

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

1. CALL TO ORDER

2. ROLL CALL / INVOCATION Reverend Jerry Bousard / Daphne Baptist Church

3. APPROVE MINUTES: Council meeting minutes / September 16, 2013
Special Called Council meeting minutes / September 23, 2013
Council Strategic Plan meeting minutes / September 23, 2013

PROCLAMATION: Fire Prevention Week / October 7-13, 2013

PRESENTATION: By Daphne Elementary School / To the Dan Castrillo Family

PROCLAMATION: Breast Cancer Awareness Month

PRESENTATION: Winner of Daphne Firefighters Breast Cancer Awareness T-Shirt Design Contest from Daphne High School

4. REPORT STANDING COMMITTEES:

- A. **FINANCE COMMITTEE** / Conaway
- B. **BUILDINGS & PROPERTY COMMITTEE**- Davis
- C. **PUBLIC SAFETY** - Rudicell
- D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** - Fry
- E. **PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY** - LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. **Board of Zoning Adjustments** – Adrienne Jones
2014 Meeting and Submittal Calendar
- B. **Downtown Redevelopment Authority** – Conaway
- C. **Industrial Development Board** – Davis
- D. **Library Board** - Lake
- E. **Planning Commission** – Scott
 - a.) Review Planning Commission minutes / August 29th
 - b.) 2014 Meeting and Submittal Calendar
 - c.) Review Sign Committee minutes/ September 3rd, September 10th, September 17th and Sign Committee Report
 - d.) Set Public Hearing date for **November 4, 2013** and approve advertising to consider:

- 1. Rezoning: Christ the King Catholic Church / Main Campus
Location: North of the intersection of Main Street and Van Avenue and Southeast of the Intersection of Guarisco and Trione Avenue
Present Zoning: R-2, Medium Density Single Family Residential District, R-3, High Density Single Family Residential District and B-2, General Business District
Requested Zoning: B-1, Local Business District
Recommendation: Unanimous Favorable

- 2. Rezoning: Walter J. and Martin L. Pierce
- Location: Across from the intersection of U.S. Highway 90 and County Road 13; adjacent to the proposed County Road 13 Interchange and Interstate 10
- Present Zoning: R-3, High Density Single Family Residential District
- Requested Zoning: B-2, General Business District
- Recommendation: Unanimous Favorable for Parcel 1
Unfavorable for Parcel 2

F. Recreation Board - LeJeune

G. Utility Board - Fry

6. REPORTS OF OFFICERS:

A. Mayors Report

- a.) Parade Permit / Scott Ward Memorial "Fit for Duty" 5K Run / 1 Mile Run / November 17, 2013
- b.) Parade Permit / Run for Shep / "Benefiting Shepard Hall" / 5K Run / 12 Mile Run / January 25, 2014

B. City Attorney's Report

C. Department Head Comments

D. City Clerk Report

- a.) ABC License / Uncorked Fine Wines / 010 – Lounge Retail Liquor – Class 1/ *Change of Address*

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Declaring Certain Property Surplus and Authorize Disposition/Resolution 2013-51

ORDINANCES:

2ND READ

- a.) ATRIP Grants: Initial Survey, Design & Geo-Technical Engineering: Resurfacing Lake Forest Blvd (Lake Forest Phase IV) Resurfacing North Main Street./Ordinance 2013-52
- b.) Establish Penalties and Enforcement Procedures for Violation of Municipal Ordinances./Ordinance 2013-53
- c.) Repealing Ordinance 2013-02 and Establishing Public Works Equipment Use Policy./Ordinance 2013-54
- d.) Revisions to Zoning Map./Ordinance 2013-55
- e.) Lodging Tax Appropriation / Bayfront Park Paving./Ordinance 20113-56

1ST READ

- f.) Regulating the Keeping of Dogs, Cats, Domesticated Animals, Livestock or Fowl within the City of Daphne./Ordinance 2013-57

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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**SEPTEMBER 16, 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 6:35 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE:

Mr. Willie Robison gave the invocation.

COUNCIL MEMBERS PRESENT:

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

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Sarah Toulson, Assistant City Clerk; Jay Ross, City Attorney; David Carpenter, Police Chief; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Adrienne Jones, Director of Community Development; Richard Merchant, Building Official, Mike Hinson, Finance Director; Tonja Young, Library Director; Christine Ciancetta, Deputy Finance Director; Amelia Alawine, Animal Control; Rhonda Jones, Animal Control; Linda Matthews, Animal Control; Lt. Ric Yelding, Police Department, Animal Control; Toni Fassbender, IDB; Dorothy Morrison, Beautification and DRA; Larry Cooke, BZA; Darrelyn Bender, Eastern Shore Chamber of Commerce.

Absent: Michael Hoyt, Municipal Judge; Vickie Hinman, HR Director.

3. APPROVE MINUTES:

September 3, 2013 Council meeting minutes

The August 19, 2013 council meeting minutes stand approved with the following amendment: Councilman Fry requested his comment made under Council Comments be amended to say that the program to help those who cannot afford to pay their utility bill was called "Lend A Hand."

September 9, 2013 Council Work Session minutes

There were no corrections to the September 9, 2013 Council Work Session minutes, and stand approved as written.

August 26, 2013 Strategic Plan minutes

There were no corrections to the August 26, 2013 Strategic Plan minutes, and stand approved as written.

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CERTIFICATE OF APPRECIATION: Ms. Amelia Alawine

Mayor Haygood read and presented the certificate to Ms. Alawine as Chief Carpenter and Lt. Ric Yelding observed the presentation.

PROCLAMATION: Cancer Awareness Month / Calvin Hunt

Mayor Haygood read and presented the proclamation to Mr. Hunt. Mr. Hunt asked everyone to remember Mayor Bailey Yelding who died of prostate cancer.

PUBLIC HEARING: Revisions to the Zoning Map

Mrs. Jones gave the presentation.

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

No one spoke for or against the proposed revisions to the zoning map.

Council President Scott closed the Public Hearing at 6:48 p.m.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Conaway

The minutes for the September 9th meeting are in the packet.

MOTION BY Councilwoman Conaway to close the 2012 Investment Account and transfer the remaining funds to the 2012 Construction account, and once all projects approved to be funded with 2012 Construction monies are paid the balance then be transferred to the Capital Reserve Account. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

Treasurers Report / August 31, 2013

The draft report ending August 31, 2013 is \$15,794,164.40.

Sales and Use Tax Collections / July 31, 2013

July collections were up \$17,467 over July's budget amount and up \$463,711 year-to-date.

Lodging Tax Collections / July 31, 2013

Lodging tax collections for July, 2013 were \$94,310.47.

B. *BUILDINGS & PROPERTY COMMITTEE* - Davis

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The minutes for the September 3rd meeting are in the packet. The next meeting will be October 7th.

C. PUBLIC SAFETY COMMITTEE – Rudicell

The minutes for the September 11th meeting are in the packet. The next meeting is October 9th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Fry

The September 11th minutes are in the packet. The committee reviewed revisions to the Animal Control Ordinance and revisions to the Land Disturbance Ordinance and an Illicit Discharge Ordinance which will be coming for a first read in October.

E. PUBLIC WORKS COMMITTEE – LeJeune

The committee met today, and the September 4th Beautification Committee minutes and the Environmental Advisory Board minutes for June 24th are in the packet. The next meeting will be October 21st at 5:00 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMITTEES:

A. Board of Zoning Adjustments – Adrienne Jones

No meeting. No report.

B. Downtown Redevelopment Authority – Conaway

The next meeting will be September 25th at 5:30 p.m.

C. Industrial Development Board – Davis

The August 26th minutes are in the packet. Councilman Davis deferred to the IDB Chairman, Mrs. Toni Fassbender. She appealed to council for additional funding so that they can get more aggressive in pursuing Airbus vendors. She also gave a brief history of the progression of the IDB funding and made an appeal for the city to either purchase some property for them or give them enough funding so that they could afford to buy something that they could offer to companies. Mrs. Fassbender explained that the timing was perfect, because Airbus would be operational in a year, and if they didn't act soon the city would be left in the dust. She said that Councilman Davis is a great champion for the IDB, and it is a pleasure to have him as their representative.

D. Library Board – Lake

The board met last Thursday. He reminded everyone that the Jubilee Festival is the 28th and 29th, and the Friends of the Library will be holding their annual book sale that weekend at the Library.

E. Planning Commission – Scott

The Sign Committee minutes for the August 20 and 26th meetings are in the packet. The Site Preview meeting is Wednesday at 8:30 a.m., and the Planning Commission meeting will be next Thursday.

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F. Recreation Board – LeJeune

No report.

G. Utility Board – Fry

The next meeting will be Wednesday, September 25th at 5:00 p.m.

6. REPORTS OF OFFICERS:

A. Mayor’s Report

Mayor Haygood asked council to adjourn into Executive Session at the end of the meeting to discuss the acquisition of real property.

B. City Attorney’s Report

No report.

C. Department Head Comments

Adrienne Jones, Director of Community Development – reported the Sign Committee will meet tomorrow with a demonstration of electronic signage.

David McKelroy – Recreation Director – reported Brown Bag by the Bay will be for the next two months on Thursdays from 11:30 – 1:30.

City Clerk Report – Rebecca Hayes –

No report.

7. PUBLIC PARTICIPATION

Ms. Darrelyn Bender – Eastern Shore Chamber of Commerce – spoke regarding the Blueprint for Tomorrow.

Mr. Jake Williams – 130 Lake Front Drive – spoke regarding the infrastructure of Daphne.

Council President Scott requested that council add Ordinance 2013-56 to the agenda regarding paving Bayfront Park parking lot. He said it was inadvertently left off the agenda.

MOTION BY Councilman Rudicell to add Ordinance 2013-56 to the agenda. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

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8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Declaring Certain Property Surplus and Authorize Disposition /Resolution 2013-44
- b.) *Duplicate Resolution See 2013-47.* /Resolution 2013-45
- c.) Declaring Certain Property Surplus and Authorize Disposition. /Resolution 2013-46
- d.) Declaring Certain Property Surplus and Authorize Disposition. /Resolution 2013-47
- e.) Bid Award: Safety Shoes/Boots / Eastern Shore Shoe Hospital. /Resolution 2013-48
- f.) Bid Award: Uniforms / Unifirst Corp. /Resolution 2013-49
- g.) Appoint Two Directors to the Board of Directors of the Special Care Facilities Financing Authority of the City of Daphne. /Resolution 2013-50

MOTION BY Councilwoman Conaway to waive the reading of Resolutions 2013-44, 2013-46, 2013-47, 2013-48, 2013-49 and 2013-50. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolutions 2013-44, 2013-46, 2013-47, 2013-48, 2013-49 and 2013-50. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

- a.) Adopting Council Rules of Procedure. /Ordinance 2013-21
- b.) Amend Employee Handbook / Revise Discrimination and Harassment Prevention / Chapter 1, 7 & 8 /Ordinance 2013-47
- c.) Amend Employee Handbook / Reorganize Chapter 9. /Ordinance 2013-48
- d.) Amend Employee Handbook / Reorganize Chapter 11. /Ordinance 2013-49

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- a.) Adopting Fiscal Year 2014 Budget/Ordinance 2013-50
- b.) Adopting the Fiscal Year 2014 Capital Budget..... .. /Ordinance 2013-51
- c.) ATRIP Grants: Initial Survey, Design & Geo-Technical
Engineering: Resurfacing Lake Forest Blvd (Lake Forest Phase IV)
Resurfacing North Main Street. /Ordinance 2013-52
- d.) Establish Penalties and Enforcement Procedures for
Violation of Municipal Ordinances. /Ordinance 2013-53
- e.) Repealing Ordinance 2013-02 and Establishing
Public Works Equipment Use Policy. /Ordinance 2013-54
- f.) Revisions to Zoning Map. /Ordinance 2013-55
- g.) Lodging Tax Appropriation / Bayfront Park Paving. /Ordinance 20113-56

MOTION BY Councilman Rudicell to waive the reading of Ordinance 2013-21.
Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Ordinance 2013-21. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to waive the reading of Ordinance 2013-47. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Ordinance 2013-47. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

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MOTION BY Councilman Fry to waive the reading of Ordinance 2013-48 and 2013-49. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to adopt Ordinances 2013-48 and 2013-49. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

ORDINANCES 2013-50, 2013-51, 2013-52, 2013-53, 2013-54, 2013-55 AND 2013-56 ARE 1ST READS.

9. COUNCIL COMMENTS:

Councilwoman Conaway – asked everyone to keep those affected by the tragedy in Washington in their thoughts and prayers.

Councilman Lake – recognized that this is the 25th Annual Jubilee Festival, and he feels Mrs. Verna Elliot should be recognized for her contributions to the festival. He mentioned the tree being cut down at the Firestone store.

Councilman Fry echo's Mrs. Conaway's comments on keeping those affected by the tragedy in Washington in everyone's thoughts and prayers.

Councilman LeJeune commented on the Sign Committee saying it is great that citizens come out every week. He said there will be a rate increase in utilities the board passed it last week at their meeting. He said it is important to come out and be heard.

Councilman Davis spoke regarding an article in the paper on reinventing businesses. Businesses change based on the economy, worldwide economy, and Daphne can have those kinds of offices by putting together a marketing team whether they are staff, people in the community or from the business community. He said that when you look at the numbers, education level, residents that identify what Daphne is Daphne does not have to stand second fiddle to anyone. He mentioned another article that ranked Daphne fourth in a business standing. He thinks they should free the mayor to pursue marketing. This is a time for the city to move forward and think about new ways of doing things, attracting the people that will be doing this somewhere in this region. The city has excellent department heads, and there are excellent programs in place, and what council needs to do is get outside their own little box and they need to be telling people and other parts of

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the country about Daphne, and they need to free the mayor to do that, and any of the rest of council and others that can be a part of that team will be good money spent whether it is through the Chamber of Commerce or through marketing efforts.

Council President Scott spoke regarding Firestone cutting down a tree saying that it was a safety issue, and that ALDOT asked them to line their entrance up with the crossover on U.S. 98. He said that Firestone did everything according to city ordinances, and that Firestone was planting four live oaks to replace the one cut down.

Mayor Haygood reminded everyone that the Jubilee Festival is September 28th and 29th, and encouraged everyone to come out a support the festival. He thought Mr. Hunt's comments were excellent regarding Mayor Yelding. He said that some of the employee and employees children have had cancer, and that cancer touches everyone, and that we are not promised tomorrow. He encouraged everyone to go to the doctor and be checked out. He mentioned that the Beautification Committee will be taking a road trip for their next meeting. They have been invited to tour the City of Fairhope and their green house. He reminded everyone of the Special Called Council meeting on September 23rd to consider the budget.

10. ADJOURN:

MOTION BY Councilman Lake to adjourn into Executive Session to discuss the acquisition of real property, and the meeting will last approximately 20 minutes. *Seconded by Councilman Davis.*

The City Attorney, Jay Ross, certified that the above mentioned reason for going into Executive Session was according to the Open Meetings Act.

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

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**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING
ADJOURNED AT 7:45 P.M.**

Respectfully submitted by,

Rebecca A. Hayes, City Clerk

Certification of Presiding Officer,

Ron Scott, Council President

**SEPTEMBER 23, 2013
SPECIAL CITY COUNCIL MEETING
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DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL / INVOCATION / Reverend Stuart Davidson / Eastern Shore Church of Christ

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; Britton Bonner, Attorney; Richard Johnson, Public Works Director; Richard Merchant, Building Official; David Carpenter, Police Chief; Tonja Young, Library Director; Vickie Hinman, HR Director; David McKelroy, Recreation Director; Mike Hinson, Finance Director; Christine Ciancetta, Deputy Finance Director; Ashley Campbell, Environmental Programs Manager; John Williams, Civic Center.

3. ORDINANCE 2013-50 / FY 2014 OPERATIONAL BUDGET

MOTION BY Councilman LeJeune to waived the reading of Ordinance 2013-50. *Seconded by Councilman Rudicell.*

MOTION CARRIES UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Ordinance 2013-50. *Seconded by Councilman Davis.*

AMENDMENTS:

MOTION BY Councilman Rudicell to reduce the Executive Travel and Training Budget from \$15,000 to \$10,000. *Seconded by Councilman Lake.*

ROLL CALL VOTE

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

AYE Rudicell, Lake, Fry

NAY Conaway, LeJeune, Davis, Scott

MOTION FAILS

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MOTION BY Councilman Rudicell to reduce the Legislative Travel and Training budget from \$36,000 to \$27,000. *Seconded by Councilman Lake.*

MOTION CARRIES UNANIMOUSLY

MOTION BY Councilman Rudicell to reduce Court Overtime budget from \$5,000 to \$2,500. *Seconded by Councilman Lake.*

MOTION CARRIES UNANIMOUSLY

MOTION BY Councilman Rudicell to amend the contribution for the Maintenance of Daphne High School ball fields from \$20,000 to \$10,000. *Seconded by Councilman Lake.*

After discussion Councilman Rudicell withdrew his motion and Councilman Lake withdrew his second.

MOTION BY Councilman Rudicell to reduce the contribution for the Maintenance of Daphne High School ball fields from \$20,000 to \$15,000. *Seconded by Councilman Lake.*

MOTION CARRIES UNANIMOUSLY

MOTION BY Councilman Davis to reduce the contribution to Mobile National Estuary Program from \$500 to \$5,000. *Seconded by Councilman Fry.*

AYE Rudicell, Lake, Fry, Davis, Scott

NAY Conaway, LeJeune

MOTION CARRIES UNANIMOUSLY

MOTION BY Councilman LeJeune to reduce the Capital Reserve Fund from \$250,000 to \$200,000. *Seconded by Councilman Lake.*

AYE Conaway, Rudicell, Lake, Fry, LeJeune, Scott

NAY Davis

MOTION CARRIES UNANIMOUSLY

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MOTION BY Councilman LeJeune to reduce the contribution for Blueprint for Tomorrow from \$35,000 to \$20,000. *Seconded by Councilman Rudicell.*

ROLL CALL VOTE

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

AYE LeJeune, Fry, Lake, Rudicell, Conaway

NAY Davis, Scott

MOTION CARRIED

MOTION BY Councilwoman Conaway for the Equipment Purchases go to the Finance Committee for approval. *Seconded by Councilman Lake.*

After discussion Councilwoman Conaway withdrew her motion and Councilman Lake withdrew his second.

MOTION BY Councilwoman Conaway to reduce the Equipment Purchases budget to \$0, and to bring these requests before the Finance Committee for approval. *Seconded by Councilman LeJeune.*

ROLL CALL VOTE

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

AYE Conaway, Rudicell, Lake, Fry

NAY LeJeune, Davis, Scott

MOTION CARRIED

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MOTION BY Councilwoman Conaway to reduce the Renovation and Building Improvement budgets to \$0, and to bring these requests before the Finance Committee for approval. *Seconded by Councilman Rudicell.*

ROLL CALL VOTE

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

AYE Conaway, Rudicell, Lake, Fry

NAY LeJeune, Davis, Scott

MOTION CARRIED

MOTION BY Councilman LeJeune to add \$65,000 to the budget for one (1) mile of sidewalks in Lake Forest. *Seconded by Councilman Rudicell.*

MOTION CARRIES UNANIMOUSLY

VOTE ON MAIN MOTION AS AMENDED

MOTION CARRIES UNANIMOUSLY

4. ORDINANCE 2013-51 / FY 2014 CAPITAL BUDGET

MOTION BY Councilman LeJeune to waive the reading of Ordinance 2013-51. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

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MOTION BY Councilman LeJeune to adopt Ordinance 2013-51. *Seconded by Councilman Davis.*

AMENDMENTS:

MOTION BY Councilwoman Conaway to eliminate the City Administrator position. *Seconded by Councilman Lake.*

ROLL CALL VOTE

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

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

MOTION CARRIED

MOTION BY Councilman Lake to eliminate the IT/Marketing/Communication position. *Seconded by Councilman Fry.*

ROLL CALL VOTE

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

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

MOTION CARRIED

MOTION BY Councilman Lake to combine the HR Training Coordinator and Nurse into one position, and taken out of the Police Department and put in HR.

MOTION FAILS FOR LACK OF A SECOND

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MOTION BY Councilman Rudicell to reduce the HR Training Coordinator to a part-time position from \$52,170 to not to exceed \$26,000 including benefits. *Seconded by Councilman Fry.*

ROLL CALL VOTE

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

AYE Conaway, Rudicell, Lake, Fry, Scott

NAY LeJeune, Davis

MOTION CARRIED

MOTION BY Councilman Rudicell to eliminate one part-time Library Aide position. *Seconded by Councilman Lake.*

ROLL CALL VOTE

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

AYE Rudicell, Lake

NAY Conaway, Fry, LeJeune, Davis, Scott

MOTION FAILED

MOTION BY Councilman Rudicell to eliminate the Recreation Coordinator position. *Seconded by Councilman Lake.*

ROLL CALL VOTE

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

AYE Rudicell, Lake

NAY Conaway, Fry, LeJeune, Davis, Scott

MOTION FAILED

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MOTION BY Councilman Fry to adopt Ordinance 2013-51 as amended. *Seconded by Councilwoman Conaway.*

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

MOTION CARRIED

5. COUNCIL COMMENTS:

Mayor Haygood said he is glad the budget is behind them so they can get on with business as usual, and do the best they can for the citizens. He said they can still work with a professional attitude. He thanked the council for the job that they do.

Councilman Lake stated that as long as he has been on the council they have never passed a deficit budget.

Councilman Davis said if you spend more than you take in during the year, call it what you may, that is what had happened for a few years, and while you cannot pass a deficit budget, as long as you have the money you can spend it. His opinion of what they have done over a few years was more along those lines rather than breaking some kind of state law.

Councilman Scott said with the exception of 2010 and 2011 where they took money out of the reserves to pay for the Lake Forest capital improvements they have always collected more money than was spent, always 100%. His first year on council was 2004, and they inherited about \$4 million, and when Mayor Small left they were up to \$12 million in reserves, and at that point they decided that was too much to have, and they had so many cattle needs, so they took dollars out of reserves to start paving projects, and they have a commitment not to go below \$8 million.

MOTION BY Councilman Fry to adjourn. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

There being no further business to discuss the meeting adjourned at 8:30 p.m.

Respectfully submitted by,

Certification of Presiding Officer:

Rebecca A. Hayes, Interim City Clerk

Ron Scott, Council President

**SEPTEMBER 23, 2013
STRATEGIC PLAN MEETING
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.**

Councilman Davis called the meeting to order at 4:40 p.m.

PRESENT: Councilwoman Conaway; Councilman Lake; Councilman Fry; Council President Scott; Councilman LeJeune; Councilman Davis; Rebecca Hayes, City Clerk; Jane Ellis, Mayor's Assistant; Sarah Toulman Assistant City Clerk; David McKelroy, Recreation Director; Richard Johnson, Public Works Director.

Absent: Mayor Haygood

1. PUBLIC PARTICIPATION

No one spoke.

2. PRESENTATION / SARAH TOULSON

Sarah presented a power point presentation from information sent to her by one of her professors at North Carolina University to help with creating good goals and how to get there. *(Presentation spread out upon these minutes)*

A. Recreation

1. Priorities

i. Tennis Courts

- a. Determine how many tennis courts citizens need
- b. According to the USTA at least four (4) (2 sets of 2) are needed
- c. Cost / \$35,000 per court (\$80,000 - \$120,000)
- d. Need timeline plan
- e. Need to determine how to pay for facilities
- f. Fee Structure

ii. Girls Softball fields / Boys Baseball fields

iii. Skateboard Park

Sarah will prepare another presentation on the remaining goals for the next meeting.

3. HOMEWORK:

Review handout for next meeting.

4. WHATEVER ELSE IS DEEMED NECESSARY

There were no other necessary items to discuss.

The next meeting in two weeks, October 14th after the Finance Committee meeting.

The meeting adjourned at 5:50 p.m.

Submitted by

Rebecca A. Hayes, City Clerk

Certification of Presiding Officer

Ron Scott, Council President

Strategic Planning

Goals and Objectives

- ## What SP can do for us
- Serve as a framework for discussing and deciding key priorities for action
 - Provide a means for establishing a degree of consensus on those priorities
 - Help identify goals and objectives on which one will need to work before moving onto subsequent actions
 - Help indicate linkage between resource needs and goals

- ## Summary
- Where we are
 - What we've already accomplished
 - Goals
 - Objectives
 - Practice!

