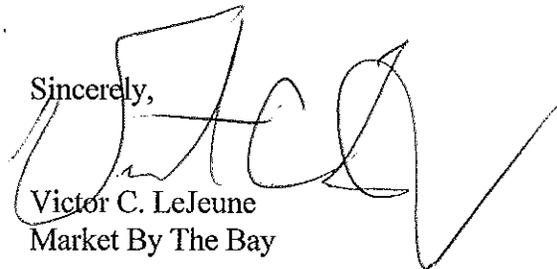
I request your appointment to the Board of Parks and Recreation. I have lived in the City of Daphne since 1995 moving from Lynchburg, Virginia. I have been active in city recreation as a Coach and volunteer as my children attended the school systems. I also have been active in sports since childhood,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

# Experience Profile - Victor C. LeJeune

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## 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

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## 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

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- 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**

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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

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**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

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### 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

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## 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

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**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

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**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](mailto:victorclejeune@gmail.com)

# Joli J. Jones

115 Avon Cr. E  
Daphne, AL 36526

334-208-1560  
jolijjones@yahoo.com

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## Online Experience

### TEACHING

- Interact daily with students in the online environment through email, Who's Online, discussions, Chat rooms, and via blogs, for five years.
  - Designed and upkeep five online English/Humanities courses from the ground up without the use of web e-packs.
  - Facilitate learning in the online environment by teaching two to four courses a semester which have an online component.
  - Developed three student surveys in Respondus to gauge course successes and failures.
  - Annually redesign personal courses based on feedback from student surveys.
  - Consistently receive high scores of student satisfaction with course design and instruction.
  - Efficiently organize time to answer student emails and calls in a timely basis.
- 

### ADMINISTRATIVE

- Coordinate all recreational and training for business and industry.
- Recruit and select instructors for continuing education offerings.
- Serve on boards and attend meetings within Baldwin County.
- Collaborate with colleagues to develop standards for online courses and select course management tools.
- Annually participate in the approval of online courses through my involvement in the Distance Education Advisory Committee.
- Provide orientation to Blackboard for students.
- Record video sessions for faculty training in the use of Blackboard.
- Conduct on-site training for faculty and staff.

## Employment

2013 – Present	Director of Continuing and Distance Education Faulkner State Community College, Bay Minette, AL
2002 – 2013	English Instructor, Full-Time and Adjunct Lurleen B. Wallace Community College, Andalusia/Opp, AL

## Education

- M.Ed. Education, Troy State University at Dothan, 2004.
- B.A. English/Business Administration, Huntingdon College, 1998.
- A.A., LBW Junior College, 1996.

## Computer Proficiencies

- Microsoft Office, including Word, Excel, PowerPoint, Outlook, and Access.
- Respondus/StudyMate, test generating software.
- Tegrity, a course capture tool.
- Blackboard/WebCT, a course management software.

**REPORT  
OF  
OFFICERS**

# CITY OF DAPHNE

## PARADE PERMIT

<b>ORGANIZATION:</b>	<i>Mystic Order of Persephone</i>
<b>CONTACT PERSON:</b> <b>ADDRESS:</b>	<i>Cindy Flemming 6258 North Christopher Drive Mobile, AL 36609</i>
<b>PHONE NUMBER: (HOME)</b> <b>PHONE NUMBER: (BUSINESS)</b> <b>CELL NUMBER:</b>	<i>251-414-5142 251-545-9989</i>
<b>DATE OF PARADE:</b>	<i>February 28, 2014 / Rain Date March 1, 2014</i>
<b>TYPE OF PARADE:</b>	<i>Mardi Gras</i>
<b>ROUTE TO BE TRAVELED:</b>	<i>From Civic Center down Main St. - turn @College Ave.- turn right on 6<sup>th</sup> St. - turn right on Belrose Ave. - turn left on Main St. &amp; back to Civic Center</i>
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	<i>50 people / 12 Units</i>
<b>ASSEMBLY TIME:</b>	<i>5:45 P.M.</i>
<b>START TIME:</b>	<i>6:45 P.M.</i>
<b>STOP TIME:</b>	<i>8:15 P.M.</i>
<b>ASSEMBLY AREA/STREET:</b>	<i>Civic Center</i>
<b>SPECIAL REQUESTS:</b>	
<b>DATE APPLIED FOR PERMIT:</b>	<i>July 25, 2013</i>
<b>APPROVAL</b>	
<b>POLICE: David Carpenter:</b>	<i>[Signature]</i>
<b>FIRE: James White:</b>	<i>[Signature]</i>
<b>PUBLIC WORKS: Richard Johnson:</b>	<i>[Signature]</i>
<b>CITY COUNCIL:</b>	<i>8-19-13</i>
<b>DATE ROUTED:</b>	<i>July 25, 2013</i>
<b>NOTIFICATION:</b>	
<b>RECEIVED PROOF OF INSURANCE:</b> <b>RECEIVED PARADE PERMIT FEE:</b>	<i>July 25, 2013 July 25, 2013</i>