- ## Getting in the SP mindset
- Dependent on people beginning to think about where the organization should be heading - complete agreement is not necessary
 - Need to think beyond immediate day-to-day issues
 - Essential - as it sets up the rest of the process

- ## Strategic Planning Overview
- What is Strategic Planning?
 - A plan that helps us determine what we need to do to get where we want to be.
 - Focus should be in the five year range - with an understanding of what the longer term goals are
 - What is Strategic Planning NOT?
 - Not an operational or long range plan
 - Not about continuing or maintaining activities

What we've accomplished

- Retreat:
 - ID'd Goals, Priorities, and Concerns
- Conducted SWOT Analysis:
 - Strengths
 - Weaknesses
 - Opportunities
 - Threats

Strengths	Weaknesses
<ul style="list-style-type: none"> • Financial success • Service to the community • Strong sense of mission • Ability to raise money, attract and retain staff 	<ul style="list-style-type: none"> • Aging • Lack of resources • Lack of focus
Opportunities	Threats
<ul style="list-style-type: none"> • New leadership 	<ul style="list-style-type: none"> • Political/Environmental issues • Change of executive leadership

What we've accomplished

- Vision Statement:

"The City of Daphne is committed to a family oriented environment that promotes high quality of life, strong sense of community and the fostering of education, culture and business."

Objectives

- Below each goal should be related objectives that will need to be met in order to achieve the goal
- Same basic concepts as for goals apply
- These move closer to one's operational side, but should be longer term in nature

What we've accomplished

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

- General Stakeholders

Goals and Objectives

Goals

- Broader
- General directions
- More difficult to quantify
- Use words like 'increase,' 'decrease,' 'deliver,' 'improve,' 'create'

Objectives

- Narrower
- Specific and measurable
- Should measure impact
- Should be SMART—specific, measurable, achievable, relevant, and time sensitive

"Think of goals as the treasure at the top of a stairway and objectives as the stairs" – Craig Miyamoto

Goals

- Should be
 - As clearly stated as feasible
 - Deal with a single focus
 - Positive
 - Action-oriented
 - Measurable
 - Achievable - even if not entirely within the time frame of the plan
 - Few in number and concisely stated

Examples of Goals

- Well worded goal:
 - To increase the overall satisfaction levels for clients calling to the company helpdesk with support needs
- Poorly worded goals:
 - To boldly go where no man has gone before
 - To provide access to community services, facilities, and employment in a safe, quick, comfortable, and convenient manner for all segments of the community without causing harmful side effects

Examples of Objectives

- Well worded objective:
 - To upgrade the helpdesk telephone system by December 31 to achieve average client wait times of no more than two minutes
- Poorly worded objectives:
 - To interest more people in recycling
 - To prepare a new brochure about recycling
 - To become more student focused

Our Objectives: Recreation

- Example Objectives:
 - Build "x number" of regulation size **Tennis Courts** for use by the public and for tournaments by January 1, 2015.
 - Establish a plan and rate schedule for renting the **Tennis Courts** and any other security/restrictive access policies that will need to be in place by June 2014.

Our Goals: Recreation

- Example Goal:

"To increase the number of state-of-the-art recreational programs and facilities available to our citizens."

Our Objectives: Recreation

- Example Objectives:
 - Conduct appropriate studies to determine citizen desire for and cost/benefit of a **skate park** and a **swimming pool** by January 1, 2015.
 - Work with Village Point Foundation to apply for grant funding to establish an Amphitheater by December 2014.

Our Objectives: Recreation

- Regulation tennis courts
- Amphitheater
- Nicholson Center
- Girls' softball fields
- Swimming pool
- Skateboard park
- Bay front property

Our Objectives: Recreation

- Example Objectives:
 - Conduct a cost/benefit analysis of an **amphitheater**, to include ongoing financial responsibilities, by February 2014.
 - Set aside funds to establish softball fields and repair current baseball fields, all repairs and additions to be complete by the end of FY 2016.

Our Objectives: Recreation

- Example Objectives:

- Establish a long-term plan for the use, occupancy, and financial commitment for the **Nicholson Center** by April 1, 2014.

- Improve access to Bay Front: Add water features, fountains to attract visitors, tourists, and citizens by April 2015.

Comments

CITY OF
DAPHNE, ALABAMA

PROCLAMATION

“National Fire Prevention Week”
October 6-12, 2013

WHEREAS, the City of Daphne is committed to ensuring the safety and security of all those living in and visiting our city; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at the greatest risk from fire; and

WHEREAS, roughly 3,500 people die per year as a result of home fires and burns, and more than 200,000 individuals are seen in the nations emergency rooms for burn injuries; and

WHEREAS, thermal burns outnumber scalds nearly two-to-one, but for children ages five and under, scalds outnumber burns roughly two-to-one; and

WHEREAS, kitchen fires are the leading cause of home fires and home fire injuries, while heating equipment and smoking are the leading causes of home fire deaths; and

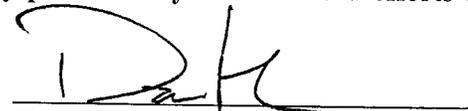
WHEREAS, working smoke alarms cut the risk of dying in home fires by one-half, residents who have planned and practiced a home fire escape plan are more prepared and therefore more likely to survive a fire, and it is reported that only one-third of Americans have developed and practiced a home fire escape plan, with others making a plan, but not practicing it; and

WHEREAS, Daphne’s firefighters are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education, and Daphne’s residents are responsive to public education measures, and are able to take personal steps to increase their safety from fire, especially in their homes; and

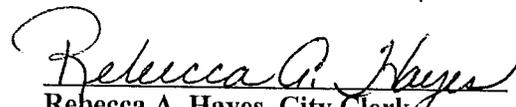
WHEREAS, the 2013 Fire Prevention Week theme, “Prevent Kitchen Fires” effectively serves to remind us of the simple actions we can take to remain safe from fire during Fire Prevention Week, and all year-round.

THEREFORE, the Mayor and City Council of the City of Daphne, Alabama do hereby proclaim October 6-12, 2013 as Fire Prevention Week throughout this city, and urge all the citizens of Daphne to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2013, and to support the many public safety activities and efforts of Daphne’s fire and emergency services.




Dane Haygood, Mayor

ATTEST:


Rebecca A. Hayes, City Clerk

CITY OF
DAPHNE, ALABAMA

PROCLAMATION

“National Breast Cancer Awareness Month”
October 2013

WHEREAS, October is National Breast Cancer Awareness Month; and

WHEREAS, since the program began in 1985 mammography rates have more than doubled for women age 50 and older, and breast cancer deaths have declined; and

WHEREAS, National Breast Cancer Awareness Month remains dedicated to increasing public knowledge about the importance of early detection of breast cancer diagnosis and treatment; and

WHEREAS, many women still do not utilize mammography at regular intervals even though research indicates it is the best available method of detection; and

WHEREAS, the awareness campaign is sending out several key messages, most notably, the importance of early detection through mammography screening for women over 40; and

WHEREAS, the National Cancer Institute estimates in the United States more than 180,000 new cases of breast cancer will be diagnosed this year and over 42,000 women will die; and

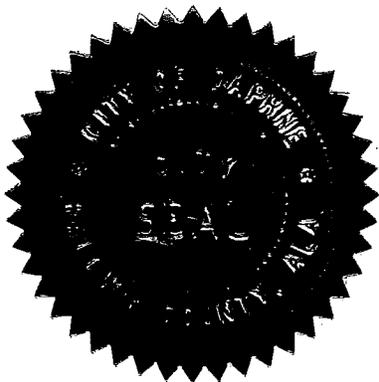
WHEREAS, taking advantage of early detection methods such as mammography and clinical breast exams could help the breast cancer death rate drop by approximately 30%; and

WHEREAS, the American Cancer Society has searched endlessly for a cure through vital research and has the mammoth task of educating our community and all Americans of the risks of breast cancer. Its many volunteers offer support in the form of support groups, accommodations and transportation assistance, medical equipment and more.

THEREFORE, the Mayor and City Council of the City of Daphne, Alabama do hereby proclaim

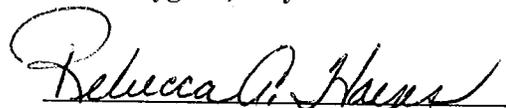
October 2013 as “Breast Cancer Awareness Month”

throughout the city, and urge all women and their families to get the facts about breast cancer and join in celebrating all successes, and to memorialize lost battles.




Dane Haygood, Mayor

ATTEST:


Rebecca A. Hayes, City Clerk

OCTOBER 7, 2013 COUNCIL MEETING

BREAST CANCER AWARENESS

PRESENT WINNER OF DESIGN FOR T-SHIRTS

FROM DAPHNE HIGH SCHOOL CONTEST

**REPORT
OF
STANDING COMMITTEES**

**REPORT
OF
SPECIAL BOARDS**

MEETINGS & SUBMITTALS

January							February							March						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	★ 2	3	4							1							1
5	6	7	8	9	10	11	2	★ 3	4	5	6	7	8	2	★ 3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28		23	24	25	26	27	28	29
														30	31					

April							May							June						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		★ 1	2	3	4	5					★ 1	2	3	1	★ 2	3	4	5	6	7
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27	28	29	30				25	26	27	28	29	30	31	29	30					

July							August							September						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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							31													

October							November							December						
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			★ 1	2	3	4							1		★ 1	2	3	4	5	6
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26	27	28	29	30	31		23	24	25	26	27	28	29	28	29	30	31			
							30													

 **Cut-off for next month's meeting**
 **Regular Meeting 6 pm**



2014 DAPHNE BOARD OF ZONING ADJUSTMENT CALENDAR

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 29, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

CALL TO ORDER

The number of members present constitutes a quorum. The regular meeting of the City of Daphne Planning Commission was called to order at 5:00 p.m.

CALL OF ROLL:

Members Present:

Charles Smith
Don Terry, Secretary
Ed Kirby, Chairman
Larry Chason, Vice Chairman
Ron Scott, Councilman
Hudson Sandefur

Members Absent:

Chief James "Bo" White
Dan Gibson

Staff Present:

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

Staff Absent:

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

Others Absent:

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

The first order of business is the call to order.

Chairman: Please let the record reflect that Mr. Gibson and Chief White are absent.

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

APPROVAL OF MINUTES:

The minutes of the July 25, 2013 regular meeting were considered for approval.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 29, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

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

A Motion was made by Mr. Chason and **Seconded** by Mr. Terry *to approve the minutes of the July 25, 2013 regular meeting. The Motion carried. Mr. Kirby abstained due to his absence at the meeting.*

The next order of business is preliminary/final plat review for Resubdivision of Lot 2A, Lot 2, Resubdivision of Wilson Avenue Business Park.

NEW BUSINESS:

PRELIMINARY/FINAL PLAT REVIEW:

File SDPF13-09:

Subdivision: Resubdivision of Lot 2A, Lot 2, Resubdivision of Wilson Avenue Business Park

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

Location: Southeast of the intersection of Wilson Avenue and U.S. Highway 98

Area: 1.49 Acres \pm , (3) lots

Owner: Black Angus Development - T. A. Drummond or Thomas Toombs

Engineer: Hutchinson, Moore & Rauch - Tim Lawley

An introductory presentation was given by Mr. Tim Lawley, Preble-Rish, representing the owner. I will be happy to answer any questions you may have.

Chairman: My understanding when we left the work session is we were looking for some type of condominium association documentation to show that these parcels were going to be a part of a condominium association.

Mr. Lawley: It is not necessarily going to be a condominium association. It is going to be a subdivision. With a condominium, you only own the subdivision.

Mr. Ross: They ended up doing some restrictive covenants in their proposal.

Mr. Lawley: We presented restrictive covenants.

Chairman: My question is, does that negate the necessity to adhere to the setbacks in a subdivision? Our regulations require setbacks.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 29, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Ross: They have address setbacks in the covenants. Section 5-4, Building Setbacks, says, "Subject to the provisions of Section 5.5 below, minimum setback lines for all Buildings shall be the minimum established by the City of Daphne as approved by the Developer" so they will have met our setback lines.

Chairman: I saw that, but our setback requirements are more than what is shown on the subdivision plat. Am I correct? Ms. Jones, straighten me out if I am wrong.

Ms. Jones: You are correct.

Chairman: What is this zoned?

Mr. Chason: B-2.

Chairman: What is our setback? I know that side and rear setbacks are zero. What is the front setback?

Mr. Lawley: The front setbacks vary depending on what type of right-of-way you abut, but none of our lots abut a right-of-way. Our whole argument was since none of the four lots abut a right-of-way, they should be treated as an interior or rear and side setback. For the zoning of B-2, you have a setback for arterial, local street, U.S. Highway 98, State or County road. None of those are applicable to the lots in the development, in my opinion. That is what we were discussing last time. I do not think these setbacks were meant to be applied inside of private development when a common easement is used for access. I do not think that is the spirit of which these setbacks were set up.

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

Mr. Chason: I would tend to agree that it is obvious from looking at the plat that this is what you would call a typical subdivision. If it did front on public accesses and streets, I think there would be no question what is the setback. I think that was Ms. Jones' concern is how do you keep someone from coming in the future and say I want to do that. Ms. Jones, are you not comfortable with this and what you see ninety percent of the time because it is a parking lot on a common area with an ingress and egress easement? That is pretty rare.

Ms. Jones: No. My concern is setting a precedent where you have commercial property with zero setbacks all around it. Mr. Lawley presents a good argument, but you have to decide if it is valid or not. I think if you approve it as it is, there needs to be a note added to the plat giving justification for the approval. We do not want anyone to come back and be able to say, but in this instance you did it.

Mr. Chason: Can I ask, what did we ask in the case of Summer Oaks Subdivision when they added another phase? It was a street that made a big loop and each of the houses and/or apartments were designated lot numbers. Each one of the lots was essentially the building pad itself that fronted on the street. Did we have setbacks in that case? What did we do in that case to allow for that to happen?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 29, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Jones: Jan can get the plat for your review. I do not remember what the circumstances are or were, but we do have the plat in our office. We can take a look at it and come back to it if you want to.

Mr. Chason: If there is a serious concern that this could be a can of worms in the future, then maybe what we need to do is to wait until we look at that. I do not know if that decision should control this decision or a future decision. Each application should be decided on its own merits. If they do not want this to be a condominium development, and I understand why they don't because it is really a PUD. It is what it is, and we do not have PUD regulations.

Ms. Jones: We do, but this would not comply with PUD regulations according to our Ordinance.

Mr. Chason: It is a short answer to why it would not meet our PUD regulations?

Ms. Jones: Our PUD regulations have specific provisions, and this application does not meet those provisions. That is one of the reasons that I have proposed to work on the PUD provisions so we can address more than one type of development as a PUD.

Chairman: The last phase of Summer Oaks that we did was for the individual patio homes, and they have setbacks.

Ms. Jones: I believe they do. That is why I would like to have a chance to look at the plat so I can certify that for you.

Chairman: The lots do have setbacks. Now at the front of the development where the town homes are I am not sure about those. Those were built before my time. I just want to bring up that the last phase we did adheres to setback lines. That was my concern.

Mr. Scott: My Chairman, if I could, please refresh my memory as to what is the purpose of having setbacks. I know some of them.

Ms. Jones: Well, I cannot necessarily do that, but I can refer to the minimum standards that we have. For all of our zoning districts, we have minimum standards in place. I cannot back up and say what the intent was supposed to be, but I can say our Ordinance, as he mentioned, certain streets and the setbacks being from those streets. It is silent on this situation.

Mr. Chason: Because this is not a street, it is a parking lot.

Ms. Jones: It is an ingress/egress easement. The parking lot is going to be an easement for access.

Mr. Scott: It would seem to me if the Land Use Ordinance does not discuss this type of situation that I do not see how we would justify demanding a setback from a nonexistent street. It may be something we need to look at in the regulations if we are going to develop our downtown. There are these types of developments, but just not here.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 29, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Chason: Mr. Chairman, there is one other thing we need to think about. When the Ordinance was written, I do not think it took in this type of subdivision. In order to comply with the setback, the only solution is to draw a setback line out into the parking lot. I really do not think we want that. We in protecting the public do not want the existing buildings to own that parking lot. I think it is better for the entire subdivision and for the City in general that the parking lot is a common area and no one has exclusive rights to it. If we force the lot line to go out into the parking lot and create the setback, then I think we have let our Ordinance drive bad development.

Chairman: I do not think anyone should have control of what is now called the common parking lot.

Mr. Chason: That would bring it into compliance.

Chairman: I was trying to figure out how to do it. I was looking at the restrictive covenants and conditions, and there are a couple of the lots does not adhere to its own covenants such as in provision 5.1.3 which calls for a loading, unloading, and a storage area. I am just talking about what is in the covenants presented here.

Mr. Toombs: The document presented is only a draft copy of the covenants.

Chairman: I was questioning whether or not this is for the entire subdivision, Wilson Avenue Business Park or is it just for Lot 2. It is my understanding that at one time it was four lots. I am totally confused with the document that is presented.

Mr. Lawley: The covenants would be for Lot 2A. The document does not clearly specify that on the first page as it should.

Chairman: I would have felt better if the covenants would have been for 2A and actually fit the subdivision we are being asked to approve.

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

Ms. Jones: Just remember whatever you decide, if it is different from the Ordinance talks about, there needs to be a note on the plat to justify it. Whatever your motion is should also include that.

Mr. Chason: I hate notes on the plat. The fewer the notes on the plat the better. If you put a note on the plat for justification because it varies from the Ordinance, six months from now we change the Ordinance to accommodate this type of thing, and then you have a note on the plat that addresses a problem that does not exist anymore. Everyone then has to figure out what was the purpose of the note on the plat. How big of a time demand is this?

Mr. Toombs: We have a tenant that has moved into the building and is paying rent until we can get the property subdivided.

Mr. Chason: So it is not going to kill you to wait thirty days?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 29, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Toombs: It is not going to kill me, but he is going to have to pay rent.

Mr. Chason: That is not going to kill you. We will be doing you a favor. You know that we talked about this at the work session. The document you have her admittedly is not a final draft, and it does not solve the problem. We need some time.

Mr. Toombs: What I have a problem with is understanding the problem that we need solving. We meet the setbacks for roads and rights-of-ways. I think for the exact reason you stated is why we wanted the property line to end at the sidewalk rather than the center of the parking lot. If we draw the property line in the middle of the parking lot, then we meet the setback requirements. However, we feel that, potentially, someone could say they have exclusive rights to the parking lot. That would be a detriment to the other people that use the buildings and the citizens. We also gave it a condominium type setback because these are individual buildings. If one of the buildings were to be damaged and a tenant was required to repair more than an inside wall, building one may be responsible for roof damage on building two in the case of a hurricane. That potential was there so that is why based on HMR's recommendations after reviewing the regulations that we decided to make that box around the buildings.

Mr. Chason: Congratulations on the innovations. I do not see anything wrong with that. However, I do think the Ordinance was not written to contemplate this. The position it puts us in is we are approving a B-2 lot with no setback. I understand what you are saying about the parking lot. I do not disagree. The Ordinance is silent to that. It does not address it. I think a person in the general public could reasonably assume he should be in compliance with the Ordinance, and that he may not be. It would take us time to change the Ordinance. I do think you could do something in this document. My problem personally is that this is not it. This has still got to have some work. We do not enforce covenants, but this is your solution to the problem. We need to get that in order before so we are all cleared to go forward with it. Otherwise, we stick our neck out.

Mr. Toombs: Are you telling me to move the property line?

Mr. Chason: No. I am telling you to come in here next month with a document that addresses and clearly identifies Ms. Jones concerns so the next person that comes in we have established what the proper procedure is for a B-2 interior lot that does not front on a street. Right now you have a document that does not fit, and an Ordinance that does not line up exactly.

Mr. Toombs: How do you address it?

Mr. Chason: I think your attorney can do it right, Jay?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 29, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Ross: I think you can do it in the covenants. We just need to make sure the language is sufficiently clear. After you approve the language, you need to make sure that is what gets recorded as a condition of the approval process.

Mr. Chason: The attorney can do it, and I think we need to have it.

Mr. Ross: Maybe he, Adrienne, Shawn, and I can sit down and try to hammer out some language. We can meet and try to put something together for what they want to handle this situation.

Mr. Lawley: Like Thomas, even if we get something that addresses it, the general consensus is that we are not adhering to the setbacks in the subdivision regulations. By doing that, we will be setting a precedent for somebody in the future. By addressing it in the covenants, how is that going to change the Planning Commission or Ms. Jones opinion on us not meeting the setbacks?

Mr. Chason: The next person that comes in and wants to do pads like that on interior lots with a private street and parking lot we can identify a set of covenants which will guide and direct that situation. In the mean time, the City is working on revising PUD regulations. If we had our PUD regulations in order that is what you would be here with tonight, but we don't.

Mr. Toombs: I do own the two acres on the other side of the street. That would make this a four-point four-acre parcel so would that change anything?

Chairman: I do not think it does. I do not think that changes anything we are dealing with right now.

Mr. Scott: One of the things I heard is there is extraneous language in these covenants that does not need to be there. Also, I do not think we want to approve something without the correct document.

Mr. Toombs: This is only a draft. You do not enforce covenants, but I can understand why you would it to be correct.

Mr. Chason: When I looked at this, I too thought does this cover Lot 1, Lot 2A or 2B? It says to refer to Exhibit "A," and it is blank. That is what I am saying is what we have is only a part of it. I think we can get it if time is not an issue.

Mr. Ross: I suspect we can get it there.

Mr. Toombs: I think we all have the same intent of no prohibiting someone from using the parking lot and still the subdivision has access to a right-of-way and proper setbacks. It is just coming up with the language which allows them to use the parking lot and someone to tell have use of their own private property.

Chairman: Ms. Jones, what do we need to do at this point in time?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 29, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Jones: You can ask if there is anyone here for a public hearing.

Chairman: Or do you want to wait until we get something back we can work on?

Ms. Jones: The regulations say, "After a public hearing, we have thirty days to take action; otherwise, it is deemed approved." Our next meeting is on September 26, 2013 which is less than thirty days from today.

Mr. Ross: Ask him to waive the thirty-day requirement and carry it over to the next month.

Ms. Jones: Unless there is someone here that came specifically to talk about it.

Chairman: Do any of the Commissioners have any questions or comments? I will open the floor to public participation. Is there anyone who wishes to address this issue? With no one present, I will close the public hearing.

Ms. Jones: You have had the public hearing so the next time you come back, you can vote.

Chairman: We have thirty days from today to make a decision.

Mr. Chason: You can waive the thirty-day requirement and not put us or you in a bind. If you do not waive it, then we have to act on it next month. If it is not right, we will still have to vote it up or down.

Mr. Toombs: Will you have a working meeting?

Mr. Chason: Yes.

Mr. Toombs: That means I will have a week to address anything discussed at the work session.

Chairman: Yes sir.

Mr. Toombs: I think my tenant will be happier if I keep the ball moving.

Chairman: We have thirty days to make a decision. We will get that done before the thirty days is up.

Mr. Toombs: Thank you for all of your comments.

Mr. Ross: Why don't we for clarity sake have a motion on the record that we are going to carry it over to next month, and he will waive any time requirements that might arise.

Ms. Jones: You have to vote.

Mr. Ross: I would ask that you make a vote on that.

Chairman: I will entertain a motion to carry it over for thirty days and for him to waive the thirty-day requirement.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 29, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

A Motion was made by Mr. Chason and **Seconded** by Mr. Scott *to table the preliminary/final plat for Resubdivision of Lot 2A, Lot 2, Resubdivision of Wilson Avenue Business Park until the regular meeting of September 26, 2013. The Motion carried unanimously.*

The next order of business is a subdivision replat review for a Part of Lots 11 & 12, Whispering Pines Subdivision.

SUBDIVISION REPLAT REVIEW:

File SRP13-02:

Subdivision: Replat of a Part of Lots 11 & 12, Whispering Pines Subdivision

Zoning(s): R-3, High Density Single Family Residential

Location: 7360 Cypress Avenue
Area: 0.97 Acres ±, (2) lots
Owner: David & Krista Baggett

An introductory presentation was given by Mr. David Baggett, the owner. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? If there are not questions or comments, the Chair will entertain a motion.

A Motion was made by Mr. Chason and **Seconded** by Mr. Smith *to grant subdivision replat review for the Replat of a Part of Lots 11 & 12, Whispering Pines Subdivision. The Motion carried unanimously.*

The next order of business is administrative presentation for Ordinance 2011-54, the Land Use and Development Ordinance, Article 12-4, Business Districts, Mixed Use District.

PLANNING COMMISSION DISCUSSION:

Ms. Jones: Provided a copy of the Baldwin County Zoning Regulations regarding a Mixed Use District.

Mr. Chason: What did you think of the language that they have?

Ms. Jones: It can be modified to fit what we are looking for. I will email a draft copy of the proposed Ordinance for review for discussion at the site preview meeting.

The next order of business is public participation.

PUBLIC PARTICIPATION:

Chairman: Is there anyone here to address the Commission?

No public participation.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF AUGUST 29, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

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

ATTORNEY'S REPORT:

Mr. Ross: No report.

The next order of business is commissioner comments.

COMMISSIONER'S COMMENTS:

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

No comments.

The next order of business is director's comments.

DIRECTOR'S COMMENTS:

No comments.

ADJOURNMENT:

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

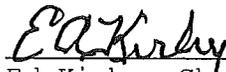
There being no further business, the meeting was adjourned at 5:31 p.m.

Respectfully submitted by:



Jan Vallecillo (Dickson), Planning Coordinator

APPROVED: September 26, 2013



Ed Kirby, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 26, 2013 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.



1. CALL TO ORDER DATE OF REPORT: SEPTEMBER 27, 2013
2. CALL OF ROLL ED KIRBY, LARRY CHASON, RON SCOTT, CHIEF
WHITE, CHARLES SMITH, DON TERRY
3. APPROVAL OF MINUTES:

Review of minutes for the regular meeting of August 29, 2013. (APPROVED AS SUBMITTED)
4. OLD BUSINESS:

A. ADMINISTRATIVE PRESENTATION: (APPROVED)

Administrative presentation for TimberCreek Subdivision, Phase 11. Proposed modification to utility plan by Carah Hall, McCrory & Williams.

B. PRELIMINARY/FINAL PLAT REVIEW:

1. File SDPF13-09: (APPROVED)

Subdivision: Resubdivision of Lot 2A, Lot 2, Resubdivision of Wilson Avenue Business Park

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

Location: Southeast of the intersection of Wilson Avenue and U.S. Highway 98

Area: 1.49 Acres ±, (3) lots

Owner: Black Angus Development - T. A. Drummond

Engineer: Hutchinson, Moore & Rauch - Tim Lawley or Scott Hutchinson

5. NEW BUSINESS:

A. PRELIMINARY/FINAL PLAT REVIEW:

1. File SDPF13-10: (DISAPPROVED, FIVE MEMBERS VOTED IN THE AFFIRMATIVE AND ONE DISSENTED)

Subdivision: Malbis Plantation, Inc.

Zoning(s): *RSF-1, Single Family District and B-2, Neighborhood Business District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

Location: Southwest of the intersection of U.S. Highway 90 and Alabama Highway 181

Area: 36.33 Acres ±, (2) lots

Owner: Malbis Plantation, Inc. - Antonio Cleonns

Engineer: Foresite Group - Shane Yarbrough

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 26, 2013 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

2. File SDPF13-11: (TABLED UNTIL OCTOBER 24, 2013 MEETING)

Subdivision: Tasheiko Family Subdivision

Zoning(s): *RSF-2, Single Family District, Baldwin County District 16, in the Extraterritorial Planning Jurisdiction of Daphne*

Location: Montrose, South of Bay Shore Drive

Area: 3.31 Acres \pm , (6) lots

Owner: Leonid & Sandra Kay Tasheiko

Engineer: Preble-Rish - Steve Pumphrey

B. BROOKHAVEN SUBDIVISION:

1. MASTER PLAN:

File MPA13-03: (APPROVED)

Presentation to be given by Mr. Steve Pumphrey, representing Preble-Rish, requesting a master plan revision for Brookhaven Subdivision.

2. PRELIMINARY PLAT REVIEW:

File SDP13-06: (APPROVED)

Subdivision: Brookhaven, Phase Two, Part B

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

Location: Northwest of the intersection of Whispering Pines Road and County Road 13

Area: 7.07 Acres \pm , (19) lots

Owner: Feliciter Investment Group, L.L.C. - Nathan Cox

Engineer: Preble-Rish - Steve Pumphrey

C. SITE PLAN REVIEW:

1. File SP13-06: (APPROVED)

Site: Renaissance Auto Sales

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

Location: Southwest of the intersection of Frederick and Renaissance Boulevard, Lot 6, Renaissance Center Subdivision, Phase 1a, Lots 1-7, and Phase 2a, Lot 1

Area: 1.25 Acres \pm

Owner: MYMS, Inc. - Mohamed Shakora, President

Engineer: Frank Dagley & Associates - Patrick Tolbert

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 26, 2013 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

D. PETITIONS:

1. ZONING AMENDMENT: (UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL FOR PARCEL 1; UNANIMOUS UNFAVORABLE RECOMMENDATION FOR PARCEL 2)

File Z13-06: Walter J. and Martin L. Pierce

Present Zoning: R-3, Medium Density Single Family Residential

Proposed Zoning: B-2, General Business

Location: Across from the intersection of Highway 90 and County Road 13; adjacent to the proposed County Road 13 Interchange and Interstate 10

Area: 5.93 Acres ±

Owner(s): Walter J. and Martin L. Pierce

E. CHRIST THE KING CATHOLIC CHURCH:

1. MASTER PLAN:

File MPA13-04: (APPROVED)

Presentation to be given by Mr. Doug Bailey, representing Hutchinson, Moore & Rauch, requesting a master plan revision for Christ the King Catholic Church.

2. ZONING AMENDMENT: (UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

File Z13-07: Christ the King Catholic Church

Present Zoning: B -2, General Business, R-2, Medium Density Single Family Residential and R-3, High Density Single Family Residential

Proposed Zoning: B-1, Local Business

Location: North of the intersection of Main Street and Van Avenue; and Southeast of the intersection of Guarisco and Trione Avenue

Area: 15.86 Acres ±

Owner(s): Christ the King Church - Matthew O'Connor

Engineer: Hutchinson, Moore & Rauch

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 26, 2013 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

- E. ELECTION OF OFFICERS: (TABLED UNTIL OCTOBER 24, 2013 MEETING)
6. PUBLIC PARTICIPATION
7. ATTORNEY'S REPORT
8. COMMISSIONER'S COMMENTS
9. DIRECTOR'S COMMENTS
10. ADJOURNMENT

MEETINGS & SUBMITTALS

January							February							March						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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19	20	21	22	23	24	25	16	17	18	19	20	21	22	16	17	18	19	20	21	22
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April							May							June												
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July							August							September											
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October							November							December										
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26	27	28	29	30	31	23	24	25	26	27	28	29	28	29	30	31								
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 **Cut-off for next month's meeting**
  **Site Preview Meeting 8:30 am**
  **Regular Meeting 5 pm**



2014 DAPHNE PLANNING COMMISSION CALENDAR

THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
SEPTEMBER 3, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

CALL TO ORDER:

The Moderator called to order the Sign Committee Meeting at 4:36 p.m.

CALL OF ROLL:

Members Present:

Steve Robinson *Arrived at 4:38 p.m.
Bill Burdick
Toni Fassbender
John Peterson
Frieda Romanchuk

Members Absent:

Elnora Jackson
Victor Lejeune

Staff Present:

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

The Moderator asked if the Committee had any additions or deletions or discussion concerning the minutes. The Moderator stated if not, she would entertain a motion and a simple majority vote will pass a motion.

Approval of minutes:

The minutes of the August 27, 2013 meeting were considered for approval.

A Motion was made by Ms. Fassbender and Seconded by Mr. Peterson to approve the minutes as written.

The Motion carried unanimously.

The Moderator opened the floor for public participation. Councilman Lake commented the hallmark for Daphne is the quality of life and we should protect it to ensure a good livable community and learn from the past. He suggested that I-10 signage should be allowed with limited luminosity. Councilman Davis stressed our unique Exit 35 & 38 gateways into the city. The floor was closed for public participation. A Committee member asked that the Committee remember the importance representing their District. Mayor Haygood reminded the Committee that they were representing the City of Daphne and everything that makes up Daphne and it should have a consistent sign ordinance that's enforceable. Pictures of I-85 malls were passed around along with sign ordinances from Alpharetta, GA, and Palm Coast, FL.

THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
SEPTEMBER 3, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

Old Business

The Moderator submitted several questions for temporary signs for the Committee to answer as a continuance from last week's discussion. The number of banners for multi-tenant occupancy, and whether the banner would be attached to the building or not, should the size be reduced, and length of time a banner should be posted.

A **Motion** was made by **Mr. Peterson** and **Seconded** by **Ms. Romanchuk** for a **single tenant to have one sixteen square foot banner per building for twenty eight days with no more than two consecutive intervals of 14 days with a no cost permit to specify the size and location with a description. And it will not count against any promotional weekends allowed by Council.**

The Motion carried unanimously.

The location language to be drafted may be attached, connected or tethered to the building façade facing a road right-of-way, can be supported by stakes or other similar devices, not located in the road right-of-way or alleyway, not be located so as to obstruct the view or impede pedestrian or vehicular traffic or not located on accessory structures or buildings be deleted.

A **Motion** was made by **Mr. Peterson** and **Seconded** by **Ms. Romanchuk** that **the size shall be 32 square feet max unless the property abuts or is part of a unified development and or located on I-10, State highway where the max shall be 50 square feet.**

The Motion carried unanimously.

There was a brief discussion concerning the multi-tenant buildings.

A **Motion** was made by **Ms. Romanchuk** and **Seconded** by **Mr. Robinson** that **a multi-tenant building each with its own entrance are entitled to same temporary banner sign as a single tenant facility.**

The Motion carried unanimously.

The Moderator asked the Committee to study page 4 of what was given out last week and write down any points and be ready for discussion on next week.

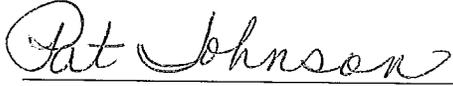
ADJOURNMENT:

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

There being no further business, the meeting was adjourned at 6:21 p.m.

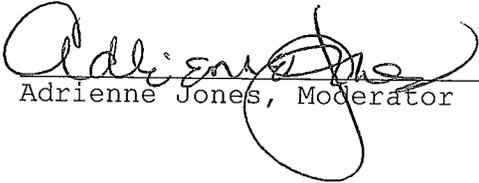
THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
SEPTEMBER 3, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: September 10, 2013



Adrienne Jones, Moderator

THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
SEPTEMBER 10, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

CALL TO ORDER:

The Moderator called to order the Sign Committee Meeting at 4:37 p.m.

CALL OF ROLL:

Members Present:

Steve Robinson
Bill Burdick
Toni Fassbender *Arrived at 5:45 p.m.
Elnora Jackson
Victor Lejeune

Members Absent:

John Peterson
Frieda Romanchuk

Staff Present:

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

The Moderator asked if the Committee had any additions or deletions or discussion concerning the minutes. Mr. Burdick stated there are several minor errors that need to be corrected under old business, first it should be one sixteen square feet and change specific to specify in the first motion, remove is after location language to be drafted, remove the second concerning before multi-tenant buildings, add each after a multi-tenant building in the third motion. The Moderator stated she would entertain a motion to accept the minutes with the corrections.

Approval of minutes:

The minutes of the September 3, 2013 meeting were considered for approval.

A **Motion** was made by **Mr. Lejeune** and **Seconded** by **Mr. Burdick** approve the minutes as adjusted.

The Motion carried unanimously.

The Moderator opened the floor for public participation, there were no public comments. The floor was closed for public participation. Moderator stated she had passed out pictures taken by Lonnie Jones, Code Enforcement Officer and yielded the floor to him. Mr. Jones stated he had taken pictures around town as instructed by the Mayor to show window space because they are only allowed twenty percent of their window space.

**THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
SEPTEMBER 10, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.**

Mr. Jones stated you need to decide what will be allowed as far as window space, yard signs and grand openings. The Mayor stated we need an ordinance that is enforceable, but yet allows some flexibility. There needs to be something in place as to size, placing, how many and when they should be allowed.

Old Business

The Moderator stated on page 4 of what we had last week. The reason I presented it to you in the way I have is that I felt it would help you follow along the lines as to what Mr. Burdick had mentioned about a person wanting to start a business, as to what their rights and privileges are. There should be something easily accessible as to what they can have for grand openings, remodeling and new owner re-grand openings. The Committee discussed the definition and look of promotional banners, promotional flags, tethered inflatables and other items pertaining to promotional signage such as balloons and streamers.

The consensus of the Committee for permitted grand openings or re-grand openings was thirty days for a grand opening, can be two weeks prior to opening and 2 weeks after opening which does not matter as long as it is removed within the thirty days. Council approval is needed for a re-grand opening which lasts fourteen days. Also, working from page 4, one temporary marketing package will be allowed per one street frontage for each lot, business or residential development. Convention marketing shall be commensurate with that particular event. A grand opening package may include a combination of five of the temporary marketing signs. The five shall be chosen from one promotional thirty-two square foot banner, three promotional flags, which shall be no more than three with a distance of twenty feet apart, one tethered inflatable 3-dimensional object, one per road frontage, one hundred feet from the street frontage, three yard signs not displayed within the right-of-way, three sets of pennants, three sets of streamers, three bunting, and balloons. The timing shall be Friday commencing no earlier than 6:00 a.m. the following Saturday, Sunday, and all shall be removed at the close of the weekend. It was the thought of the Committee that separate language should be drafted for national holiday and weekend promotions. On national holiday's, these same allowances are permissible. The Moderator stated she would have a second draft ready to submit to the Committee for the final meeting on September 24th, and she asked that all be prepared to stay until 7:00 p.m. on that day, and next week there will be a presentation by two sign companies on luminosity.

ADJOURNMENT:

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

There being no further business, the meeting was adjourned at 6:04 p.m.

THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
SEPTEMBER 10, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

Respectfully submitted by:

Pat Johnson

Pat Johnson, Recording Secretary

APPROVED: September 17, 2013

Adrienne Jones

Adrienne Jones, Moderator

THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
SEPTEMBER 17, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

CALL TO ORDER:

The Moderator called to order the Sign Committee Meeting at 4:36 p.m.

CALL OF ROLL:

Members Present:

Steve Robinson
Bill Burdick
Toni Fassbender
Elnora Jackson
Victor Lejeune
Frieda Romanchuk

Members Absent:

John Peterson

Staff Present:

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

The Moderator asked if anyone had any additions or deletions concerning the minutes. Ms. Fassbender wondered why the exclusion for car dealerships, and one per road frontage for 3-d objects needs to be added, Ms. Romanchuk noticed promotional flags should be at a distance of twenty feet apart. The Moderator stated she would entertain a motion to accept the minutes with the corrections.

Approval of minutes:

The minutes of the September 10, 2013 meeting were considered for approval.

A **Motion** was made by **Mr. Lejeune** and **Seconded** by **Ms. Jackson** to approve the minutes as adjusted.

The Motion carried unanimously.

The Moderator opened the floor for public participation, there were no public comments. The floor was closed for public participation, and the Moderator proceeded to new business.

New Business:

The Moderator introduced representatives from various sign companies that had come to enlighten them on certain aspects of electronic signs.

**THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
SEPTEMBER 17, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.**

Optec Displays Incorporated, Victor Signs, Bill Tate, and (a rep from Complete Signs, Justin Holland, arrived later in the meeting). Moderator acknowledged Council members in attendance and Chief White, Daphne Fire Department and David McElroy, Recreation Department, who is interested in having an electronic sign at the Civic Center.

Mr. Shawn Klinger, Field Sales Manager, Optec Displays, Incorporated introduced himself and explained in details all aspects of an electronic sign. He impressed upon the Committee LED auto sensors controlling brightness, scheduling, black backgrounds versus white backgrounds after a certain time of day, eliminating scrolling, blinking and flashing, how signs may be computerized for ease of operation, the need for an infra-red nit gun for Code Enforcement to measure compliance, 5000 daytime nits compared to 1000 to 2000, sign movement, seven second DOT transition safety time and cost and permitting. Mr. Klinger also brought a demo trailer to demonstrate read, video display and color text electronic signs.

Shawn indicated that some cities limit the brightness at night and this isn't good for the longevity of the sign, some limit the initial brightness and that's also not good for the sign investment. The Light field can be intrusive beyond the immediate area. A ballpark figure of pricing was discussed. Federal Highway Department of Transportation safety studies were referenced during the presentation as well.

Mr. Bill Tate, a licensed electrician, stated location has a lot to do with these signs. A sign at a church is going to be a lot less intrusive than at a shopping center in terms of brightness.

The Committee asked Joe and Justin Thompson, Victor Sign Company, how many nits was Eastern Shore Center set on. Joe Thompson stated I do not know since I did not install it, but we did install the one at the Tanger Outlet and I am not sure how many nits it is without the paperwork, because it was sent to us ready to install.

The Committee at this point is invited to go outside to view Mr. Klinger's demo trailer.

After returning proposed language draft that they will be voting on next week was distributed and reviewed by the Committee. The Moderator asked the Committee to read the document and be prepared to stay to get the work done since it will be the last meeting. Corrections were made to the draft and noted by each member and staff.

ADJOURNMENT:

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

There being no further business, the meeting was adjourned at 6:18 p.m.

THE CITY OF DAPHNE
SIGN COMMITTEE MINUTES
SEPTEMBER 17, 2013
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.

Respectfully submitted by:

Pat Johnson

Pat Johnson, Recording Secretary

APPROVED: September 24, 2013

Adrienne Jones 10/1/13

Adrienne Jones, Moderator

**CITY OF DAPHNE
SIGN COMMITTEE REPORT
TO
CITY COUNCIL**



DANE HAYGOOD, MAYOR

CITY COUNCIL	COMMITTEE APPOINTMENTS
Tommie Conaway <i>District 1</i>	<i>Elnora Jackson</i>
Pat Rudicell <i>District 2</i>	<i>Steve Robinson</i>
John L. Lake <i>District 3</i>	<i>Bill Burdick</i>
Randy Fry <i>District 4</i>	<i>Toni Fassbender</i>
Ron Scott <i>District 5</i>	<i>John Peterson</i>
Robin Lejeune <i>District 6</i>	<i>Victor Lejeune</i>
Joe Davis, III <i>District 7</i>	<i>Frieda Romanchuck</i>

STAFF LIAISONS:

**ADRIENNE JONES, FACILITATOR
COMMUNITY DEVELOPMENT DIRECTOR**

LONNIE JONES, CODE ENFORCEMENT OFFICER

**PAT JOHNSON, COMMUNITY DEVELOPMENT ADMINISTRATIVE SECRETARY & SIGN
COMMITTEE RECORDING SECRETARY**

INTRODUCTION

In June 2013, the City Council agreed to form a committee to study and make recommendations in regard to the regulation of signs. A sixty day period was initially prescribed and an extension was approved for the committee to make a report of recommendations to the City Council. Attached is the committee recommendation as voted on September 24, 2013.

SIGN COMMITTEE VOTE SUMMARY

Wall mounted sign

Motion: Approve wall mounted sign proposal as written
Approval (6 aye, 1 nay)

Political signs

Motion: Approve Political Sign proposal except #11 (~~11—Attachment to vehicles. Political signs not more than four (4) square feet in area may be attached to private or commercial vehicles used for transportation or business purposes.—~~)
Unanimous approval

Electronic signs

Motion: Approve with notations* made
Approval (5 aye, 1 present, 1 nay)

Commercial Real Estate and other temporary advertising signs

Motion: Approve with notations* made
Unanimous approval

Temporary Promotional signs

Motion: Approve with notations* made
Unanimous approval

***see notations on subsequent pages**

ADDENDUM -- REAL ESTATE BUILDER/SUBDIVISION DIRECTIONAL SIGNAGE

Real Estate Builder/Subdivision Directional Signage – was discussed with general consensus of the committee on 07/23/13 but was mistakenly excluded from the voting material. ***Received 3 responses and favorable votes via email and 1 via phone*** to include the following items:

No placement in the right of way, on private property
Need a sign permit which is subject annual renewal
Location at subdivision entrances, no closer than 500-ft within a certain distance of the development
size limitation 32 sq. ft. -same as commercial real estate signs discussed 7/16/13
max number- 1 per entrance
condition of removal-no more lots to sale; maintained in good repair

FORMATTING

The original draft proposal is included with notations* of changes highlighted. Underline indicates new language to be added to an existing section or an entirely new section. Strikethrough ~~(striketrough)~~ indicates language to be removed from existing section. Strikethrough with underline ~~(striketrough with underline)~~ indicates a change to the originally presented proposal. Items in red were added at the September 24th meeting.

Additional formatting and language can be expected during the course of review.

WALL MOUNTED SIGNS PROPOSAL

Motion: Approve wall mounted sign proposal as written

Approval (6 aye, 1 nay)

General Sign Provisions—Article 33-10

Wall-mounted signs: Each establishment in a shopping center or each business premises in B-1, Local Business, B-2, General Business, B-3, Professional, and C/I, Commercial/Industrial, districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of ~~three hundred (300) square feet or twenty (20) percent~~ **three hundred fifty square feet or thirty (30%) percent** of the surface frontal area of its building or portion of building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

Eastern Shore Park Overlay Sign Provisions—Article 37-15

Wall-mounted signs: Each establishment in a shopping center or each business premises in B-1, Local Business, B-2, General Business, B-3, Professional, and C/I, Commercial/Industrial districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of ~~three hundred fifty (350) square feet or thirty (30) percent~~ **four hundred (400) square feet or forty (40%) percent** of the surface frontal area of the building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

In the Eastern Shore Park District each establishment which borders Interstate 10 may acquire an additional permit for an interstate-side wall mounted sign not to exceed fifty (50%) percent of the wall mounted sign on the surface frontal area of the building. ‘Interstate-side’ shall be deemed the side parallel to or predominately facing Interstate 10.

A business establishment with over forty thousand (40,000) square feet of building area may have on (1) additional wall-mounted sign of a size not to exceed one hundred (100) square feet for the purpose of advertising an accessory use **or name identification.**

A business with over one hundred thousand (100,000) square feet of building area may have two (2) additional wall-mounted signs of a size not to exceed one hundred (100) square feet each for the purpose of advertising accessory uses **or name identification.** No business establishment can have more than three (3) wall-mounted signs.

Jubilee Square Retail Overlay District—Article 39-16

Wall-mounted signs: Each establishment/business premises under sixty-five thousand (65,000) square feet of building area in B-1, Local Business and B-2, General Business districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of ~~three hundred fifty (350)~~ **four hundred (400) square feet or thirty (30) forty (40%)** percent of the surface frontal area of the building. Each establishment sixty-five thousand (65,000) square feet of building area or larger may acquire a permit for wall mounted signage of a size not to exceed six and one-half (6.5) percent of the surface frontal area of the building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

**COMMERCIAL REAL ESTATE AND OTHER TEMPORARY
ADVERTISING SIGNS PROPOSAL**

Motion: Approve with notations made
Unanimous **Approval**

TEMPORARY-COMMERCIAL REAL ESTATE SIGN-- Article 33-5

Undeveloped Property

A temporary commercial real estate sign advertising undeveloped or vacant real property for sale, lease, or rent will be permitted provided the area of each sign shall not exceed thirty-two (32) square feet, 10 feet in height, is non-illuminated, and is within the confines of the development. An additional temporary-commercial real estate advertising sign may be permitted at each street frontage, but shall be no closer than 500 feet along the same street with no more than four such signs per premise.

In the event that such premises abuts Interstate 10 right-of-way, said temporary-commercial real estate advertising sign shall be allowed up to sixty-four (64) square feet, 10 feet in height, is non-illuminated, and is within the confines of the development.

Developed Property

A temporary commercial real estate sign advertising developed real property for sale, lease, or rent will be permitted for each individual business premises, shopping center premises, commercial/industrial business, subdivision, planned unit development, mobile home park and mobile home subdivision, provided the area of each sign shall not exceed the following:

Ground sign: a commercial/industrial (C/I) and all business (B-1, B-2 and B-3) zones, provided the area of each sign shall not exceed thirty-two (32) square feet, 10 feet in height, is non-illuminated, and is within the confines of the development.

Window sign: Indoor signage or window signs which advertise commercial real estate may cover no more than twenty (20) percent of the window glass surface area.

Wall sign: A temporary commercial real estate wall sign advertising developed real property for sale, lease, or rent will be permitted not to exceed 350 sq. ft. or 30% of the frontal area of the building or portion of the building.

Additional Provisions for Temporary Advertising Signs

General provision: upon securing a building permit from Building Inspections for new construction, renovation or expansion of an existing building, and securing a city business license from the Revenue Department, a temporary non-illuminated sign not more than thirty-two (32) square feet in area, may be erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress. One (1) such sign, which shall not exceed ten (10) feet in height, is allowed for each street frontage. Such signs shall be removed upon completion of the project.

In the event that such premises abuts Interstate 10 right-of-way, said temporary sign shall be allowed up to sixty-four (64) square feet, 10 feet in height, is non-illuminated, and is within the confines of the development.

Temporary under construction site identification sign. A temporary sign located on the site of a construction project which identifies the owners, architects, engineers, contractors, mechanics, artisans, craftsmen, financial institutions, and other individuals or firms involved with the construction, but does not include any advertisement of any product, service, or activity, except that such sign may include information regarding sale or leasing, and words announcing the name or character of the building enterprise or the purpose for which the building is intended shall be permitted and where in accordance with General Provisions noted above.

Temporary advertising “coming soon” sign: A temporary advertising sign calls attention to an establishment, merchandise, product, or service which is sold, provided, manufactured, or furnished on the premise as “coming soon.” One such sign shall be permitted to the owner for the development for each individual business premises, shopping center premises, commercial/industrial business, subdivision, planned unit development, mobile home park and mobile home subdivision, where in accordance with General Provisions noted above.