**RESOLUTIONS**  
**&**  
**ORDINANCES**

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

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**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 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. 2013-45**

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

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

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

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Failure to confine dog/cat in heat	1 <sup>st</sup> offense within a twelve month period	\$25
	2 <sup>nd</sup> offense within a twelve month period	\$50
	3 <sup>rd</sup> 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 <sup>st</sup> offense within a twelve month period	\$25
	2 <sup>nd</sup> offense within a twelve month period	\$50
	3 <sup>rd</sup> offense within a twelve month period	Court
Interfering/ opposing Animal Control Officer	1 <sup>st</sup> offense within a twelve month period	Court
	2 <sup>nd</sup> offense within a twelve month period	Court
	3 <sup>rd</sup> offense within a twelve month period	Court
Keeping prohibited livestock in city limits	1 <sup>st</sup> offense within a twelve month period	\$25
	2 <sup>nd</sup> offense within a twelve month period	\$50
	3 <sup>rd</sup> offense within a twelve month period	Court
Keeping prohibited fowl in city limits	1 <sup>st</sup> offense within a twelve month period	\$25
	2 <sup>nd</sup> offense within a twelve month period	\$50
	3 <sup>rd</sup> offense within a twelve month period	Court
Livestock at large	1 <sup>st</sup> offense within a twelve month period	\$15
	2 <sup>nd</sup> offense within a twelve month period	\$25
	3 <sup>rd</sup> offense within a twelve month period	\$50
Noisy animals	1 <sup>st</sup> offense within a twelve month period	\$100
	2 <sup>nd</sup> offense within a twelve month period	\$250
	3 <sup>rd</sup> offense within a twelve month period	\$500 & Court
Operating illegal horse stable	1 <sup>st</sup> offense within a twelve month period	Court
	2 <sup>nd</sup> offense within a twelve month period	Court
Promoting animal fighting	1 <sup>st</sup> offense	Court
	2 <sup>nd</sup> offense	Court
Refusing to allow inspection	1 <sup>st</sup> offense within a twelve month period	Court

	2 <sup>nd</sup> offense within a twelve month period	Court
Tamper with animal trap/ removing animal from trap/interfering with ACO in setting/servicing trap	1 <sup>st</sup> offense within a twelve month period	Court
	2 <sup>nd</sup> offense within a twelve month period	Court
	3 <sup>rd</sup> offense within a twelve month period	Court
Unsanitary living condition- fowl/livestock	1 <sup>st</sup> offense within a twelve month period	\$25
	2 <sup>nd</sup> offense within a twelve month period	\$50
	3 <sup>rd</sup> offense within a twelve month period	Court
Unsanitary/inhumane living condition (any animal)	1 <sup>st</sup> offense within a twelve month period	\$50
	2 <sup>nd</sup> offense within a twelve month period	\$100
	3 <sup>rd</sup> offense within a twelve month period	Court
Dangerous and vicious animal at large	1 <sup>st</sup> offense	Court
	2 <sup>nd</sup> offense	Court
	3 <sup>rd</sup> 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 <sup>st</sup> Offense	Not less than \$100.00 or more than \$350.00 and/or not to exceed 6 months in jail;
2 <sup>nd</sup> 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**

**CITY OF DAPHNE  
ORDINANCE NO. 2013-46**

**AN ORDINANCE ADDING/AMENDING THE CITY OF DAPHNE, ALABAMA  
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE  
CITY COUNCIL ON JULY 18, 2011**

**WHEREAS**, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and

**WHEREAS**, The City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 27<sup>th</sup> day of June, 2013, and has made a favorable recommendation for adoption to the City Council; and

**WHEREAS**, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public Hearing was held before the City Council on August 19, 2013.