A temporary name identification sign will be permitted on each premise for a new business or a business starting in a new location where the premises is without a permitted permanent sign for a period of not more than sixty (60) days or until mounting of a permanently permitted sign. Temporary under construction, advertising sign “coming soon”, and name identification sign shall be removed upon issuance of a certificate of occupancy, no later than the grand opening.

ELECTRONIC SIGNS PROPOSAL

Motion: Approve with notations made
Approval (5 aye, 1 present, 1 nay)

Electronic Signs For Business or Religious Establishments-- Article 33-10

Other business or religious establishments shall be allowed to maintain an electronic sign on premise for the purpose of advertisement for that business or establishment provided that such sign complies with the following provisions.

Sign Permit Required

Any electronic and/or digital sign or sign component shall obtain a permit from the Code Enforcement Officer prior to installation.

Prohibited Locations

Electronic signs shall be prohibited in Olde Towne Daphne Overlay , in any residential zone district, except a use permitted by special exception of the Board of Zoning Adjustment (for example a church, hospital, school or similar use) may be permitted subject to Planning Commission approval), in a Mixed Use zone districts and, off premise.

Prohibited Effects

Scrolling or traveling of a message on changeable copy is prohibited.

Image shall be static, shall not be animated, intermittent, and/or full video. Flashing, strobing, and/or racing shall be prohibited. No sign can be designed or displayed to imitate traffic safety lights and/or signs.

Changeable copy shall not and shall not appear to flash, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise move.

No animation, no sequential messaging, no streaming video, no sound, no sequencing to appear as motion.

On Premise digital and/or electronic sign provisions

The following provisions shall apply:

May be incorporated into the body of a monument sign or pylon sign and shall not be placed at any other location on site; shall not exceed sixty percent (60%) of the monument sign or pylon sign face; shall not exceed 30 sq. ft. per sign **face** and 15 sq. ft. per sign face; and shall be no more than 33% white or similar color.

Any **monument and/or** pylon sign that incorporates digital and/or electronic signage shall not exceed 12-ft in height.

Mode of Operation

The following describes the means in which an electronic sign may operate:

Changeable copy

A digital sign shall only display a static image and, there shall not be a transition between messages. A message change may occur once every ~~five minutes~~ **thirty (30) seconds**.

Images and messages must be complete in themselves without continuation in context to the next image or message or to another sign.

Brightness

~~a. Illuminated digital signs shall not emit more than 5,000 nits/foot candle in full daylight and 1000 nits /foot candle between dusk and dawn.~~

All electronic signs shall have functioning ambient light monitors and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. **In no event shall an illuminated digital sign emit more than 5,000 nits/foot candle in full daylight and 1,000 nits/foot candle between dusk and dawn.**

Settings or interface controlling settings must be made available to Code Enforcement upon request. Settings shall include but are not limited to any settings or schedules related to brightness, luminosity, copy change or other settings which could affect compliance with electronic sign provisions as set forth in this ordinance.

Regardless of any other requirement, illuminated signs shall not project light that exceeds 1/10 of a foot candle above the ambient light at any property line bordering any residential zone district.

Sign must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the city that it is not complying with the standards of this ordinance.

TEMPORARY PROMOTIONAL SIGNS PROPOSAL

Motion: Approve with notations made
Unanimous approval

GENERAL PROVISIONS—Article 33-5

Temporary promotional sign. Any on-premise sign with a commercial message, including but not limited to a banner or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a short period of time only.

This definition does not apply to the following: temporary commercial real estate signs, political signs, coming soon signs, under construction signs, real estate builder signs, or subdivision information signs.

Placement

Must be at least 5 feet from the edge of a public street, located on premise on private property except for tethered inflatables.

Shall not obstruct the view of or impede pedestrian or vehicular traffic along any right-of-way or interior driveway.

Shall not located on accessory structures or buildings

Prohibitions

Bench signs, ladder signs, snipe signs and any portable or moveable sign that is not expressly allowed in the sign provisions.

Signs in a state of disrepair and poorly maintained.

A-FRAME SANDWICH BOARD SIGNS

A-frame sandwich sign. A movable on-premise sign not secured or attached to the ground that is a sign with two sign faces that are connected at the top of the sign by a hinge mechanism which allows the base of the sign to be expanded outward to form the shape of an "A" that is used to display products, services, menu items, daily specials, upcoming events or to advertise sales or bargains.

Permit required? no

Number: 1 per primary entrance unless in multi-tenant establishment with common entry way. Only one (1) per building per entrance per street frontage

Location: Placement should not obstruct view or flow of pedestrian or vehicular traffic.

1 sign allowed within 20-ft of the front entrance of single tenant establishment

Multi-tenant establishment with one common entry way, a-frame sandwich boards are not allowed.

Multi-tenant establishment with individual exterior entry may be allowed within 5-ft of that entrance.

Size: Sign faces added together not greater than 25 square feet.

Timing: Shall be moved and properly stored during non-business hours and/or inclement weather.

Shall be used during hours of business only.

SPECIAL USE PERMIT FOR A-FRAME SIGNS

Upon approval of the code enforcement officer, an institutional use such as Life South, American Red Cross, The Haven, The Animal Shelter, or Community Action, may be permitted to place a sandwich board sign within the right of way only during hours of operation for special event. The sign shall be removed at the close of business.

One such sign may be utilized per establishment and should be located at the right of way closest to the establishment. Placement of said sign should not obstruct view or flow of pedestrian or vehicular traffic.

TEMPORARY PROMOTIONAL BANNERS

Temporary Promotional Banner. A strip of cloth, paper, canvas, or similar material, on which a professionally printed message, slogan or emblem is painted, drawn or otherwise projected, colored or shaped with only such material for a backing for the purpose of advertising or drawing attention to a product, object, facility, activity or idea. A banner may be used to advertise a unique event or special recurring business marketing promo and to be removed upon completion of that event and/or promotion. The temporary promotional banner is not intended to replace a permanent business identification sign nor to circumvent the sign permit application process.

A single tenant building and/ or multi-tenant building with individual entrances shall be allowed to utilize a sixteen (16) square foot temporary promotional banner for up to twenty eight days per calendar year. In no case shall there be more than two consecutive 14 day intervals. The business shall acquire a no cost permit from Code Enforcement prior to posting the temporary promotional banner. Said temporary banner use shall not count against any promotional weekend, holiday, or event as allowed by Council.

Said banner may be located as follows: attached, connected or tethered to the building façade; or, supported by stakes or other similar devices.

Said banner may not be located in the road right-of-way or alleyway; or located so as to obstruct the view or impede pedestrian or vehicular traffic.

Size:

32 sq. ft. max unless the property is part of a unified development that abuts I-10 and/or a State highway then the max shall be 50 sq. ft.

Time:

1. No more than 30 days but no less than promotional period

PACKAGING

Grand Opening, Re-opening, and Conventions Marketing Package:

One temporary marketing package is allowed per street frontage for each lot, business or residential development.

14 day duration with permit for grand re-openings

30 day duration with permit for grand openings

Convention marketing shall be commensurate with the convention.

A grand opening marketing package may include a combination of 5 of the following temporary marketing signs:

1 promotional banner not to exceed 32 sq. ft. in size may be located at each street frontage;

promotional flags (shall be separated by at least 20-ft);

1 tethered inflatable 3-d object , **the maximum height shall be no more than 50-feet,** and shall be setback at least 100-ft from the property line, ~~and may be located at each street frontage;~~ and,

3 other items from the following list:

- a. Balloons; or
- b. Yard signs - 3 yard signs count as 1 item;
- c. Pennants - 3 sets count as 1 item;
- d. Streamers - 3 sets count as 1 item; or,
- e. Bunting - 3 sets count as 1 item

ADVERTISING PACKAGE FOR RETAIL AND COMMERCIAL ESTABLISHMENTS:

Weekends

Timing: Friday commencing no earlier than six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday and/or any other State recognized holiday.

All items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply.

Number: Advertising package may include 3 of the following items:

Balloons;

Yard signs - 3 yard signs count as 1 item;

Pennants - 3 sets count as 1 item;

Streamers - 3 sets count as 1 item; or,

Bunting - 3 sets count as 1 item

Flags (shall be separated by at least 20-ft)

~~tethered inflatable 3-d object setback at least 100-ft from the road frontage may be located at each street frontage; or 1 tethered inflatable 3-d object ,~~ **the maximum height shall be no more than 50-feet,** and shall be setback at least 100-ft from the property line,

1 promotional banner not to exceed ~~20~~ **16** sq. ft. in size may be located at each street frontage

Holiday Advertising Package For Retail and Commercial Establishments

Timing: commencing no earlier than six (6) a.m. on a National holiday and/or any other State recognized holiday.

All items shall be removed from the premises at the close of the final business day of the holiday the requirements outlined above shall apply.

Holiday Advertising package may include 3 of the following items:

Balloons;

Yard signs - 3 yard signs count as 1 item;

Pennants - 3 sets count as 1 item;

Streamers - 3 sets count as 1 item; or,

Bunting - 3 sets count as 1 item

Flags (shall be separated by at least 20-ft)

~~tethered inflatable 3-d object setback at least 100-ft from the road frontage may be located at each street frontage; or~~

1 promotional banner not to exceed ~~20~~ **16** sq. ft. in size may be located at each street frontage

POLITICAL SIGNS PROPOSAL

Motion: Approve Political Sign proposal except #11 (~~11—Attachment to vehicles. Political signs not more than four (4) square feet in area may be attached to private or commercial vehicles used for transportation or business purposes.—~~)

Unanimous **Approval**

Purpose: The purpose of this article is to establish rules and regulations for sign control during local political campaigns.

Enactment. The city, in order to promote the health, safety, convenience, order, prosperity, and general welfare of the residents, to ensure equal opportunity to political candidates during the election process, and to maintain the beauty and natural attraction of the local environment, hereby ordains and enacts into law a sign control ordinance applicable to political campaigns. The requirements of this article shall be supplementary to any other ordinances, rules and regulations of the city and the state currently in force and effect.

Authority. This article is hereby adopted pursuant to authority granted by Code of Ala. 1975, §§ 11-52-1—11-52-84.

Applicability. Political signs are exempt from the permit requirements of the land use and development ordinance of the city.

Painting on or attaching to public property, or utility property. Political signs shall not be erected, constructed, posted or painted on any publicly maintained city, county, state or federal right-of-way, utility pole, tree, bench, fence, awning, or stand pipe; nor attached to any city, county, state or federal roadway marker, directional sign or informational sign.

Attaching to business or commercial establishment signs. Political signs shall not be attached to any existing identification, announcement or pricing sign for any business or commercial establishment.

Impeding traffic. Political signs shall not be located in such a manner as to materially impede the view of any street or highway intersection or to adversely affect ingress or egress from parking lots or driveways.

Districts in which authorized, nonilluminated. Two (2) nonilluminated political signs per lot or parcel may be placed on private property in any zoning district in the city.

Maximum size in residential districts. Political signs in residential districts shall not exceed four (4) square feet in area or four (4) feet in height.

Maximum size in business, commercial and industrial districts. ~~Political signs in business, commercial and industrial districts shall not exceed sixteen (16) square feet in area or eight (8) feet in height.~~

~~11—Attachment to vehicles.~~

~~Political signs not more than four (4) square feet in area may be attached to private or commercial vehicles used for transportation or business purposes.~~

Use of party balloons. Customary size party balloons imprinted with a political ad may be tethered to any political sign, provided such balloons do not rise more than four (4) feet above the sign to which they are attached and that not more than two (2) such balloons are attached to any one (1) sign.

Period of placement. Political signs may be displayed for the duration of a campaign and shall be removed within five (5) days following the election. A candidate shall not place signs prior to qualifying to run for office with the qualifying entities administering the election.

Failure to remove—Fining of candidate. If political signs are not removed within five (5) days after the election, candidates whose names appear on such signs shall be subject to a fine of twenty-five dollars (\$25.00) per sign and each day such sign shall continue to be left after the election shall constitute a new offense.

Same—Removal by city. Any sign found not to be in compliance with the requirements of this article shall be removed by city personnel and the candidate whose name appears on such sign shall be subject to a fine of twenty-five dollars (\$25.00), for each nonconforming sign.

SET DATE FOR PUBLIC HEARING

NOVEMBER 4, 2013

TO CONSIDER:

1. Rezoning: Christ the King Catholic Church / Main Campus

**Location: North of the intersection of Main Street
And Van Avenue; and Southeast of the
Intersection of Guarisco and Trione Avenue**

**Present Zoning: R-2, Medium Density Single Family
Residential District, R-3, High Density
Single Family Residential District
and B-2, General Business District**

Requested Zoning: B-1, Local Business District

Recommendation: Unanimous Favorable

2. Rezoning: Walter J. and Martin L. Pierce

**Location: Across from the intersection of U.S. Highway 90
And County Road 13; adjacent to the proposed
County Road 13 Interchange and Interstate 10**

Present Zoning: R-3, High Density Single Family Residential District

Requested Zoning: B-2, General Business District

**Recommendation: Unanimous Favorable for Parcel 1
Unfavorable for Parcel 2**

To: Office of the City Clerk
From: Adrienne D. Jones, Director of Community Development
Subject: Christ the King Catholic Church Zoning Amendment
Date: September 30, 2013

MEMORANDUM

PRESENT ZONING: R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential District, and B-2, General Business District

PROPOSED ZONING: B-1, Local Business District

LOCATION: North of the intersection of Main Street and Van Avenue; and Southeast of the intersection of Guarisco and Trione Avenue

RECOMMENDATION: At the Thursday, September 26, 2013, regular meeting of the Daphne Planning Commission, six members were present and the motion carried unanimously to set forth an a favorable recommendation for the above captioned zoning amendment.

Attached please find documentation from the Office of Community Development. An Ordinance shall be provided by the Office of the City Attorney with the action of the Planning Commission for placement on the City Council agenda of Monday, October 7, 2013 to request to set the public hearing for Monday, November 4, 2013.

Thank you,
ADJ/jv

cc: file

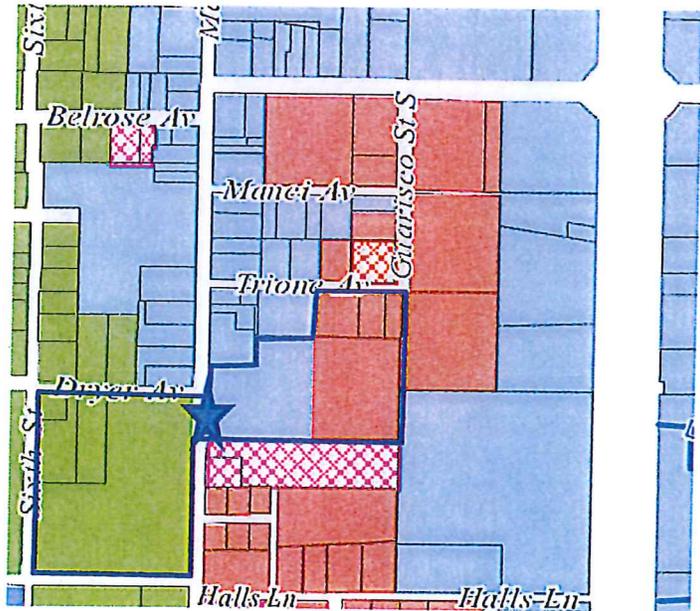
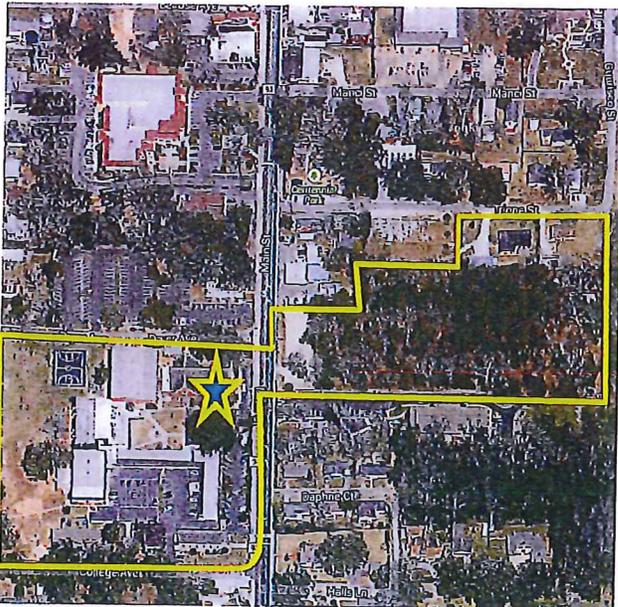
attachment(s)

1. Community Development Report(s)
2. Zoning Amendment application
3. Legal description
4. Map of property
5. Adjacent property owners' list
6. Correspondence to Adjacent Property Owners

Planning Commission



Master Plan & Zoning Amendment Review Christ the King Church



COMMUNITY DEVELOPMENT

MASTER PLAN & ZONING AMENDMENT REVIEW

Christ the King Catholic Church Campus

Owner: Christ the King Catholic Church

Existing Conditions: 15.86 acre parcel (existing church, ancillary uses, and undeveloped land-see existing conditions map)

Existing Zoning: B-2 General Business, R-2, Medium Density Single Family Residential and R-3, High Density Single Family Residential

Proposed Zoning: B-1 (Local Business)

Community Development Commentary—Recommend Approval: Olde Towne Daphne is a unique combination of residential, institutional and commercial land uses: so unique that the City Council in 2002 designated the area as an overlay district with its own land development regulations (see Article 14 of the Land Use & Development Ordinance). In 2011, the City Council revised the Olde Towne regulations to promote local business development rather than general business development.

Excerpt 14-2 USES PERMITTED ..

The following zoning districts provided herein established and most specifically defined in *Article 12, Establishment of Districts*: B-1, Local Business, B-2, General Business, B-3, Professional Business, R-4, Single Family and Multi-Family Residential, and MU, Mixed Use. *Article 35, the Table of Permitted Uses and Conditions*, outlines the restrictions for each district. (See also *Article 12, Establishment of Districts*). **The Planning Commission shall no longer consider zoning or rezoning amendments for B-2, General Business or R-4 zoning districts.** All existing B-2, General Business and R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein. For any new request, the following districts shall be considered in lieu of R-4: R-6(G) for all garden/patio homes developments; and, R-6(D) for duplexes.

The petitioner proposes to rezone the subject property from B-2, R-2 and R-3 to B-1 (Local Business). According to the Table of Permitted Uses, Churches and related accessory buildings are *permitted by right in business districts* and *permitted upon approval of a special exception* by the Board of Zoning Adjustment (BZA) in residential districts. In 2011, the BZA granted such an exception for the Adoration Chapel (located along Dryer Avenue).

Master Plan

The petitioner submitted a master plan that illustrates the vision for future growth and development of the church properties. B-1 zoning would add efficiency to the development process through the Planning Commission’s site plan review process and would eliminate the incremental approval approach--BZA approval of a special exception followed by Planning Commission site plan approval.

Excerpt SECTION 35-3 PERMITTED USES & CONDITIONS	Right	Planning Commission Approval	Special Exception BZA Approval
Churches and related accessory buildings	B-1 B-2 B-3		R-1 R-2 R-3 R-4 R-5 C/I

Surrounding Zonings/Uses:

Dryer Avenue Side

North of Dryer Avenue - R-2, Medium Density Single Family and B-2, General Business (Christ the King school parking and Imaculata Center).

South of College Avenue - R-2, Medium Density Single Family, The Frame Shoppe.

West across 6th Street - R-2, Medium Density Single Family, Daphne Baptist Church and church property.

East – B-1, Local Business, Eastern Shore Café and Christ the King Early School and parking lot. R-4, High Density Single Family, Daphne Court Residential Subdivision. R-3, High Density Single Family Residential, a house.

Trione Avenue Side

North of Trione Avenue - R-3, High Density Single Family Residential, a house; MU, Mixed Use District, residences

South - B-1, Local Business, Eastern Shore Café and Christ the King Early School and parking lot.

West – R-2, Medium Density Single Family, Christ the King Church campus

East – B-2 and R-3, Undeveloped

Existing Utility Service Providers:

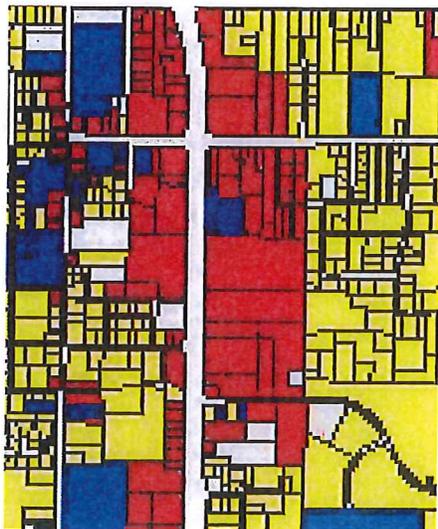
Sewer & Gas-Daphne Utilities

Electric-Riviera Utilities

City Service Providers would not be affected by rezoning the subject property.

Comprehensive Plan

The current Comprehensive Plan shows the subject property as commercial. The subject proposal (as a non-residential use) would be considered consistent with the Future Land Use Map (excerpt below).



Adjoining property owner notices have been distributed, a zoning notification sign has been posted, and the notice for a public hearing for this petition has been properly advertised in the Courier in accordance with applicable sections of the Code of Alabama.

THE CITY OF DAPHNE
COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: 213-07 Date Plat Submitted: August 26, 2013
Date Presented: September 26, 2013

Name of Owner: Christ the King Catholic Church
Address: 711 College Ave Daphne AL Telephone 626-2343
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Doug Bailey / HMIR
Address: PO Box 1127 Daphne AL 36526 Telephone # 626-2626
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: See attached surveys

Lot(s): _____ Unit _____

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 08-26-13).

Meeting Dates:

Planning Commission: Sept. 26, 2013

City Council: _____

Reason(s) for requesting the Zoning Amendment: Reason to match
current use and future development
uses.

Matthew J. D. Connor
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

- a) Address See attached survey dwgs.
- b) Name of Subdivision SAA
- c) Lot numbers involved in change SAA
- d) Total acreage of change 15.86
- e) Recorded in Map Book _____ Page _____
- f) Owned in whole by the undersigned? Yes
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property R-2/R-3/B-2
- b) Reclassification desired B-1
- c) Character of neighborhood Mixed use/commercial

3) Certifications:

- a) Owner's Name Christ the King - Matthew O'Connor
- b) Address 711 College Avenue, Daphne
- c) Telephone Number 626-2343
- d) Date 8/26/13

Matthew O'Connor
Signature of Property Owner

Signature of Property Owner

CHRIST THE KING CATHOLIC CHURCH
ZONING AMENDMENT REVIEW
MAIN CAMPUS, PROPERTIES ALONG MAIN STREET AND TRIONE STREET

EXHIBIT "A"

STATE OF ALABAMA
COUNTY OF BALDWIN

DESCRIPTIONS OF PROPERTY TO BE REZONED FROM B-2, GENERAL BUSINESS, R-2, MEDIUM DENSITY FAMILY RESIDENTIAL DISTRICT, AND R-3, HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT TO B-1, LOCAL BUSINESS

LEGAL DESCRIPTION - (ACROSS FROM MAIN CAMPUS ALONG MAIN STREET):

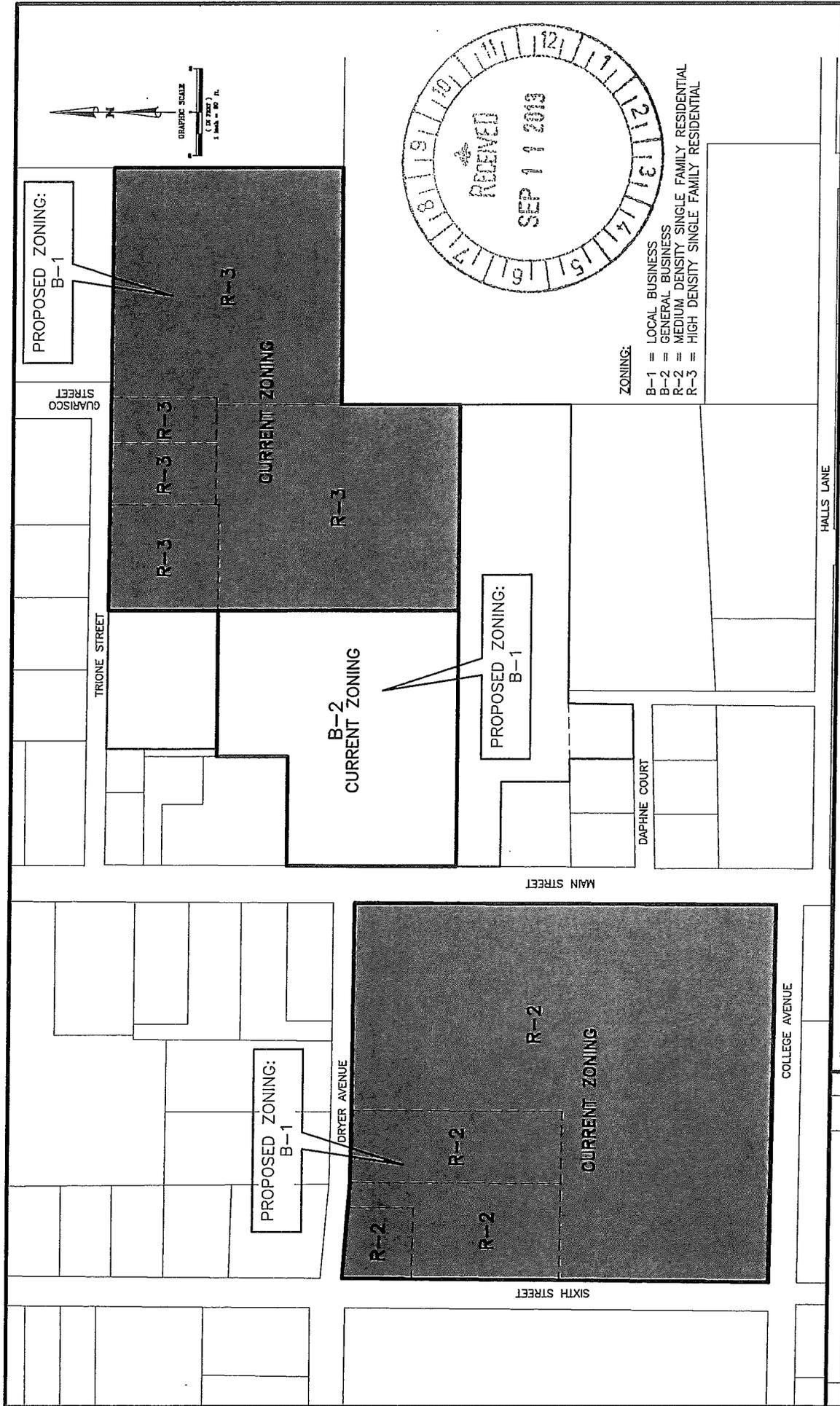
Commence at the Northwest corner of Section 20, Township 5 South, Range 2 East, St. Stephens Meridian, and run thence South 925 feet; Thence run East 25 feet to an iron pin marker on the East right of way of Main Street for the Point of Beginning of the property herein described; Thence run N-89°-59'-40"-E, 149.81 feet to an iron pin marker; Thence run N-00°-04'-23"-E, 100.14 feet to an iron pin marker; thence run S-89°-58'-53"-E, 500.33 feet to an iron pin marker; Thence run S-00°-07'-10"-E, 326.69 feet to an iron pin marker; Thence run S-89°-34'-17"-W, 330.01 feet to an iron pin marker; Thence run S-89°-50'-58"-W, 320.95 feet to an iron pin marker on the East right of way of Main Street; Thence run North along said East right of way of Main Street, 230.0 feet to the Point of Beginning. Containing 4.57 acres, more or less, and lies in the Northwest Quarter of Section 20, Township 5 South, Range 2 East, Baldwin County, Alabama.

LEGAL DESCRIPTION - (ACROSS FROM MAIN CAMPUS ALONG TRIONE AVENUE):

Commencing at the Northwest corner of Section 20, Township 5 South, Range 2 East, Baldwin County, Alabama, Thence South, along the West line of said Section 20, for 680.29 feet; Thence S-89°-40'-35"-E, leaving the West line of said Section 20, for 188.35 feet to a point on the South right of way line of Trione Avenue, (40-foot public R\W), and the Point of Beginning of the parcel herein described; Thence S-89°-40'-35"-E, along the South right of way line of said Trione Avenue, for 499.68 feet to a point at the intersection of the South right of way line of said Trione Avenue with the East right of way line of Guarisco Street, (50-foot public R\W); Thence N-00°-24'-33"-E, along the East right of way line of said Guarisco Street, for 20.11 feet; Thence S-89°-32'-35"-E, leaving the East right of way line of said Guarisco Street, for 309.93 feet; Thence S-00°-10'-32"-W for 329.26 feet; Thence N-89°-47'-49"-W for 330.02 feet; Thence N-00°-19'-58"-E for 165.79 feet; Thence N-89°-38'-17"-W for 482.53 feet; Thence N-01°-08'-06"-E for 144.44 feet to the Point of Beginning. Said parcel lying and being in the Northwest quarter of the Northwest quarter of Section 20, Township 5 South, Range 2 East, Baldwin County, Alabama, and containing 4.086 acres, more or less.

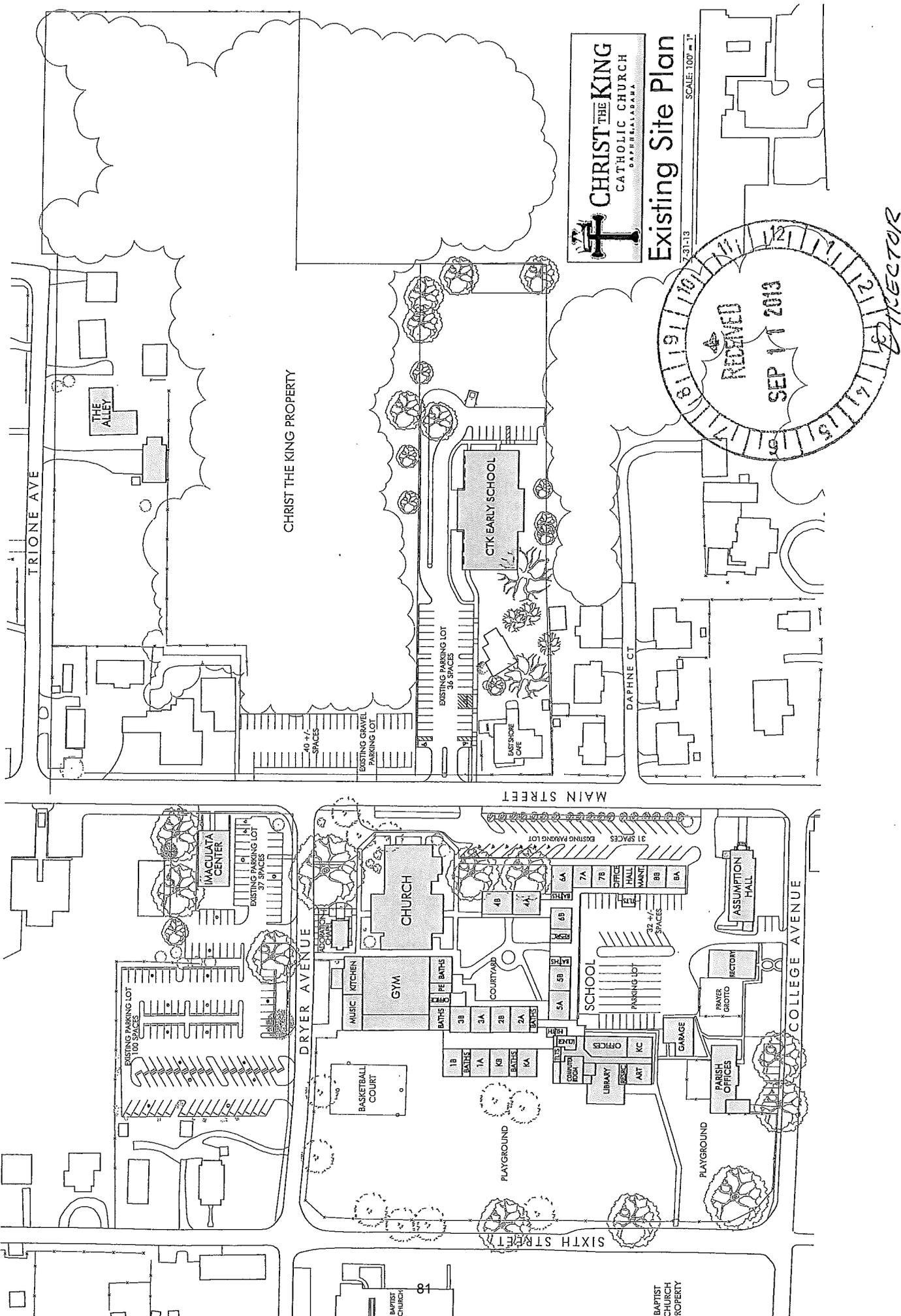
LEGAL DESCRIPTION - (MAIN CAMPUS):

Commencing at the Northeast corner of Section 19, Township 5 South, Range 2 East, Baldwin County, Alabama, Thence South, along the East line of said Section 19, for 1030.87 feet; Thence N-89°-24'-57"-W, leaving the East line of said Section 19, for 26.09 feet to a point at the intersection of the West right of way line of Old U.S. Highway 98, a.k.a. Main Street, (50-foot public R\W), with the South right of way line of Dryer Avenue, (34-foot public R\W), and the Point of Beginning of the parcel herein described; Thence S-00°-24'-23"-W, along the West right of way line of said Main Street, for 596.20 feet to a point at the intersection of the West right of way line of Main Street with the North right of way line of College Avenue, (40-foot public R\W); Thence S-89°-58'-17"-W, along the North right of way line of said College Avenue, for 525.73 feet to a point at the intersection of the North right of way line of said College Avenue with the East right of way line of 6th Street, (40-foot public R\W); Thence N-00°-56'-49"-E, along the East right of way line of said 6th Street, for 617.00 feet to a point at the intersection of the East right of way line of said 6th Street with the South right of way line of aforesaid Dryer Avenue; Thence S-83°-02'-49"-E, along the South right of way line of said Dryer Avenue, for 136.75 feet; Thence S-89°-24'-57"-E, along the South right of way line of said Dryer Avenue, for 384.03 to the Point of Beginning. Said parcel lying in the Northeast quarter of Section 19, Township 5 South, Range 2 East, Baldwin County, Alabama, and containing 7.214 acres, more or less.



NO.	REVISION	DATE	BY	DESC.	SHEET	FOR ZONING		DATE	BY	SCALE	PROJECT	DATE	BY	SCALE	SHEET
						CHRIST THE KING		1-07		1"=60'	CHRIST THE KING	AUGUST, 2003			1 OF 1
					HUTCHINSON, MOORE & RAUCH, LLC 2039 MAIN STREET DAPHNE, ALABAMA 36528 ENGINEERS & SURVEYORS LAND PLANNERS TEL (251) 628-2626 FAX (251) 628-6954 daphne@imrengineers.com					PROPOSED ZONING DAPHNE, ALABAMA CHRIST THE KING CHURCH					

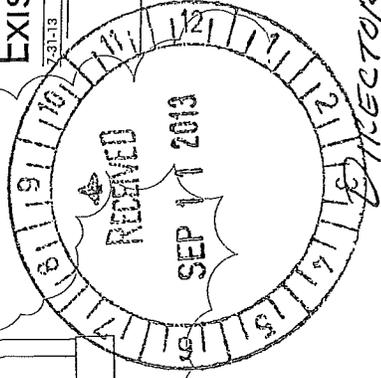
Exhibit B



CHRIST THE KING
 CATHOLIC CHURCH
 OAKMOUNT, ALABAMA

Existing Site Plan

SCALE: 1" = 1'



TRIONE AVE

THE ALLEY

CHRIST THE KING PROPERTY

CTK EARLY SCHOOL

EASTSHORE CAFE

DAPHNE CT

MAIN STREET

IMACULATA CENTER

CHURCH

GYM

MUSIC

KITCHEN

BATHS

PE BATHS

COURTYARD

PLAYGROUND

BASKETBALL COURT

SCHOOL

LIBRARY

ART

OFFICE

HALL

MAINT

PRAYER GROTTO

RECTORY

PARISH OFFICES

GARAGE

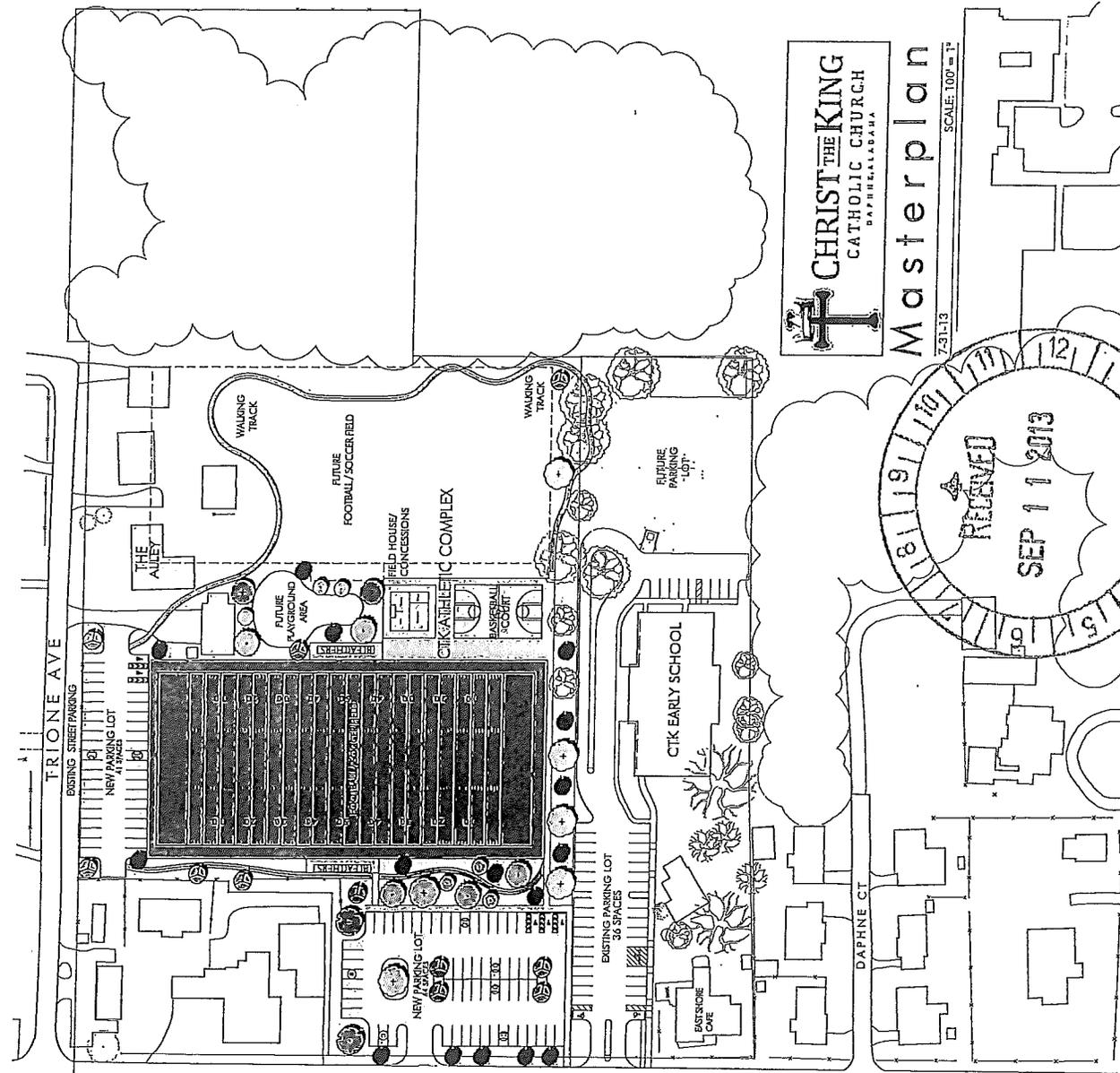
ASSUMPTION HALL

COLLEGE AVENUE

SIXTH STREET

BAPTIST CHURCH PROPERTY

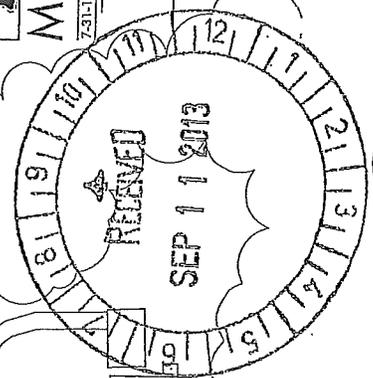
BAPTIST CHURCH PROPERTY



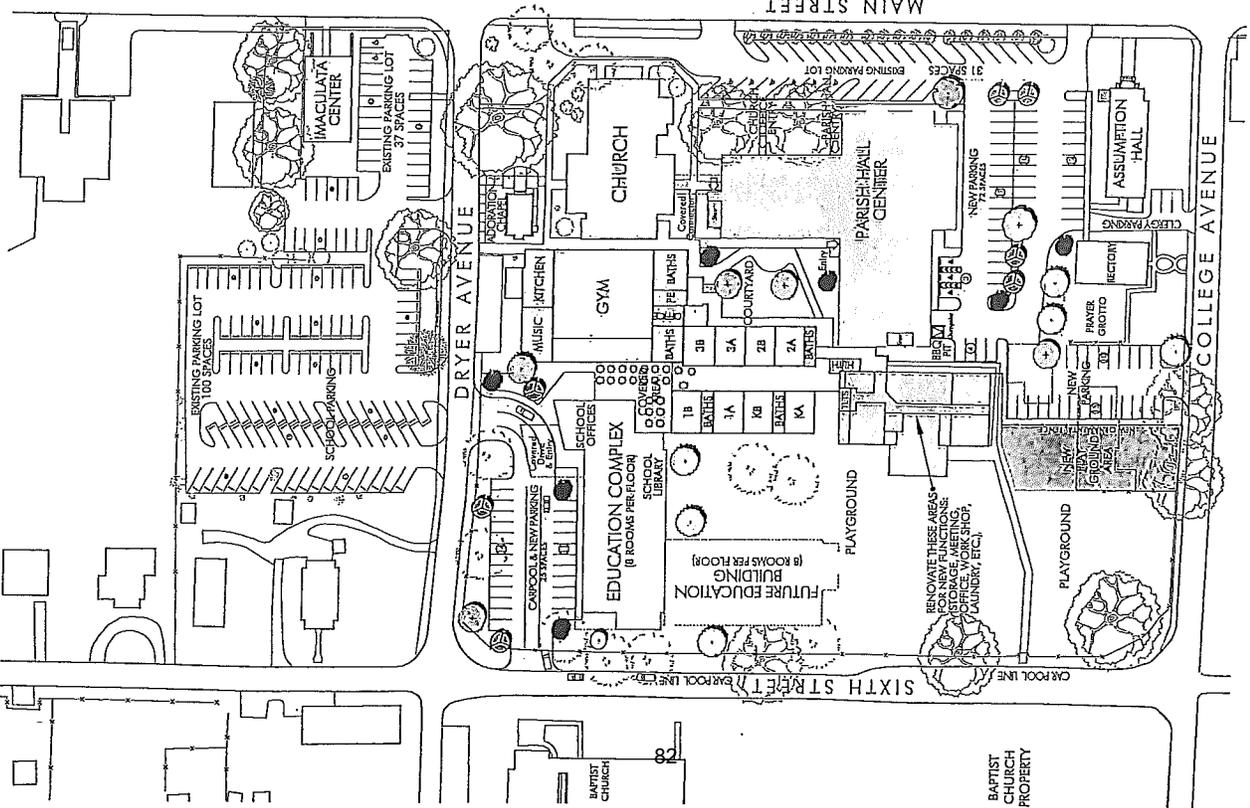
CHRIST THE KING
CATHOLIC CHURCH
DAPHNE, ALABAMA

Masterplan

2/31/13 SCALE: 1/8" = 1'



DIRECTOR



MAIN STREET

DRYER AVENUE

COLLEGE AVENUE

SIXTH STREET

BAPTIST CHURCH PROPERTY

CHRIST THE KING CATHOLIC CHURCH
PROPERTY REZONING REVIEW

ADJACENT PROPERTY OWNERS

- 1 PARCEL NUMBER: 43-04-41-0-005-036.003
HALL, JOHNNY MACK ETUX JEAN BERTAGNOLLI
P.O. BOX 37
NEW MARKET, ALABAMA 35761
- 2 PARCEL NUMBER: 43-04-41-0-005-072.001
BROWN, LYNNE R.
P.O. BOX 314
DAPHNE, ALABAMA 36526
- 3 PARCEL NUMBER: 43-04-41-0-005-076.000
DAPHNE BAPTIST CHURCH, INC.
P.O. BOX 160
DAPHNE, ALABAMA 36526
- 4 PARCEL NUMBER: 43-04-41-0-005-116.002
McMAHON, JOHN M JR. ETAL McMAHON, DIANE P.
1419 SIXTH STREET
DAPHNE, ALABAMA 36526
- 5 PARCEL NUMBER: 43-04-41-0-005-119.000
RUSSELL, WILLIAM J. JR. & MAXINE
1418 SIXTH STREET
DAPHNE, ALABAMA 36526
- 6 PARCEL NUMBER: 43-04-41-0-005-120.000
RUSSELL, WILLIAM J. JR. ETAL RAYFORD, ROY
1418 SIXTH STREET
DAPHNE, ALABAMA 36526
- 7 PARCEL NUMBER: 43-04-20-2-000-071-000
WACHTER, HOWARD C. & CEANN C.
P.O. BOX 520
MONTROSE, ALABAMA 36559
- 8 PARCEL NUMBER: 43-04-20-2-000-062-000
ROBINSON, WILLIAM A. ETAL ROBINSON, SANDRA
P.O. BOX 1844
DAPHNE, ALABAMA 36526
- 9 PARCEL NUMBER: 43-04-20-2-000-061.000
McKAY, MARIE W. ETAL McKAY, ROY C.
172 PIONEER TRAIL
MARIETTA, GEORGIA 30068
- 10 PARCEL NUMBER: 43-04-20-2-000-055.000
HUGHES, FRANCIS P. ETUX MARLENE R.
3842 ELLAMAE ROAD NORTH
OAKLAND, MICHIGAN 48363
- 11 PARCEL NUMBER: 43-04-20-2-000-054.000
CUSTARD LLC
P.O. BOX 946
POINT CLEAR, ALABAMA 36564
- 12 PARCEL NUMBER: 43-04-20-2-000-045.000
ALLEN, LEON L. & JENNIFER S.
P.O. BOX 5
DAPHNE, ALABAMA 36526

- 13 PARCEL NUMBER: 43-04-20-2-000-060.000
MANGAN, JOHN PERRIN
P.O. BOX 717
DAPHNE, ALABAMA 36526
- 14 PARCEL NUMBER: 43-04-20-2-000-059.000
EARNEST, DOROTHY A.
804 DAPHNE COURT
DAPHNE, ALABAMA 36526
- 15 PARCEL NUMBER: 43-04-20-2-000-058.000
RYE, RUTH METCALF
301 EAST DELWOOD DRIVE
MOBILE, ALABAMA 36606
- 16 PARCEL NUMBER: 43-04-20-2-000-064.000
WEBB FAMILY LIMITED PARTNERSHIP
216 WYNLAKE DRIVE
ALABASTER, ALABAMA 35007
- 17 PARCEL NUMBER: 43-04-20-2-000-049.000
MARINO FAMILY TRUST, THE
P.O. BOX 1125
DAPHNE, ALABAMA 36526
- 18 PARCEL NUMBER: 43-04-20-2-000-048.000
MACEDONIA MSSIONARY BAPTIST CHURCH INC.
P.O. BOX 385
DAPHNE, ALABAMA 36526
- 19 PARCEL NUMBER: 43-04-20-2-000-036.000
HOWARD COMPANY LLC
C/O CHASON WACHTER
118 GEN CANBY DRIVE
SPANISH FORT, ALABAMA 36527
- 20 PARCEL NUMBER: 43-04-20-2-000-037.000
BURNETT, J.C.
P.O. BOX 54
DAPHNE, ALABAMA 36526
- 21 PARCEL NUMBER: 43-04-20-2-000-038.000
WHITE, VIRGINIA O.
P.O. BOX 1014
DAPHNE, ALABAMA 36526
- 22 PARCEL NUMBER: 43-04-20-2-000-039.001
810 MANCI PROPERTIES LLC
713 BE ROSE AVENUE
DAPHNE, ALABAMA 36526
- 23 PARCEL NUMBER: 43-04-20-2-000-041.000
DAPHNE, CITY OF
P.O. BOX 400
DAPHNE, ALABAMA 36526
- 24 PARCEL NUMBER: 43-04-20-2-000-043.000
UTILITIES BOARD OF THE CITY OF DAPHNE
P.O. BOX 2550
DAPHNE, ALABAMA 36526
- 25 PARCEL NUMBER: 05-43-04-2-000-044.001
UNKNOWN OWNER
C/O LEON ALLEN
P.O. BOX 5
DAPHNE, ALABAMA 36526

- 26 PARCEL NUMBER: 43-04-20-2-000-044.000
BRADLEY, WILLIAM ETUX SARA C.
31098 WAKEFIELD DRIVE
SPANISH FORT, ALABAMA 36527
- 27 PARCEL NUMBER: 43-04-20-2-000-042.000
DAPHNE, CITY OF
P.O. BOX 400
DAPHNE, ALABAMA 36526
- 28 PARCEL NUMBER: 43-04-41-0-005-036.004
J JOHNSON LLC
9591 STATE HIGHWAY 104
FAIRHOPE, ALABAMA 36532
- 29 PARCEL NUMBER: 43-04-20-2-000-056.000
HILTON, AIMEE F.
P.O. BOX 1031
DAPHNE, ALABAMA 36526
- 30 PARCEL NUMBER: 43-04-41-0-005-036.002
RAINS, GEORGE H JR. ETAL BROWN, LYNNE RAINS
P.O. BOX 314
DAPHNE, ALABAMA 36526
- 31 PARCEL NUMBER: 43-04-41-0-005-037.00
PRINE, ALAN PRESTON
P.O. BOX 1971
DAPHNE, ALABAMA 36526
- 32 PARCEL NUMBER: 43-04-41-0-005-030-000
DAPHNE, CITY OF
P.O. BOX 400
DAPHNE, ALABAMA 36526

DANE HAYGOOD
MAYOR



ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR

CITY COUNCIL
TOMMIE CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOHN L. LAKE
DISTRICT 3
RANDY FRY
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
JOE DAVIS, III
DISTRICT 7

August 12, 2013

NOTICE OF PUBLIC HEARING

A Petition for REZONING will be considered by the Daphne Planning Commission for Christ the King Catholic Church. Said rezoning of three parcels containing 15.86 acres +/- located southwest of the intersection of Main Street and Dryer Avenue, and southeast of the intersection of Guarisco and Trione Street to be rezoned from B-2, General Business, R-2, Medium Density Single Family Residential, and R-3, High Density Single Family Residential, to B-1, Local Business.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, September 18, 2013 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, September 28, 2013 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Christ the King Catholic Church Zoning Amendment - Correction

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

**Ordinance to Rezone Property Located
Along Main Street, South of Trione Avenue & South of Dryer Avenue
Also Known as Christ the King Catholic Church Main Campus**

WHEREAS, Christ the King Catholic Church, as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-2, General Business, R-2, Medium Density Single Family Residential and R-3, High Density Single Family Residential to B-1, Local Business; and,

WHEREAS, said real property is north of the intersection of Van Avenue and Main Street, and more particularly described as follows and illustrated as shown in Exhibit B attached hereto:

LEGAL DESCRIPTION - (ACROSS FROM MAIN CAMPUS ALONG MAIN STREET):

Commence at the Northwest corner of Section 20, Township 5 South, Range 2 East, St. Stephens Meridian, and run thence South 925 feet; Thence run East 25 feet to an iron pin marker on the East right of way of Main Street for the Point of Beginning of the property herein described; Thence run N-89°-59'-40"-E, 149.81 feet to an iron pin marker; Thence run N-00°-04'-23"-E, 100.14 feet to an iron pin marker; thence run S-89°-58'-53"eE, 500.33 feet to an iron pin marker; Thence run S-00°-07'-10"-E, 326.69 feet to an iron pin marker; Thence run S-89°-34'-17"-W, 330.01 feet to an iron pin marker; Thence run S-89°-50'-58"-W, 320.95 feet to an iron pin marker on the East right of way of Main Street; Thence run North along said East right of way of Main Street, 230.0 feet to the Point of Beginning. Containing 4.57 acres, more or less, and lies in the Northwest Quarter of Section 20, Township 5 South, Range 2 East, Baldwin County, Alabama.