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

**SECTION I: AMENDMENT TO ARTICLE 11-14(h) OPEN SPACE PROVISIONS**

**WHEREAS**, the Planning Commission acknowledges that residential subdivision developments come in many varieties; and, acknowledges amenities for common open space and recreation should be tailored to meet the needs of the target market for each subdivision; and, acknowledges the existence and viability of existing municipal recreation areas throughout the city; and, acknowledges the need for increased flexibility and innovative common open space and recreation area design; therefore, after careful review and consideration, the Planning Commission hereby submits to the city council a recommendation for guidance in achieving proper design as an amendment to the subdivision provisions of the Land Use and Development Ordinance as follows:

That Article XI entitled "*Common Open Space Provisions*", denoted as section 11-14(h), and is hereby deleted in its entirety and is replaced as follows:

**11-14(h) Common Open Space and Recreation Provisions**

Common open space and recreation area set asides shall include formal recreation areas and/or natural open space areas.

There are two types of formal recreation areas: passive and active. Passive recreation areas may include but shall not be limited to: open areas that include arranged plantings, gardens, gazebos or similar structures, fountains, sculptures, and other forms of public art, pedestrian walk ways, dog parks, picnic areas, general landscaped areas, flower gardens, and other uses typical for passive recreation. Active recreation uses may include but shall not be limited to: playground or park for local or neighborhood use with swing sets, ball fields, tennis courts, jogging trails, clubhouses, swimming pools, including accompanying accessory structures, and any other similar use suitable for the common enjoyment of the residents.

Natural open space areas that preserve and conserve the natural condition and hydrology of the property should be included as well as tree groves, wetlands, associated wetland buffers, rock outcrops, pastoral areas, floodplains, lakes, streams, rivers, wildlife habitat, utility and conservation easements, and scenic vistas and trails. Detention ponds and related storm water facilities, especially low impact development measures, may also be included.

**Applicability**

Ten percent of each proposed single family or multifamily residential development shall be set aside for common open space and recreation area. Common Open Space and Recreation Provisions shall apply to each residential development within the corporate limits and extraterritorial jurisdiction of the City of Daphne except as exempted below.

**Exemptions**

Common Open Space and Recreation Provisions shall not apply in the following cases:

Where a unified planned single family residential development (i.e., under single ownership and planned in multiple phases) is five acres (5 ac) or less in total area and the minimum lot size exceeds twenty thousand square feet (20,000 sq. ft.); or,

Where the entire subdivision is zoned R-1, Low Density Single Family Residential.

**Proximity and Access to Existing Recreation Areas**

The planning commission may allow flexibility in cases or an exemption to these provisions where a site is located adjacent to or within one-half (1/2) mile or two thousand six hundred and forty (2,640) linear feet of any municipal park, sports complex, or similar public use that either currently exists, is under construction, or is planned by a municipality or governmental corporation at the time of preliminary plat submission. Distance shall be measured as a radius from the center point of the preliminary plat. If the proposed subdivision boundary abuts or is contiguous to any municipal park, sports complex, or similar public use that either currently exists, is under construction, or is planned by a municipality or governmental corporation at the time of preliminary plat submission. The planning commission may impose other conditions to guarantee pedestrian access to the aforementioned park or facility. Conditions may include but shall not be limited to sidewalks, pedestrian trails, walkways or similar means of access.

**Phasing/Implementation**

A common open space and recreation area plan shall be provided as a component of the subdivision master plan for single family or multi-family residential subdivision development, except where herein exempted.

Upon preliminary plat submission for the 1st phase of the development an agreement shall be established for the implementation of the common open space and recreation area plan. The agreement shall be made using appropriate forms as provided by the city and shall include:

- a) the proposed common open space and recreation area plan;
- b) and a cost estimate of all work associated with the common open space and recreation area plan improvements (excludes land and/or utility costs), and;
- c) a renewable surety bond valid for two years in the amount of one hundred and ten percent (110%) of the cost estimate or a letter of credit drawn on an Alabama based bank.

**Performance Standards**

The following factors shall be considered to determine the location for common open space

and recreation areas.

Where possible and appropriate, common open space and recreation areas shall be readily accessible and useable by property owners.

To the maximum extent practical, a portion of the common open space and recreation area should provide focal points for the development.

Common open space and recreation areas shall have at least one direct access to a public right-of-way.

The common open space and recreation areas shall be compact and contiguous unless the land is used as a continuation of or link to an existing or planned adjacent open space resource or where specific natural or topographic features require a different configuration.

In all developments, due regard shall be shown for all natural features such as large trees, heritage trees, water courses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the overall development.