LEGAL DESCRIPTION - (ACROSS FROM MAIN CAMPUS ALONG TRIONE AVENUE):

Commencing at the Northwest corner of Section 20, Township 5 South, Range 2 East, Baldwin County, Alabama, Thence South, along the West line of said Section 20, for 680.29 feet; Thence S-89°-40'-35"-E, leaving the West line of said Section 20, for 188.35 feet to a point on the South right of way line of Trione Avenue, (40-foot public R\W), and the Point of Beginning of the parcel herein described; Thence S-89°-40'-35"-E, along the South right of way line of said Trione Avenue, for 499.68 feet to a point at the intersection of the South right of way line of said Trione Avenue with the East right of way line of Guarisco Street, (50-foot public R\W); Thence N-00°-24'-33"-E, along the East right of way line of said Guarisco Street, for 20.11 feet; Thence S-89°-32'-35"-E, leaving the East right of way line of said Guarisco Street, for 309.93 feet; Thence S-00°-10'-32"-W for 329.26 feet; Thence N-89°-47'-49"-W for 330.02 feet; Thence N-00°-19'-58"-E for 165.79 feet; Thence N-89°-38'-17"-W for 482.53 feet; Thence N-01°-08'-06"-E for 144.44 feet to the Point of Beginning. Said parcel lying and being in the Northwest quarter of the Northwest quarter of Section 20, Township 5 South, Range 2 East, Baldwin County, Alabama, and containing 4.086 acres, more or less.

LEGAL DESCRIPTION - (MAIN CAMPUS):

Commencing at the Northeast corner of Section 19, Township 5 South, Range 2 East, Baldwin County, Alabama, Thence South, along the East line of said Section 19, for 1030.87 feet; Thence N-89°-24'-57"-W, leaving the East line of said Section 19, for 26.09 feet to a point at the intersection of the West right of way line of Old U.S. Highway 98, a.k.a. Main Street, (50-foot public R\W), with the South right of way line of Dryer Avenue, (34-foot public R\W), and the Point of Beginning of the parcel herein described; Thence S-00°-24'-23"-W, along the West right of way line of said Main Street, for 596.20 feet to a point at the intersection of the West right of way line of Main Street with the North right of way line of College Avenue, (40-foot public R\W); Thence S-89°-58'-17"-W, along the North right of way line of said College Avenue, for 525.73 feet to a point at the intersection of the North right of way line of said College Avenue with the East right of way line of 6th Street, (40-foot public R\W); Thence N-00°-56'-49"-E, along the East right of way line of said 6th Street, for 617.00 feet to a point at the intersection of the East right of way line of said 6th Street with the South right of way line of aforesaid Dryer Avenue; Thence S-83°-02'-49"-E, along the South right of way line of said Dryer Avenue, for 136.75 feet; Thence S-89°-24'-57"-E, along the South right of way line of said Dryer Avenue, for 384.03 to the Point of Beginning. Said parcel lying in the Northeast quarter of Section 19, Township 5 South, Range 2 East, Baldwin County, Alabama, and containing 7.214 acres, more or less.

WHEREAS, on September 26, 2013, the Planning Commission of the City of Daphne considered said request and set forth a favorable recommendation to the City Council of the City of Daphne that property be rezoned B-1, General Business; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on November 4, 2013 concerning the requested rezoning; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission, deems that said application for rezoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby rezoned from B-2, General Business, R-2, Medium Density Single Family Residential and R-3, High Density Single Family Residential to B-1, Local Business; and the zoning map shall be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect upon 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.

**CITY OF DAPHNE
A MUNICIPAL CORPORATION**

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

PLEASE Publish in the Bulletin Legal Section on Friday, October 18, 2013

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on October 11, 2013, that the City Council of the City of Daphne will hold a Public Hearing on November 4, 2013 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance rezoning certain property from R-2, Medium Density Single Family Residential District, R-3, High Density Single Family Residential District and B-2, General Business District to B-1, Local Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

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

**Ordinance to Rezone Property Located
Along Main Street, South of Trione Avenue & South of Dryer Avenue
Also Known as Christ the King Catholic Church Main Campus**

WHEREAS, Christ the King Catholic Church, as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-2, General Business, R-2, Medium Density Single Family Residential and R-3, High Density Single Family Residential to B-1, Local Business; and,

WHEREAS, said real property is north of the intersection of Van Avenue and Main Street, and more particularly described as follows and illustrated as shown in Exhibit B attached hereto:

LEGAL DESCRIPTION - (ACROSS FROM MAIN CAMPUS ALONG MAIN STREET):

Commence at the Northwest corner of Section 20, Township 5 South, Range 2 East, St. Stephens Meridian, and run thence South 925 feet; Thence run East 25 feet to an iron pin marker on the East right of way of Main Street for the Point of Beginning of the property herein described; Thence run N-89°-59'-40"-E, 149.81 feet to an iron pin marker; Thence run N-00°-04'-23"-E, 100.14 feet to an iron pin marker; thence run S-89°-58'-53"eE. 500.33 feet to an iron pin marker; Thence run S-00°-07'-10"-E, 326.69 feet to an iron pin marker; Thence run S-89°-34'-17"-W, 330.01 feet to an iron pin marker; Thence run S-89°-50'-58"-W, 320.95 feet to an iron pin marker on the East right of way of Main Street; Thence run North along said East right of way of Main Street, 230.0 feet to the Point of Beginning. Containing 4.57 acres, more or less, and lies in the Northwest Quarter of Section 20, Township 5 South, Range 2 East, Baldwin County, Alabama.

LEGAL DESCRIPTION - (ACROSS FROM MAIN CAMPUS ALONG TRIONE AVENUE):

Commencing at the Northwest corner of Section 20, Township 5 South, Range 2 East, Baldwin County, Alabama, Thence South, along the West line of said Section 20, for

PLEASE Publish in the Bulletin Legal Section on Friday,
October 11, 2013

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on November 4, 2013 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance rezoning certain property from R-2, Medium Density Single Family Residential District, R-3, High Density Single Family Residential District and B-2, General Business District to B-1, Local Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk, MMC

PROPOSED ORDINANCE:

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

**Ordinance to Rezone Property Located
Along Main Street, South of Trione Avenue & South of Dryer Avenue
Also Known as Christ the King Catholic Church Main Campus**

WHEREAS, Christ the King Catholic Church, as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-2, General Business, R-2, Medium Density Single Family Residential and R-3, High Density Single Family Residential to B-1, Local Business; and,

WHEREAS, said real property is north of the intersection of Van Avenue and Main Street, and more particularly described as follows and illustrated as shown in Exhibit B attached hereto:

LEGAL DESCRIPTION - (ACROSS FROM MAIN CAMPUS ALONG MAIN STREET):

Commence at the Northwest corner of Section 20, Township 5 South, Range 2 East, St. Stephens Meridian, and run thence South 925 feet; Thence run East 25 feet to an iron pin marker on the East right of way of Main Street for the Point of Beginning of the property herein described; Thence run N-89°-59'-40"-E, 149.81 feet to an iron pin marker; Thence run N-00°-04'-23"-E, 100.14 feet to an iron pin marker; thence run S-89°-58'-53"eE. 500.33 feet to an iron pin marker; Thence run S-00°-07'-10"-E, 326.69 feet to an iron pin marker; Thence run S-89°-34'-17"-W, 330.01 feet to an iron pin

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Walter J. and Martin L. Pierce Zoning
Amendment
Date: September 30, 2013

MEMORANDUM

PRESENT ZONING: R-3, High Density Single Family Residential District

PROPOSED ZONING: B-2, General Business District

LOCATION: Across from the intersection of U.S. Highway 90 and County Road 13; adjacent to the proposed County Road 13 Interchange and Interstate 10

RECOMMENDATION: At the Thursday, September 26, 2013, regular meeting of the Daphne Planning Commission, six members were present and the motion carried unanimously to set forth an a favorable recommendation for Parcel 1; and, an unfavorable recommendation for Parcel 2.

Attached please find documentation from the Office of Community Development. An Ordinance shall be provided by the Office of the City Attorney with the action of the Planning Commission for placement on the City Council agenda of Monday, October 7, 2013 to request to set the public hearing for Monday, November 4, 2013.

Thank you,
ADJ/jv

cc: file

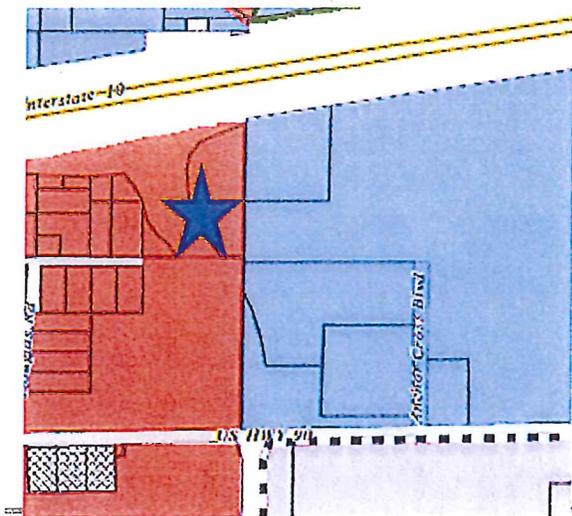
attachment(s)

1. Community Development Report(s)
2. Zoning Amendment application
3. Legal description
4. Map of property
5. Adjacent property owners' list
6. Correspondence to Adjacent Property Owners

Planning Commission



Zoning Amendment Review Walter J. and Martin L. Pierce



September 2013 Planning Report



COMMUNITY DEVELOPMENT

Walter J. and Martin L. Pierce

ZONING AMENDMENT REVIEW

Owner: Walter J. and Martin L. Pierce

Location: The property is located north of the intersection of County Road 13 and Highway 90, abutting the proposed I-10 interchange.

Existing Conditions: 5.93 acres of undeveloped land

Existing Zoning: R-3, High Density Single Family Residential district

Proposed Zoning: B-2, General Business district

Surrounding Zonings/Uses:

North-Interstate 10

South- R-3, High Density Single Family Residential district (undeveloped) and Highway 90

East- B-2, General Business

West-(R-3) High Density Single Family Residential district (Regency Oaks single family subdivision Douglas Road)

Existing Utility Service Providers:

Water– Daphne Utilities

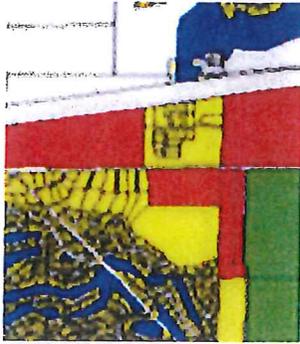
Sewer – Daphne Utilities

Gas- Daphne Utilities

Electric—Riviera Utilities

Affected City Service Providers: City Service Providers would not be affected by rezoning the subject property.

Baldwin County Schools—N/A



Dephno Future Landuse
Commercial
Forestry
Light Industrial
Public
Resource Extraction
Residential
TCU
Undeveloped
Water

Comprehensive Plan

The current Comprehensive Plan illustrates the future land use of the subject property as residential however the plan has never been amended to reflect pending changes that would result from the proposed interchange.



Community Development Recommendation: The petitioner proposes to rezone the subject property because “surrounding properties are zoned commercial. Alabama Department of Transportation has also acquired a portion of the property for future expansion of county road 13 and I-10” as stated on the application.

Recommend **APPROVAL**. Although speculative zoning is normally discouraged, it would be unreasonable to expect future residential development to occur on the subject property.

Adjoining property owner notices have been distributed, a zoning notification sign has been posted, and the notice for a public hearing for this petition has been properly advertised in the Courier in accordance with applicable sections of the Code of Alabama.

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number 213-06 Date Plat Submitted: August 22, 2013
Date Presented: September 26, 2013

Name of Owner: Walter J Pierce & Martin L. Pierce

Address: 288 Linwood Rd, Sterrett, AL 35147 Telephone# 205-516-2202
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: _____

Address: _____ Telephone# _____
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: _____

Lot(s): _____ Unit _____

- Two (2) copies of legal description of the subject property.
- n/a Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 8/22/13).

Meeting Dates:

Planning Commission: August 26, 2013

City Council: _____

Reason(s) for requesting the Zoning Amendment:

Surrounding properties are zoned Commercial. ALDOT has also acquired a portion of property for future expansion of County Rd 13 & I-10.



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

- a) Address Daphne, AL
- b) Name of Subdivision N/A
- c) Lot numbers involved in change 2
- d) Total acreage of change 5.93 acres
- e) Recorded in Map Book _____ Page _____
- f) Owned in whole by the undersigned? No
- g) If owned in part, name(s) of co-owner(s):
Martin L Pierce & Walter J. Pierce

2) Zoning change requested:

- a) Present classification of property R3
- b) Reclassification desired B2
- c) Character of neighborhood Raw Land / Undeveloped

3) Certifications:

- a) Owner's Name Martin L. Pierce
- b) Address 288 Linwood Rd
- c) Telephone Number 205-516-2202
- d) Date 8-8-13

[Signature]
Signature of Property Owner

[Signature]
Signature of Property Owner

WALTER J. PIERCE & MARTIN L. PIERCE
ZONING AMENDMENT REVIEW

PARCELS 1 & 2 ALONG PROPOSED
COUNTY ROAD 13 INTERCHANGE & I-10

EXHIBIT "A"

STATE OF ALBAMA
COUNTY OF BALDWIN

LEGAL DESCRIPTIONS OF PROPERTY TO BE RE-ZONED FROM (R-3), HIGH DENSITY SINGLE FAMILY RESIDENTIAL TO (B-2) GENERAL BUSINESS DISTRICT:

PARCEL 1:

COMMENCING AT A 4" x 4" CONCRETE MONUMENT FOUND ON THE PRESENT RIGHT OF WAY LINE OF INTERSTATE 10 AS SHOWN ON THE RIGHT OF WAY MAP OF STATE HIGHWAY PROJECT NUMBER I-10-1 (19) (SAID MONUMENT OFFSET 300 FEET OF AND PERPENDICULAR TO CENTERLINE OF SAID PROJECT AT STATION 544+69.28): THENCE RUN NORTH 82*40'31" EAST A DISTANCE OF 2006.55 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED: THENCE RUN NORTH 69*30'30" EAST. 301.08 FEET; THENCE RUN SOUTH 00*28'49" WEST. 785.36 FEET; THENCE RUN SOUTH 89*45'57" WEST. 147.32 FEET; THENCE RUN NORTH 75*19'04" WEST. 353.00 FEET; THENCE RUN NORTH 05*08'29" WEST. 230.10 FEET; THENCE RUN NORTH 15*36'10" EAST. 84.72 FEET; THENCE RUN NORTH 42*04'15" EAST. 110.11 FEET; TO THE POINT OF BEGINNING AND CONTAINING 5.20 ACRES MORE OR LESS (226,377.3 SQ. FT.)

PARCEL 2:

COMMENCING AT A 4" x 4" CONCRETE MONUMENT FOUND ON THE PRESENT SOUTH RIGHT OF WAY LINE OF INTERSTATE 10 AS SHOWN ON THE RIGHT OF WAY MAP OF STATE HIGHWAY PROJECT NUMBER I-10-1 (19) (SAID MONUMENT OFFSET 300 FEET OF AND PERPENDICULAR TO CENTERLINE OF SAID PROJECT AT STATION 544+69.28): THENCE RUN SOUTH 75*04'44" EAST A DISTANCE OF 1657.69 FEET TO AN IRON AXEL AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED: THENCE RUN NORTH 00*30'16" EAST. 324.73 FEET; THENCE RUN SOUTH 35*06'49" EAST. 4.96 FEET; THENCE RUN SOUTH 19*18'20" EAST. 103.76 FEET; THENCE RUN SOUTH 34*46'31" EAST. 100.00 FEET; THENCE RUN SOUTH 51*11'02" EAST. 104.25 FEET; THENCE RUN SOUTH 35*06'49" EAST. 90.84 FEET; THENCE RUN SOUTH 89*45'57" WEST. 230.53 FEET; TO THE POINT OF BEGINNING AND CONTAINING 0.73 ACRES MORE OR LESS. (31715.3 SQ. FT.).

WALTER J. PIERCE & MARTIN L. PIERCE
ZONING AMENDMENT REVIEW
ADJACENT PROPERTY OWNERS LIST

Walter J & Martin L Pierce
20 Ferry Oaks Dr
Marbury, AL 36051

Mary Lynum
c/o Edith Holloman
43 Becon St
Middleton, NY 10904

Alabama Department of Transportation
PO Box 303050
Montgomery, AL 36130-3050

Riley Dade
c/o Anna Stamps
PO Box 267
Daphne, AL 36526

Malbis Plantation
29470 State Hwy 181
Daphne, AL 36526

DANE HAYGOOD
MAYOR

REBECCA A. HAYES
CITY CLERK

ADRIENNE D. JONES
DIRECTOR COMMUNITY DEVELOPMENT



COUNCIL MEMBERS
TOMMY B. CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOHN LAKE
DISTRICT 3
RANDY FRY
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
JOE DAVIS, III
DISTRICT 7

August 12, 2013

NOTICE OF PUBLIC HEARING

A Petition for REZONING will be considered by the Daphne Planning Commission for William J. & Martin L. Pierce. Said rezoning of two parcels containing 5.93 acres +/- located adjacent to the proposed County Road 13 Interchange and Interstate 10 to be rezoned from R-3, High Density Single Family Residential, to B-2, General Business.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, September 18, 2013 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, September 28, 2013 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Walter J. & Martin L. Pierce Zoning Amendment

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

**Ordinance to Rezone Property Located
North of the Intersection of County Road 13 and Highway 90
Also Known as Walter J. & Martin L. Pierce**

WHEREAS, Walter J. & Martin L. Pierce, as the owners of certain real property located within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential to B-2, General Business; and,

WHEREAS, said real property is north of the intersection of Intersection of County Road 13 and Highway 90 abutting the proposed I-10 interchange, and more particularly described as follows and illustrated as shown in Exhibit B attached hereto:

LEGAL DESCRIPTION:

Parcel 1:

Commencing at a 4" x 4" concrete monument found on the present right of way line of interstate 10 as shown on the right of way map of state highway project number I-10-1 (19) (said monument offset 300 feet of and perpendicular to centerline of said project at station 544+69.28): thence run north 82°40'31" east a distance of 2006.55 feet to the point of beginning of the property herein described: thence run north 69°30'30" east. 301.08 feet: thence run south 00°28'49" west. 785.36 feet: thence run south 89°45'57" west. 147.32 feet: thence run north 35°19'04" west. 353.00 feet: thence run north 05°08'29" west. 230.10 feet: thence run north 15°36'10" east. 84.72 feet: thence run north 42°04'15" east. 110.11 feet: to the point of beginning and containing 5.20 acres more or less (226,377.3 sq. Ft.)

Parcel 2:

Commencing at a 4" x 4" concrete monument found on the present south right of way line of interstate 10 as shown on the right of way map of state highway project number I-10-1 (19) (said monument offset 300 feet of and perpendicular to centerline of said project at station 544+69.28): thence run south 75°04'44" east a distance of 1657.69 feet to an iron axel and the point of beginning of the property herein described: thence run north 00°30'16" east. 324.73 feet: thence run south 35°06'49" east. 4.96 feet: thence run south 19°18'20" east. 103.76 feet: thence run south 34°46'31" east. 100.00 feet: thence run south 51°11'02" east. 104.25 feet: thence run south 35°06'49" east. 90.84 feet: thence run south 89°45'57" west. 230.53 feet: to the point of beginning and containing 0.73 acres more or less. (31715.3 sq. Ft.).

WHEREAS, on September 26, 2013, the Planning Commission of the City of Daphne considered said request and **set forth a favorable recommendation that Parcel 1** be rezoned B-2, General Business and **an unfavorable recommendation to rezone Parcel 2** as B-2, General Business to the City Council of the City of Daphne;

WHEREAS, after proper publication, a public hearing was held by the City Council on November 4, 2013 concerning the requested rezoning; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendations of the Planning Commission deemed that said application for rezoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-3, High Density Single Family Residential to B-2, General Business; and the zoning map shall be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect upon 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.

**CITY OF DAPHNE
A MUNICIPAL CORPORATION**

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

PLEASE Publish in the Bulletin Legal Section on Friday,
October 11, 2013

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on November 4, 2013 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance rezoning certain property from R-3, High Density Single Family Residential District to B-2, General Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

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

**Ordinance to Rezone Property Located
North of the Intersection of County Road 13 and Highway 90
Also Known as Walter J. & Martin L. Pierce**

WHEREAS, Walter J. & Martin L. Pierce, as the owners of certain real property located within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential to B-2, General Business; and,

WHEREAS, said real property is north of the intersection of Intersection of County Road 13 and Highway 90 abutting the proposed I-10 interchange, and more particularly described as follows and illustrated as shown in Exhibit B attached hereto:

LEGAL DESCRIPTION:

Parcel 1:

Commencing at a 4" x 4" concrete monument found on the present right of way line of interstate 10 as shown on the right of way map of state highway project number I-10-1 (19) (said monument offset 300 feet of and perpendicular to centerline of said project at station 544+69.28): thence run north 82°40'31" east a distance of 2006.55 feet to the point of beginning of the property herein described: thence run north 69°30'30" east. 301.08 feet: thence run south 00°28'49" west. 785.36 feet: thence run south 89°45'57" west. 147.32 feet: thence run north 35°19'04" west. 353.00

PLEASE Publish in the Bulletin Legal Section on Friday, October 18, 2013

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on October 11, 2013, that the City Council of the City of Daphne will hold a Public Hearing on November 4, 2013 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance rezoning certain property from R-3, High Density Single Family Residential District to B-2, General Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

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

**Ordinance to Rezone Property Located
North of the Intersection of County Road 13 and Highway 90
Also Known as Walter J. & Martin L. Pierce**

WHEREAS, Walter J. & Martin L. Pierce, as the owners of certain real property located within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential to B-2, General Business; and,

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Parcel 2:

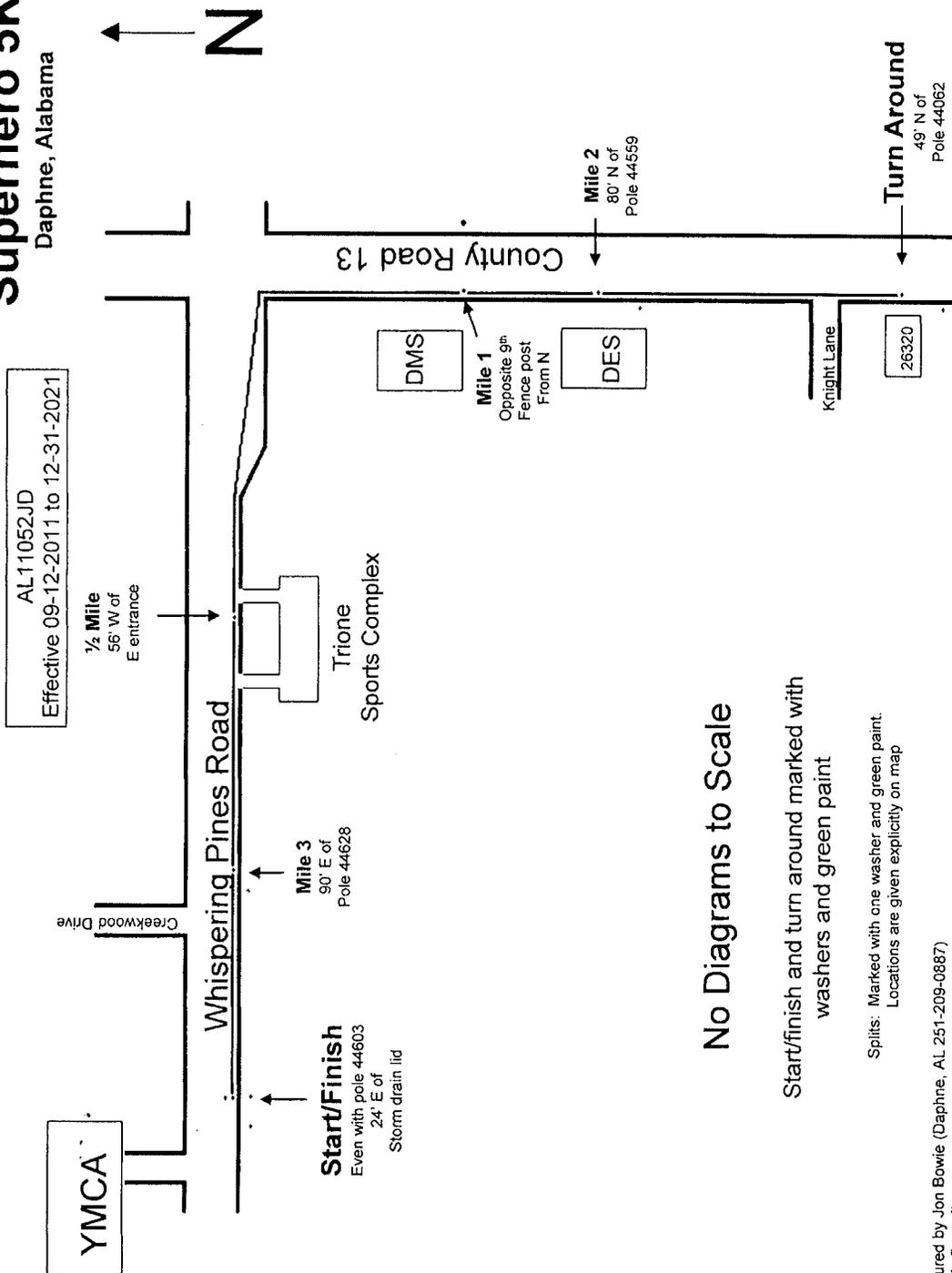
**REPORT
OF
OFFICERS**

**CITY OF DAPHNE
PARADE PERMIT**

ORGANIZATION:	<i>Scott Ward Memorial "Fit for Duty"</i>
CONTACT PERSON:	<i>Andra Ward</i>
ADDRESS:	<i>P.O. Box 1690 Fairhope, AL 36533</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER: E-MAIL ADDRESS:	<i>405-5216 591-3053</i>
TYPE OF PARADE:	<i>5K Run / 1 Mile Run</i>
DATE OF PARADE:	<i>November 17, 2013</i>
ROUTE TO BE TRAVELED:	<i>"See Attached Map"</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>100-150</i>
START TIME:	<i>8:15 A.M.</i>
STOP TIME:	<i>10:30 A.M.</i>
ASSEMBLY AREA/STREET:	<i>YMCA / Whispering Pines Road</i>
ASSEMBLY TIME:	
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	<i>September 18, 2013</i>
APPROVAL	
POLICE: Chief David Carpenter	<i>David Carpenter</i>
FIRE: Chief James White	<i>James White</i>
PUBLIC WORKS: Richard Johnson	<i>R. Johnson</i>
RECREATION : David McKelroy	<i>David McKelroy</i>
CITY COUNCIL APPROVAL: <i>10-7-13</i>	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>September 24, 2013</i>
NOTIFICATION	

Superhero 5K

Daphne, Alabama



No Diagrams to Scale

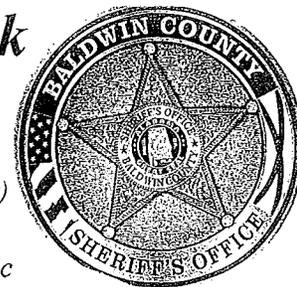
Start/finish and turn around marked with washers and green paint

Splits: Marked with one washer and green paint. Locations are given explicitly on map

Measured by Jon Bowie (Daphne, AL 251-209-0887)
 jinbowie@gmail.com
 14 August 2011
 Calibrated on AL08007JD
 Race contact: Bounds Family YMCA 251-626-0888

Scott Ward Memorial - Fit for Duty 5K Run/Walk

Sunday - November 17, 2013 - 8:15am



Sponsored by: *The Scott Ward Memorial Fund and the Baldwin County Sheriff's Office*

Location: *Daphne YMCA, 8051 Whispering Pines Road, Daphne, AL (Registration @ parking lot)*

Start Time: *5K at 8:15 am - Fun Run at 9:00 am - Memorial Service at 8:00am*

Baldwin County Sheriff Deputy Scott Ward was killed in the line of duty November 23, 2012 on a domestic disturbance call. Scott believed in fitness and healthy nutrition. Scott's favourite hobbies were working out with his wife, Andrea at the Daphne YMCA, personal training, and helping others to live a fit and healthy lifestyle by helping them to achieve their fitness goals. Scott strongly believed in supporting the Baldwin County Sheriff's Office Explorer Program and the Shining Star Camp.

**Benefits: The Baldwin County Sheriff's Office Explorer Program and
The Baldwin County Sheriff's Office Shining Star Camp**

The Baldwin County Sheriff's Office Explorer Program: The purpose of the Baldwin County Sheriff's Office Law Enforcement Exploring program is to provide young adults who may be interested in a career in law enforcement with a comprehensive program of training, competition service and practical experiences. Character development, physical fitness, good citizenship and patriotism are integral components of the overall program. Through their involvement in the program, Explorers develop an awareness of the purpose, mission and objectives of law enforcement agencies. To provide a program of training that educates young adults on the purpose, mission and objectives of law enforcement agencies.

The Baldwin County Sheriff's Office Shining Star Camp: Helps to build life skills, instil confidence and develop self-esteem. The curriculum includes a wide range of activities that incorporates teamwork, physical fitness, and general Sheriff information. We emphasize the importance of physical and mental fitness and teach good citizenship. The Sheriff's Office strives to provide a positive learning experience for children during their summer break. The program is structured to be fun, informative and challenging. It even incorporates a family fun day with a certificate ceremony to give parents, grandparents and guardians the opportunity to share in the experience of what their children have learned through their participation in the camp.

Registration: Pre-register by mail (entries should be postmarked by November 7, 2013), Race day registration and packet pick-up will take place at the Daphne YMCA 6:30 — 7:30 AM.

Shirts: Participants registered by October 31, 2013 will be guaranteed a t-shirt in the size requested on race day. After October 31, 2013, tee shirts cannot be guaranteed.

Fees: Pre-registered: Adults: \$20 Youth (12 and younger): \$10
Day of Race: Adults: \$25 Youth (12 and younger): \$15

**Fees include race shirt, entry to post race party, and eligibility for door prizes.

Awards: Top male and female, and top three male and female in age groups: 9 and under, 10-19, 20-29, 30-39, 40-49, 50-59, 60+ FUN RUN: Top 3 overall boy and girl, must be registered for the FUN RUN

Post-Race Party: Food, beverages, awards presentation and music.

Last Name: _____ First Name: _____ Age: _____ Sex: M ___ F ___

Address: _____ City, State & ZIP: _____

Phone: _____ Date of Birth: _____ Email: _____

Event I am participating in: 5K _____ Fun Run _____

T-Shirt: YM YL S M L XL XXL

Additional donation to the Baldwin County Explorer Program: \$ _____

I know that running a road race is a potentially hazardous activity that could cause injury or death. I should not enter and run unless I am medically able and properly trained, and by my signature I certify that I am medically able to perform this event. I am in good health and I am properly trained. I agree to abide by any decision of a race official relative to any aspect of my participation in this event, including the right of any official to deny or suspend my participation for any reason whatsoever. I assume all risks associated with running or walking in this event, including but not limited to: falls, contact with other participants, the effects of (the weather, including high heat and/or humidity, traffic and the conditions of the road, all such risks being known and appreciated by me. I understand that bicycles, skateboards, baby joggers, stroller's roller skates or blades, animals, and headsets, headphones, ear buds are not allowed in the 5k race and I will abide by these guidelines. Having read this waiver and knowing these facts and in consideration of your accepting my entry, I, for myself and anyone entitled to act on my behalf, waive and release the Scott Ward Memorial Fund, The Baldwin County Sheriff Office, The City of Daphne, The YMCA of South Alabama, and Andrea Ward, any of their representatives and successors from all claims or liabilities of any injury arising out of my participation in this event, even though that liability may arise out of negligence or carelessness on the part of the persons named in this waiver.

Signature of Participant: _____ Date: _____

(Parent/Guardian must sign for children under 19)

Make checks payable to: Baldwin County Sheriff's Foundation

Mail to: Baldwin County Sheriff Office, Attn: Scott Ward Memorial Run, 310 Hand Ave., Bay Minette, AL 36507

For additional information, call: Andrea Ward 251-689-6091 or email: ScottWard5K@yahoo.com



Road Running Technical Council
USA Track & Field
Measurement Certificate



Name of the course Superhero 5K Distance 5 km
Location (state) Alabama (city) Daphne
Type of course: road race [X] calibration [] track [] Configuration: Out-Back
Type of surface: paved 100 % dirt % gravel % grass % track %
Elevation (feet above sea level) Start 141 Finish 141 Highest 155 Lowest 102
Straight line distance between start & finish 0 Drop 0 m/km Separation 0 %
Measured by (name, address, phone & e-mail) Jon Bowie, 9424 Autauga Bend
Daphne, Alabama 36526, 251-209-0887, jnbowie@gmail.com
Race contact (name, address & phone) Bounds Family YMCA, 8051 Whispering Pines Road
Daphne, Alabama 36526, 251-626-0888
Measuring Methods: bicycle [X] steel tape [] electronic distance meter []
Number of measurements of entire course: 2 Date(s) when course measured: 08-14-2011
Race date: October Course certification effective date: 09-12-2011
Replaces: (if applicable) Certification code: AL11052JD

Notice to Race Director
Use this Certification Code in all public
announcements relating to your race.

Be It Officially Noted That

Based on examination of data provided by the above named measurer, the course described above and in the map attached is hereby certified as reasonably accurate in measurement according to the standards adopted by the Road Running Technical Council. If any changes are made to the course, this certification becomes void, and the course must then be recertified.

Validation of Course — In the event a National Open Record is set on this course, or at the discretion of USA Track & Field, a validation remeasurement may be required to be performed by a member of the Road Running Technical Council. If such a remeasurement shows the course to be short, then all pending records will be rejected and the course certification will be cancelled.

This certification expires on December 31 in the year 2021

AS NATIONALLY CERTIFIED BY:

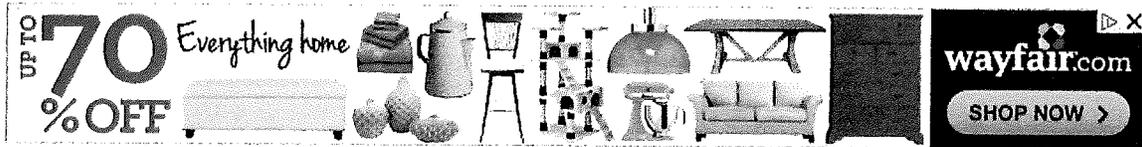
John J DeHaye - USATF/RRTC National Certifier
Date: 09-21-2011
824 Annlau Avenue, Huntsville, AL 35802, (256) 881-9326, jdehaye@comcast.net

AL11052JD

**CITY OF DAPHNE
PARADE PERMIT**

ORGANIZATION:	<i>Run for Shep "Benefitting Shepard Hall"</i>
CONTACT PERSON:	<i>Courtney Powell</i>
ADDRESS:	<i>8747 Bainbridge Drive Daphne, AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:	<i>215-4037 215-4037 215-4037</i>
TYPE OF PARADE:	<i>5K Run / 12 Mile Fun Run</i>
DATE OF PARADE:	<i>January 25, 2014 / Saturday</i>
ROUTE TO BE TRAVELED:	<i>See Attached Map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>250</i>
START TIME:	<i>9:00 A.M.</i>
STOP TIME:	<i>12:00 Noon</i>
ASSEMBLY AREA/STREET:	<i>YMCA / Whispering Pines Road</i>
ASSEMBLY TIME:	<i>7:00 A.M.</i>
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	<i>September 23, 2013</i>
APPROVAL	
POLICE: Chief David Carpenter	<i>David Carpenter</i>
FIRE: Chief James White	<i>James White</i>
PUBLIC WORKS: Richard Johnson	<i>R. Johnson</i>
RECREATION : David McKelroy	<i>D. McKelroy</i>
CITY COUNCIL APPROVAL: 10-7-13	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>September 24, 2013</i>
NOTIFICATION	

Call closer to event to confirm pp attend.



(http://mvp.mapmyrun.com?mxp_page_source=header&mxp_link_location=page_header&mxp_linkname=go-mvp) MY HOME (7) DISCOVER (705) IMPROVE

(/IMPROVE/)

Home (/my home/) My Routes (/routes/my routes/) Route Details

RUN FOR SHEP

DISTANCE

3.09

miles

RUN

Run for Shep

BEGINS IN: Daphne, AL

CREATED BY: courtney powell (/profile/39209721/)

DESCRIPTION: This is a 3.09 mi Run in Daphne, AL. This route was created by courtney39209721 (/profile/39209721/) on 09/18/2013. View other Runs (/profile/39209721/) that courtney39209721 has done or find similar maps (/us/).

TAGS:

TYPE: Run / Jog

AVAIL. POINTS

0 ?

RATE IT! 0 0

ROUTE PRIVACY: FRIENDS

SHARE: (https://twitter.com/intent/tweet?)

url=http://www.mapmyrun.com/routes/view/292137681&text=Check out this map on @MapMyRun: 3.09 mi Run for Shep (http://www.mapmyrun.com/routes/view/292137681) (mailto:?Subject=Check out this map on MapMyRun: 3.09 mi Run for Shep&Body=Check out this map on MapMyRun: 3.09 mi Run for Shep%0D%0ADistance: 3.09 mi%0D%0Ahttp://www.mapmyrun.com/routes/view/292137681)

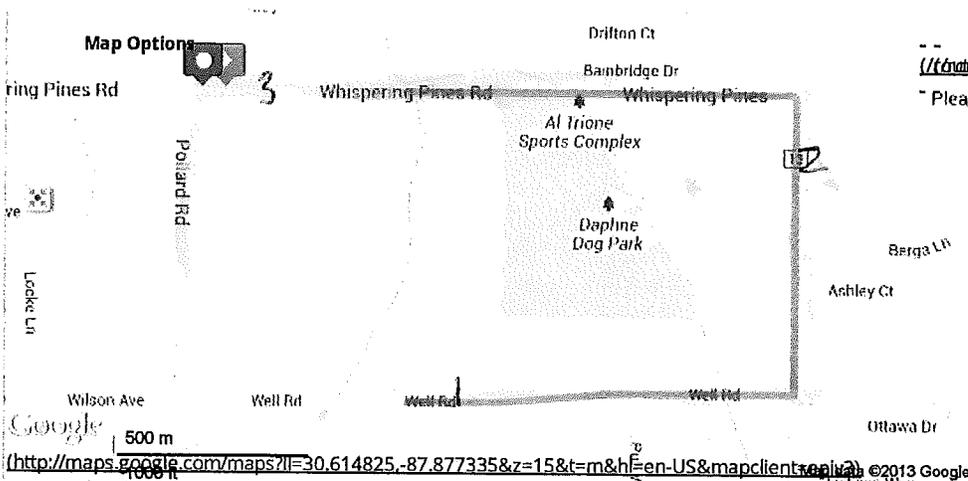
ACTIONS

PRINT

SEND TO PHONE

BOOKMARK

EDIT (/ROUTES/EDIT/292137681/)



CREATE A ROUTE (/ROUTES/CREATE/)

CREATE A COURSE (/COURSES/CREATE/292137681)

LOG THIS WORKOUT

TOP COURSES

There are no courses on this route.

ROUTE INFO (/routes/fullscreen/292137681/)

Export this Route (GPX, KML)

View 3D Video of this Map | Large Version

View Route Full Screen (/routes/fullscreen/292137681/)

Add this Route to Your Site

Times Done: 0 - Viewed: 0 - Bookmarked: 0

Photos

User Photos (0)

Flickr Tagged (0)

This user has not uploaded any photos...

Start and Finish in front of Boudas Family YMCA 8051 Whispering Pines Rd 36526

January 25th 1/25 (5k 9am ; 1/2 Fun Run 10:00)

Contact Courtney Powell 205-215-4037

BECKY

I LOOKED AT THE
RACE. PMA APPROVED.

JT. KENNEDY

He already has a license
This is for a new address

ck 8164
50.00 aa

CASE NO. _____

Thanks

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 9-30-13 (initial) aa

DATE FORWARDED TO POLICE DEPT. 9-30-13 aa

DATE RECEIVED BY POLICE DEPT. 9-30-13 RH

DATE: APPROVED [Signature] DISAPPROVED _____

POLICE DEPT SIGNATURE _____

DATE RETURNED TO REVENUE DIV. 9-30-13 aa

DATE FORWARDED TO CITY CLERK 9-30-13 aa

DATE RECEIVED BY CITY CLERK 10-02-13 RH

SCHEDULED DATE ON AGENDA 10-07-13 RH

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____
OR TO ABC FIELD OFFICE _____ (per taxpayer request)



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD**



**ALCOHOL LICENSE APPLICATION
Confirmation Number: 20130930130958496**

Type License: 010 - LOUNGE RETAIL LIQUOR - CLASS I **State:** **County:**

Type License: **State:** **County:**

Trade Name: UNCORKED FINE WINES **Filing Fee:**

Applicant: THE BARREL ROOM FINE WINES AND SPIRITS INC **Transfer Fee:** \$50.00

Location Address: 28825 B HWY 98 DAPHNE, AL 36526

Mailing Address: 11078 LAKE CIRCLE DAPHNE, AL 36526

County: BALDWIN **Tobacco sales:** YES **Tobacco Vending Machines:** 0

Sale of Products Containing Ephedrine: NO **Type Ownership:** CORPORATION

Book, Page, or Document info: BOOK 969735 PAGE 5 **Do you sell Draft Beer:** Y

Date Incorporated: 4/19/2006 **State incorporated:** AL **County Incorporated:** BALDWIN

Date of Authority: 4/19/2006 **Alabama State Sales Tax ID:** 020019874

Name: **Title:** **Date and Place of Birth:** **Residence Address:**

LAURI JILL RECTOR 6926825 - AL	SEC / TRESURER	03/08/1962 BILOXI, MS	11078 LAKE CIRCLE DAPHNE, AL 36526
KEITH DAVID RECTOR 7103744 - AL	PRESIDENT	02/20/1956 JAPAN	11078 LAKE CIRCLE DAPHNE, AL 36526

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: KEITH RECTOR

Business Phone: 251-625-8808

Fax:

Home Phone: 251-625-8808

Cell Phone: 251-209-6276

E-mail: UNCORKEDFINEWINES@BELLSOUTH.NET

PREVIOUS LICENSE INFORMATION:

Trade Name: UNCORKED FINE WINES

Applicant: THE BARREL ROOM FINE WINE AND SPIRITS INC⁵

Previous License Number(s)

License 1: 010-001720402

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
 Confirmation Number: 20130930130958496



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:
 THE BARREL ROOM FINE WINE AND SPIRITS INC
 Address: 29117 US HWY 98
 DAPHNE, AL 36526
 Telephone: 251-625-8808

NEW APPLICANT:
 THE BARREL ROOM FINE WINES AND SPIRITS INC
 Address: 11078 LAKE CIRCLE
 DAPHNE, AL 36526
 Telephone: 251-625-8808

Current License No: 010-001720402

LICENSED PREMISES ADDRESS: 28825 B HWY 98 DAPHNE, AL 36526

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 30th day of September, 2013.

CURRENT LICENSEE (NAMED ON LICENSE)

NEW LICENSEE (APPLICANT)

Keith Rector
 Print Name:
 Title: Owner/President

Keith Rector
 Print Name:
 Title: Owner/President

WITNESS: (By ABC Enforcement) [Signature]
 Revised 9/08



STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD



ALCOHOL LICENSE APPLICATION
Confirmation Number: 20130930130958496

Initial each

Signature page

KR

In reference to law violations, I attest to the truthfulness of the responses given within the application.

KR

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

KR

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

KR

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

KR

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

KR

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

KR

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

KR

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

KR

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): *Keith Rector*

Signature of Applicant: *[Handwritten Signature]*

Notary Name (print): *Betty G Dean*

Notary Signature: *Betty G. Dean*

Commission expires: *11/10/15*

Application Taken: *9/30/13* App. Inv. Completed:

Submitted to Local Government:

Forwarded to District Office:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:

Receipt Confirmation Page

Receipt Confirmation Number: **20130930130958496**
Application Payment Confirmation Number: **6812144**

Payment Summary	
Payment Item	Fee
Transfer Fee for License 010	\$50.00
Total Amount to be Charged	\$50.00

Application Type

Application Type: TRANSFER

Applicant Information

License Type 1: 010 - LOUNGE RETAIL LIQUOR - CLASS I
License Type 2:
License County: BALDWIN
Business Type: CORPORATION
Trade Name: **UNCORKED FINE WINES**
Applicant Name: **THE BARREL ROOM FINE WINES AND SPIRITS INC**
Location Address: 28825 B HWY 98
 DAPHNE, AL 36526
Mailing Address: 11078 LAKE CIRCLE
 DAPHNE, AL 36526
Contact Person: KEITH RECTOR
Contact Home Phone: 251-625-8808
Contact Business Phone: 251-625-8808
Contact Fax:
Contact Cell Phone: 251-209-6276
Contact Email Address:
Contact Web Address:

RESOLUTIONS
&
ORDINANCES

RESOLUTION 2013 - 51

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	EQ/VEH#	DESCRIPTION	VIN
Mowing	1336	2010 John Deere Mower	TC1565D090169
Mowing	1198	2000 CHEVROLET 3500 CREW CAB	1GBHC33R7YF481948

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

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

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ORDINANCE 2013 - 52

ATRIP Grants: Initial Survey, Design & Geo-Technical Engineering:

- **Resurfacing Lake Forest Boulevards (*Lake Forest Phase IV*)**
- **Resurfacing North Main Street**

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

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

WHEREAS, the City of Daphne did heretofore make application for funding through Alabama Transportation Rehabilitation and Improvement Program (ATRIP) to assist with City Road Projects.

WHEREAS, the project to resurface Lake Forest Boulevards Phase IV and North Main Street was approved for grant funding through the ATRIP Grant; and

WHEREAS, project consulting services will be required to meet the requirements of the ATRIP Grant; and,

WHEREAS, staff has reviewed the ATRIP Grant requirements and agree that monies need to be appropriated for *initial* survey, design and geo-technical engineering fees.