## **SECTION II: AMENDMENT TO ARTICLE 8, DEFINITIONS OF TERMS**

Amending Definition of Terms to add “*No Clear Zone*”

**WHEREAS**, the Planning Commission acknowledges the term ‘no clear zone’ has been specified on one or more subdivision plats and may be used on future subdivision plats, and, that Article 8 of the Land Use and Development Ordinance does not provide a definition of said term; acknowledges the need to define the term for clarification and future reference; therefore, after careful review and consideration, the Planning Commission hereby submits to the city council a recommendation to add to Article 8 of the Land Use and Development Ordinance the following terms:

**No clear zone.** 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 feet (25 ft.) of the rear property line of either underbrush or vegetation or trees, except to the extent necessary to install a fence or wall along the property line(s), to install utilities within a utility easement, or remove trees that have died naturally shall be allowed. Any allowable modifications or alterations in a no clear zone must be permitted by the Building Inspections Department. Replanting and reforestation shall be required when more than one half of the utility easement is destroyed or removed by a utility company.

## **SECTION III: AMENDMENT TO ARTICLE 8 AND 35 ADDING REFERENCE TO THE COMMUNITY STANDARDS ORDINANCE 2013-38**

Amending Definition of Terms and Table of Permitted Uses as related to the Community Standards Ordinance 2013-38.

**WHEREAS**, the Planning Commission acknowledges the anticipated adoption of Ordinance 2013-38, Community Standards Ordinance by the City Council; and, several terms related to land use and land development are included therein, and, these terms must be codified in Article 8 and Article 35 of the Land Use and Development Ordinance for reference and

clarity, therefore, the Planning Commission hereby submits to the city council a recommendation to add terms to Article 8 and to add reference to the Community Standards Ordinance in Article 35 of the Land Use and Development Ordinance as follows:

#### **Section A. Amend Article 8**

**Adult Cabaret/Entertainment Facility.** A nightclub, bar, theater, concert hall, auditorium, restaurant or similar establishment which, having entertainment, staff, live performances or appearances by nude or topless females, or entertainment, live performances or appearances characterized by their emphasis on matters depicting, describing or relating to nudity or sexual activity as permitted in Ordinance 2013-38, Community Standards Ordinance.

**Adult Companionship Establishment.** An establishment of business which provides the service of engaging in or listing to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by their emphasis on matters depicting, describing or relating to nudity or sexual activity as permitted in Ordinance 2013-38, Community Standards Ordinance.

**Adult Novelty/Book Store.** An establishment which, as one of its profit Centers, offers for sale or rental books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records, compact disks or other form of visual or audio representations or instruments, devices, games, costumes, props or paraphernalia (excluding contraceptives) which are distinguished or characterized by their emphasis on matters depicting, describing or relating to nudity or sexual activity as permitted in Ordinance 2013-38, Community Standards Ordinance.

**Adult Theater.** A commercial establishment where films, motion pictures, or other photographic reproductions are regularly shown or created which are distinguished or characterized by their emphasis on matters depicting, describing or relating to nudity or sexual activity as permitted in Ordinance 2013-38, Community Standards Ordinance.

**Tattoo Facility.** A use as permitted in Ordinance 2013-38, Community Standards Ordinance. The geographic location at which an individual does one or more of the following for compensation: places an indelible mark upon the body of another individual by the insertion of a pigment in or under the skin; places an indelible design upon the body of another individual by production of scars; the perforation of human tissue other than ear for a nonmedical purpose.

**Sexually Oriented Businesses.** Adult cabaret/entertainment facilities, adult companionship establishment, adult novelty/book stores or adult theaters as permitted in Ordinance 2013-38, Community Standards Ordinance.

**Sexually Oriented Business Permit.** As defined in Section II of Ordinance 2013-38, Community Standards Ordinance.

**Section B. Amend Article 35**

In accordance with the Community Standards Ordinance, as permitted in Ordinance 2013-38 the Planning Commission recommends the city council amend Article 35, Table of Permitted Uses as follows:

Any use, as permitted in Ordinance 2013-38, Community Standards Ordinance, except a tattoo facility, may be permitted in a B-2 zone district upon Planning Commission review and approval or in a C/I zone district by right. A tattoo facility may be permitted in a B-1 upon Planning Commission review or B-2 zone by right. In all cases, the provisions of Ordinance 2013-38 must be satisfied for each use noted therein.

**SECTION IV: CONFLICT WITH OTHER ORDINANCES**

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

**SECTION V. SEVERABILITY**

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

**SECTION VI: EFFECTIVE DATE.**

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

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

\_\_\_\_\_  
**DANE HAYGOOD,  
MAYOR**

**ATTEST:**

\_\_\_\_\_  
**REBECCA A HAYES,  
CITY CLERK**