NOW THEREFORE BE IT RESOLVED by the City Council that the Mayor is hereby authorized to enter into any required contracts for the Grant on behalf of the City of Daphne for the following projects

- CODFY2013-1 - ATRIP Project No.:02-05-34 North Main Street Resurfacing – Hatch Mott MacDonald
 - Initial Survey & Design \$ 43,565.00
 - Project Total (up front) \$ 43,565.00

- CODFY2013-3 - ATRIP Project No.:2-05-35 Lake Forest Blvds–Phase IV- HMR
 - Initial Survey & Design \$ 96,287.00
 - Initial Geo-Technical Engineering \$ 20,600.00
 - Project Total (up front) \$116,887.00

and that funds in the amount of \$160,452 as available from the 2012 Construction Fund with the balance being funded from the Capital Reserve Fund and made a part of the Fiscal Year 2013.

ADOPTED AND APPROVED this the _____ day of _____, 2013.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE

ORDINANCE NO. 2013 -53

**AN ORDINANCE TO REPEAL ORDINANCE NO. 2010 -46
AND TO ESTABLISH PENALTIES AND ENFORCEMENT
PROCEDURES FOR VIOLATION OF MUNICIPAL ORDINANCES**

WHEREAS, the City Council of the City of Daphne, Alabama desires to promote the health, safety, and welfare of the citizens of Daphne, Alabama; and

WHEREAS, the City Council of Daphne, Alabama passed Ordinance Number 2005-55 setting forth a schedule of fines for certain offenses which may be paid without the necessity of appearing before the Municipal Court of Daphne, Alabama, and that such a need still exists for the City; and

WHEREAS, said schedule of fines necessitates the inclusion of the offense of speeding in a school zone; and

WHEREAS, prior ordinances so establishing said schedule of offenses have been amended from time to time and ordinance numbers subject to the schedule of fines have changed through amendments and repeals to such an extent that a reorganization of this Ordinance is called for in order to remove confusion in the citation of ordinance numbers; and

WHEREAS, the City Council of the City of Daphne, Alabama, desires to establish a new Ordinance setting forth the ordinances subject to fines payable without mandatory court appearance;

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

SECTION I: PENALTY AND ENFORCEMENT PROCEDURES

(a) Except as otherwise provided by separate ordinance, any person, firm or corporation committing an offense within the corporate limits of the City or within the police jurisdiction thereof which is in violation of an ordinance of the City now existing or hereafter

enacted shall, upon conviction, be punishable by a fine not to exceed five hundred dollars (\$500.00).

(b) In addition thereto, any person so convicted may be imprisoned or sentenced to hard labor for the City for a period not exceeding six (6) months, at the discretion of the Court

(c) Except where otherwise provided, every day any violation of such code or any other ordinance of the City or such rule, regulation or Order shall continue shall constitute a separate offense.

SECTION II: VIOLATIONS SUBJECT TO MUNICIPAL OFFENSE TICKET

(a) Violations of the municipal ordinances of the City, as amended from time to time, shall be punished by the issuance of a municipal offense ticket as set out further herein.

SECTION III: ADOPTION OF APPENDIX “A” AS THE SCHEDULE OF FINES FOR CITY OF DAPHNE

(a) The City of Daphne hereby adopts and incorporates, in whole, the schedule of fines attached hereto as Appendix “A” and the same shall apply in municipal ordinance violation cases or cases charging the violation of a rule or regulation promulgated by a state agency or department and incorporated by municipal ordinance.

(b) In addition to the fines so established, the defendant shall pay, in addition to such fine amount, any court costs as set forth on Appendix “A”. If the defendant elects to plead guilty before a magistrate to a violation of any of the listed municipal laws for which there is a fine set forth in this Section, the fine plus the applicable court costs shall apply in such case. In lieu of appearing before a magistrate, the defendant may sign a guilty plea and waiver of trial provision on the municipal offense ticket, 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 at 1502 Highway 98, Daphne, Alabama, 36526. In the event the defendant elects to be tried by the Municipal Court, then the defendant shall be subject to such fine and punishment as expressed in Section I of this Ordinance.

SECTION IV: PROCEDURE FOR ISSUANCE OF MUNICIPAL OFFENSE TICKET AND DISPOSITION OF CHARGE

a) When any officer, inspector, investigator, auditor or other employee of the City, designated by the City code, ordinance or appointment by the Mayor, as an enforcement officer

PAGE 2 OF 8

finds any violation or violations of the provision of the municipal law which he is authorized and required to enforce, the City employee may issue, on forms provided by the City, a municipal offense ticket and deliver to the person, firm, or corporation in violation of such municipal law.

The municipal offense ticket shall direct the person or a representative of the firm or corporation, whichever the case may be, to appear in the Municipal Court of the City at a time and on a date stated therein to answer the charge or charges for violating such municipal law, which violation shall be stated in the municipal offense ticket. However, in the alternative, if the violation is the first violation of such municipal law by the person, firm, or corporation cited, or if Section III provides a scheduled fine for a second or third offense, then such person, firm, or corporation, may, in lieu of appearing in the Municipal Court pursuant to the municipal offense ticket, pay the appropriate fine and court costs pursuant to the terms stated in Section III and on the municipal offense ticket, in addition to either of the following:

(1) Appearing in person before a magistrate, signing the plea of guilty and waiver of trial provision on the ticket or on a form provided by the Magistrate and paying the fine and court costs, provided that the Magistrate retains a copy of the ticket or such other form; or

(2) Signing the guilty plea and waiver of trial provisions on the ticket and mailing the ticket in the amount of the fine and court costs to the Clerk of the Court. Remittance by mail of the fine and costs constitutes a guilty plea and waiver of trial, whether or not the guilty plea and waiver of trial provisions on the ticket are signed by the defendant. Should the amount tendered be insufficient, such money received by the Magistrate or Clerk shall be considered to be a partial payment of the lawful penalty, applied by the Clerk to the fines and costs, and disbursed as required by law. The Clerk may give notice of such insufficiency, and a supplemental summons or warrant of arrest shall be issued for the offender's arrest, and judgment shall be entered by the Magistrate of Court for the balance of the penalty due.

(b) If any person, firm or corporation, so cited shall fail to appear in the Municipal Court of the City at the time and place stated in any municipal offense ticket duly issued or fails to pay the appropriate fine set forth on the municipal offense ticket as set forth herein, the officer, inspector, investigator, auditor or other employee of the City issuing such citation is hereby authorized and directed to swear out a warrant or execute an affidavit or complaint charging such person, firm or corporation with a violation of the municipal law or laws, listed on such municipal offense ticket.

(c) The officers, inspectors, investigators, auditors, or other employees of the City, designated by law as enforcement officers and authorized to issue the municipal offense tickets as herein provided, are hereby further authorized to swear out warrants or execute affidavits or complaints charging such person(s), firm, or corporation within a violation of municipal law without having first issued a municipal offense ticket for such violation.

SECTION V: PENALTIES FOR SUBSEQUENT OFFENSES, FAILURE TO APPEAR, ETC.

(a) Any person, firm or corporation, receiving a subsequent (second, third or more) municipal offense ticket for violation of a municipal law or laws for which there is no scheduled fine for subsequent (second, third or more) offense, and anyone failing to appear in Municipal court, or otherwise failing to settle the matter by payment of the applicable fine and court cost prior to the date stated on the municipal offense ticket shall be punished as provided in Section I of this Ordinance, or by community service for a period not exceeding six (6) months, or by both such fine and imprisonment and/or community service, at the discretion of the judge, unless otherwise prohibited by state law.

(b) For purposes of this section, the term subsequent (second, third, or more) offense shall mean the committing of an offense involving the same offense for which the defendant has been previously issued a municipal offense ticket within three (3) years of the earlier offense.

SECTION VI: REPEALER

Ordinance No. 2010-46 and the Schedule of Fines established by the same are hereby repealed in their entirety.

SECTION VII: SEVERABILITY

The provisions of the Ordinance shall supersede any conflict provisions of any other ordinances or resolutions previously adopted which pertain to the establishment of fines and penalties for violations of a job classification and pay plan. Should any provision of this Ordinance be declared invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect notwithstanding such invalidity.

SECTION VIII: EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its adoption 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, ON THIS THE __ DAY OF _____, 2013.**

**DANE HAYGOOD,
MAYOR**

ATTEST:

**REBECCA A. HAYES,
CITY CLERK**

PAGE 5 OF 8

MOT ORDINANCE

Appendix “A”

Updated September 2013

<i>OFFENSE</i>	<i>FINE</i>	<i>Cost</i>	<i>Total</i>
Driving on Wrong Side of Road	\$30.00	\$166.50	\$196.50
Failure to Dim headlights	\$10.00	\$166.50	\$176.50
Failure to Stop at Railroad Crossing	\$10.00	\$166.50	\$176.50
Failure to Use Child Restraint	\$25.00	\$166.50	\$191.50
Failure to Wear Safety Belt	\$41.00	\$0.00	\$41.00
Failure to Yield Right-of-Way	\$20.00	\$166.50	\$186.50
Following too Closely	\$20.00	\$166.50	\$186.50
Improper Backing	\$20.00	\$166.50	\$186.50
Improper Brakes	\$20.00	\$166.50	\$186.50
Improper Lights	\$20.00	\$166.50	\$186.50
Improper Muffler	\$10.00	\$166.50	\$176.50
Improper or No Rearview Mirror	\$20.00	\$166.50	\$186.50
Improper Passing	\$20.00	\$166.50	\$186.50
Improper Signal	\$10.00	\$166.50	\$176.50
Expired Tag	\$25.00	\$166.50	\$191.50
Improper Tires	\$20.00	\$166.50	\$186.50
Improper Turn	\$20.00	\$166.50	\$186.50
Improper Window Tinting	\$20.00	\$166.50	\$186.50
No Helmet (Motorcycle Rider)	\$10.00	\$166.50	\$176.50
Operating Motor Vehicle W/O a D.L. *	\$25.00	\$216.50	\$241.50
Running Red Light	\$20.00	\$166.50	\$186.50
Running Stop Sign	\$20.00	\$166.50	\$186.50
Speeding <25 MPH over Posted Speed Limit	\$20.00	\$166.50	\$186.50
25 or > 25 over Posted Speed Limit	\$40.00		\$206.50
Speeding in a Construction Zone: <25 MPH over Posted Speed Limit	\$20.00	\$166.50	\$186.50
25 or > 25 over Posted Speed Limit	\$40.00		\$206.50
Speeding in a Construction Zone: <25 MPH over Posted Speed Limit	\$40.00	\$166.5	\$206.50
25 or > 25 over Posted Speed Limit	\$80.00	WORKERS PRESENT	\$246.50
Speeding in a School Zone	Mandatory Court Appearance		
Speed - exceeding reasonable and prudent	\$20.00	Costs	
Stopping on Highway	\$30.00	\$166.50	\$196.50
Violating D. L. Restriction or Endorsement *	\$10.00	\$216.50	\$226.50
Allowing a Child Under the Age of 16 to Operate a Vehicle	\$50.00	\$166.50	\$216.50
Shifting Load	\$25.00	\$166.50	\$191.50
Spilling Load	\$25.00	\$166.50	\$191.50
No Red or Orange Flag or Red Light or Amber Strobe	\$20.00	\$166.50	\$186.50

Unattended Motor Vehicle	\$25.00	\$166.50	\$191.50
Driving upon Sidewalk	\$20.00	\$166.50	\$186.50
Obstructing Driver's View	\$20.00	\$166.50	\$186.50
Coasting	\$20.00	\$166.50	\$186.50
Following Emergency Vehicle	\$50.00	\$166.50	\$216.50
Crossing a Fire Hose	\$50.00	\$166.50	\$216.50
Littering Highway	\$100.00	\$166.50	\$266.50
Improper Use of Clearly Indicated Divided Highway	\$30.00	\$166.50	\$196.50
Failure to Yield to Emergency Vehicle	\$50.00	\$166.50	\$216.50
Improper Stopping or Parking on or in Highway (General)	\$30.00	\$166.50	\$196.50
Improper Stopping, Standing, or Parking Outside of Business or Residence	\$30.00	\$166.50	\$196.50
Improper Stopping, Standing, or Parking in Specified Places	\$30.00	\$166.50	\$196.50
Blocking Highway	\$30.00	\$166.50	\$196.50
Parking More Than 18 Inches from Curb	\$30.00	\$166.50	\$196.50
Hitchhiking	\$10.00	\$166.50	\$176.50
Improper Tag Classification	\$25.00	\$166.50	\$191.50
Switched Personalized License Plates	\$100.00	\$166.50	\$266.50
Overweight/Overheight/Overlength Truck	\$100.00	\$166.50	\$266.50
No Permit (Oversized Width, Height, Length)	\$100.00	\$166.50	\$266.50
Refusal to weigh	\$300.00	\$166.50	\$466.50
Casting a Light from a Road (Nuisance Spotlighting)	\$100.00	\$166.50	\$266.50
Expired License	\$20.00	\$216.50	\$236.50
Failure to move over or reduce speed when approaching enforcement or emergency vehicle.	\$25.00	\$166.50	\$191.50
Improper Lane Change	\$20.00	\$166.50	\$186.50
Improper Lane Usage	\$20.00	\$166.50	\$186.50
Insurance** - allowing the operation of a vehicle without insurance - 1st offense only- current proof of insurance required	\$50.00	\$166.50	\$216.50
Insurance** - display of invalid insurance - 1st offense only - proof of valid insurance required.	\$50.00	\$166.50	\$216.50
Insurance** - failure or refusal to display - 1st offense only - proof of valid insurance required	\$50.00	\$166.50	\$216.50
Insurance** - operating a vehicle the registration of which is suspended - 1st offense only- proof of valid insurance and registration required.	\$50.00	\$166.50	\$216.50
Insurance** - operating a vehicle without insurance 1st offense only - proof of valid insurance	\$50.00	\$166.50	\$216.50

required.			
No plainly visible tag	\$50.00	\$166.50	\$216.50
Careless Driving ***	\$150.00	\$114.50	\$264.50

Fire lanes	\$25.00	\$114.50	\$139.50
No Parking/May day	\$25.00	\$148.00	\$173.00
Parked Near Fireplug	\$25.00	\$114.50	\$139.50
Parked Near Intersection	\$10.00	\$114.50	\$124.50
Parked Vehicle for Sale	\$25.00	\$114.50	\$139.50
Parking Handicapped	\$100.00	\$114.50	\$214.50
Parking in Median	\$10.00	\$114.50	\$124.50
Parking No Parking Area	\$10.00	\$114.50	\$124.50
Parking Tow Away Zone	\$25.00	\$114.50	\$139.50
Soliciting W/O Permit	\$200.00	\$148.00	\$348.00
Viol. Noise Ordinance 1St.	\$50.00	\$148.00	\$198.00
Viol. Noise Ordinance 2Nd.	\$100.00	\$148.00	\$248.00
Viol. Noise Ordinance 3Rd.	\$200.00	\$148.00	\$348.00

***Includes \$50.00 Fee for Driver's License Penalty**

****Subsequent violation requires mandatory court appearance.**

***** To be issued on UTC only**

ORDINANCE 2013-54

Repealing Ordinance 2013-02 and Establishing Public Works Equipment Use Policy

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

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

WHEREAS, other commercial and for-profit entities has needs for use of equipment maintained by Public Works; and

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

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

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

SECTION I APPLICATION OF POLICY

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

SECTION II NUMBER OF USE REQUEST

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

SECTION III REQUEST AND USE DETAILS

- a.) The request must be made in writing a minimum of 30 days prior to pick-up or delivery

- b.) The request must indicate items, quantities, dates of pick-up/delivery and return
- c.) The request must include name of group, description of event, and contact person with full contact information
- d.) For events outside of the City of Daphne the requesting group will be responsible for transportation of requested equipment
- e.) Only Municipal/County vehicles may tow City barricade trailers. Nongovernmental groups shall pay the haul rate below
- f.) Equipment will be inspected upon return. Borrower will be responsible for cost of any damage
- g.) The Mayor, at his discretion, may waive any part of or all requirements of this policy.

SECTION IV RENTAL FEE SCHEDULE

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

SECTION V: REPEALER

Ordinance No. 2013-02 is by the same is hereby repealed in its entirety.

SECTION VI SEVERABILITY

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

SECTION VII: EFFECTIVE DATE

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

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

Dane Haygood
Mayor

Rebecca A. Hayes,
City Clerk

CHANGES TO ORDINANCE 2013-02

Establishing Public Works Equipment Use Policy

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

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

(ADDED) WHEREAS, other commercial and for-profit entities has needs for use of equipment maintained by Public Works; and

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

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

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

SECTION I APPLICATION OF POLICY

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

SECTION II NUMBER OF USE REQUEST

- a.) Each group described above will be afforded one equipment use request, for a singular event, per calendar year.
- b.) For each subsequent equipment use request the below rental fee schedule will apply on a unit basis.
- c.) For all groups described in paragraph three the below rental fee schedule will apply on a unit basis. (ADDED)**

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2013-55**

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

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

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

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

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

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

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

SECTION I: ZONING DISTRICT MAP

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

SECTION II: REPEALER

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

SECTION III: EFFECTIVE DATE

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

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

**DANE HAYGOOD,
MAYOR**

ATTEST:

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

ZONING AND STREET MAP UPDATES

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

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

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

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

ORDINANCE 2013-56

**Lodging Tax Appropriation
Bayfront Park Parking Lot Paving**

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

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

WHEREAS, Lodging Tax funds may be used for the purchase, development, and maintenance of waterfront property; and

WHEREAS, it has been determined that paving of the Bayfront Parking Lot is needed for safety and maintenance purposes for events held at the Richard Scardamalia Pavilion and Bayfront Park area; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2013 Budget is hereby amended to include an additional Lodging Tax appropriation in the amount of **\$26,000** for parking lot paving for the Bayfront Richard Scardamalia Pavilion Building and Bayfront Park area.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE

ORDINANCE NO. 2013-57

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

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

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

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

SECTION I. OFFICE OF ANIMAL CONTROL OFFICER CREATED

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

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

SECTION II. DEFINITIONS

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

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

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

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

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

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

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

Cat. All members of the domestic feline family.

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

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

Dog. All members of the domestic canine family.

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

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

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

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

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

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

Vicious and Dangerous Animal.

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

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

SECTION III. LIVESTOCK & FOWL.

A. GENERAL PROVISIONS

1. General Prohibition

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

2. Exceptions

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

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

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

3. Condition of Premises

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

B. LIVESTOCK OR FOWL AT LARGE

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

C. HORSE STABLE PERMIT

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

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

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

SECTION IV. OPTIONAL LICENSE

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 has the option to 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. There shall be no fee charged for such registration.

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 AND DOMESTICATED ANIMALS

It shall be the duty of every owner or person in charge of any dog or domesticated animal (excluding cats) to keep said animal under effective restraint, while the same is within the limits of the City, whether or not said dog or domesticated animal (excluding cats) is upon or away from his or her premises. It shall be unlawful for the owner or person in charge of any dog or domesticated animal (excluding cats) to fail to keep said animal under effective restraint. Proof that a dog or domesticated animal (excluding cats) 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:

**ORDINANCE 2013-57
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<u>INFRACTION</u>	<u>FINE</u>	
Allowing dog to defecate another's property	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Animal restrained by leash or restraining device less than six (6) feet long	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Cat at large/ destruction damage to property (no tag)	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Cat at large/ destruction damage to property (with tag)	1 st offense within a twelve month period	\$10
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Cruelty to animals	1 st offense	Court
	2 nd offense	Court
	3 rd offense	Court
Dog at large (with tag)	1 st offense within a twelve month period	\$10
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Dog at large (no tag)	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Failure to Restrain	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Fowl at large	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50

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Failure to quarantine animal that has bitten	1 st offense within a twelve month period	Court
	2 nd offense within a twelve month period	Court
Failure to notify authorities of bite	1 st offense within a twelve month period	Court
	2 nd offense within a twelve month period	Court
Failure to obtain rabies vaccination	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Failure to attach rabies tag	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Failure to surrender Dangerous/Vicious animal	1 st offense	Court
	2 nd offense	Court
Failure to confine dog/cat in heat	1 st offense within a twelve month period	\$25
	2 nd offense within a twelve month period	\$50
	3 rd offense within a twelve month period	\$100
Keeping a Dangerous and Vicious animal	See Section XXIII	
Failure to provide adequate shelter/ food and or water	1 st offense within a twelve month period	\$25
	2 nd offense within a twelve month period	\$50
	3 rd offense within a twelve month period	Court
Interfering/ opposing Animal Control Officer	1 st offense within a twelve month period	Court
	2 nd offense within a twelve month period	Court
	3 rd offense within a twelve month period	Court
Keeping prohibited livestock in city limits	1 st offense within a twelve month period	\$25
	2 nd offense within a twelve month period	\$50
	3 rd offense within a twelve month period	Court
Keeping prohibited fowl in city limits	1 st offense within a twelve month period	\$25
	2 nd offense within a twelve month period	\$50
	3 rd offense within a twelve month period	Court

**ORDINANCE 2013-57
ANIMAL CONTROL ORDINANCE
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Livestock at large	1 st offense within a twelve month period	\$15
	2 nd offense within a twelve month period	\$25
	3 rd offense within a twelve month period	\$50
Noisy animals	1 st offense within a twelve month period	\$100
	2 nd offense within a twelve month period	\$250
	3 rd offense within a twelve month period	\$500 & Court
Operating illegal horse stable	1 st offense within a twelve month period	Court
	2 nd offense within a twelve month period	Court
Promoting animal fighting	1 st offense	Court
	2 nd offense	Court
Refusing to allow inspection	1 st offense within a twelve month period	Court
	2 nd offense within a twelve month period	Court
Tamper with animal trap/ removing animal from trap/interfering with ACO in setting/servicing trap	1 st offense within a twelve month period	Court
	2 nd offense within a twelve month period	Court
	3 rd offense within a twelve month period	Court
Unsanitary living condition- fowl/livestock	1 st offense within a twelve month period	\$25
	2 nd offense within a twelve month period	\$50
	3 rd offense within a twelve month period	Court
Unsanitary/inhumane living condition (any animal)	1 st offense within a twelve month period	\$50
	2 nd offense within a twelve month period	\$100
	3 rd offense within a twelve month period	Court
Dangerous and vicious animal at large	1 st offense	Court
	2 nd offense	Court
	3 rd offense	Court

- C. That in addition to any offense not referred to in this section, any person so convicted of any other section of this Ordinance, separately and/or separately shall be fined the sum of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00)

Dollars, and/or incarceration in the Daphne Municipal Jail for a period not to exceed 180 days or both, at the discretion of the Municipal Court Judge

SECTION XXII. DONATIONS TO ANIMAL SHELTERS

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

SECTION XXIII. VICIOUS ANIMALS

A. HARBORING

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

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

B. REGISTRATION OF VICIOUS ANIMALS

The owner or person-in-charge of a Vicious Animal in the City shall annually register the same as to sex, breed, description, name and address of the owner or person-in-charge, and name of the Vicious Animal, if any, pursuant to the provisions of Section IV.

The owner or person in charge of a Vicious Animal shall at all times, keep the tag affixed to said animal. It shall be unlawful for any owner or person in charge of a Vicious Animal to fail to comply fully with all of the requirements of this section by failing to register such animal. 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 Vicious Animal tagged under the provisions of this section or to place a tag upon an animal 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.

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. If an animal is found not to be vicious, the animal control authority shall still have the right, following due process, to later declare an animal to be vicious or to determine that the animal constitutes a threat to the public health and safety, for any subsequent actions of the animal.

F. REGULATION OF POTENTIALLY DANGEROUS OR VICIOUS ANIMALS

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

1. Confinement:
 - a) Owners shall provide an exterior perimeter fence suitable to contain an average animal of the same type. The perimeter fence shall be constructed of chain link or wooden privacy type and shall be at least four (4) feet in height.

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

- c) Whenever the animal is outside either the additional fence or pen provided for this section:
 - 1) It must be attended by the owner;
 - 2) It must be restrained by a secure collar and leash or rope to no longer than eight (8) feet and of sufficient strength to prevent escape; and

3) It must be securely muzzled so as to effectively prevent such animal from biting another animal or person.

d) No vicious animal shall be allowed outside the owner's property except in emergencies or for normal or necessary medical or health related treatment.

2. Destruction of a Vicious Dog

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

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

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

G. MINOR OWNER OR KEEPER

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

H. PROCEDURE UPON LOSS, SALE OR TRANSFER OF ANIMAL

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

I. KEEPING POTENTIALLY DANGEROUS OR VICIOUS ANIMALS

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

J. PENALTY FOR VIOLATION

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

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

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

K. CONFINEMENT GENERALLY

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

L. REGISTRATION OF VICIOUS DOGS

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

SECTION XXIV. DONATIONS TO ANIMAL SHELTERS

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

SECTION XXV. SEVERABILITY

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

SECTION XXVI. REPEALER

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

SECTION XXVII. EFFECTIVE DATE

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

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

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK