CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
OCTOBER 21, 2013
6:30 P.M.

1. **CALL TO ORDER**
2. **ROLL CALL / INVOCATION**

3. **APPROVE MINUTES:** Council meeting minutes / October 7, 2013
Council Strategic Plan meeting minutes / October 14, 2013

CERTIFICATES OF RECOGNITION: Student Government Association Officers

PROCLAMATION: Dyslexia Awareness Month / Mr. Scott Muller

PRESENTATION: The Lighthouse / Ms. Joanna Sheils

PRESENTATION: Marine Corp League / Commandant Thomas Lane

PRESENTATION: 4th Quarter Beautification Award / McDonald's / Highway 181 / Ebrahim Maghsoud

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Conaway
Review minutes / October 14th

1. **Ordinances**
   a.) Lodging Tax Appropriation: TAP / Gator Alley – Turnout/Overlook/Drainage/Scenic Improvements / ***Ordinance 2013-59***
   b.) Reclassification of Job Grade: Animal Shelter Technician / ***Ordinance 2013-60***
   c.) Signatory Authority / ***Ordinance 2013-61***

2. **Resolutions**
   a.) Bid Award: 2014-A-S&R / Boat, Motor & Trailer / Dixie Sporting Goods, Inc. \ ***Resolution 2013-52***
   b.) Acceptance of CIAP Grant Award: D'Olive Creek Watershed / ***Resolution 2013-53***

3. **Financial Reports**
   - Treasurers Report / September 30, 2013
   - Sales and Use Tax Collections / August 31, 2013
   - Lodging Tax Collections / August 31, 2013
   - Taste of the Eastern Shore 2013 Event

B. BUILDINGS & PROPERTY COMMITTEE- Davis
Review minutes / October 7th

C. PUBLIC SAFETY - Rudicell
Review minutes / October 9th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Fry
Review minutes / October 9th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - LeJeune
Review minutes / September 16th
Review Beautification minutes / September 4th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones
MOTION: Reappoint Willie Robison / Term: November 2013 - November 2016

B. Downtown Redevelopment Authority – Conaway
C. Industrial Development Board – Davis
D. Library Board - Lake
Review minutes / September 12th

E. Planning Commission – Scott
Review Sign Regulations (Red-line version) incorporating Sign Committee Report

F. Recreation Board - LeJeune
G. Utility Board - Fry

6. REPORTS OF OFFICERS:

A. Mayors Report
a.) Parade Permit / America Recycles Day Celebration / 5K Run / 1 Mile Run / November 16, 2013

***B.* City Attorney's Report**
C. Department Head Comments
D. City Clerk Report
MOTION: National League of Cities 2013 Congress of Cities Voting Delegate / November 13-16, 2013

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) Bid Award: 2014-A-S&R Boat, Motor & Trailer / Dixie Sporting Goods, Inc. . . . . ./Resolution 2013-52

b.) Acceptance of the Coastal Impact Assistance Coastal Impact Assistance Programs (CIAP). . . . . /Resolution 2013-53

ORDINANCES:

2ND READ

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

1ST READ

a.) Revisions to Employee Handbook / Chapters Two – Six. . . . . /Ordinance 2013-58

b.) Transportation Alternative Program Grant: Turnout/Overlook/ Drainage/Scenic Improvements. . . . . /Ordinance 2013-59

c.) Amending Job Classification Schedule: Animal Shelter Technician. . . . . ./Ordinance 2013-60

d.) Authorization of Signatories. . . . . /Ordinance 2013-61

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___

CITY CLERK:

REBECCA HAYES	PRESENT___	ABSENT___

CITY ATTORNEY:

JAY ROSS	PRESENT___	ABSENT___

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

1. CALL TO ORDER:

Council President Pro tem Conaway called the meeting to order at 6:35 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE:

Councilman Lake gave the invocation.

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

ABSENT: Ron Scott.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; 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, Community Development Director; Richard Merchant, Building Official, Mike Hinson, Finance Director; Tonja Young, Library Director; Vickie Hinman, HR Director; Firemen; Dorothy Morrison, Beautification Committee and Downtown Redevelopment Authority; Willie Robison, BZA; Al Guarisco, Village Point Foundation; Jonathan Ellis, Principal for Daphne Elementary School.

Absent: Michael Hoyt, Municipal Judge.

3. APPROVE MINUTES:

September 16, 2013 Council meeting minutes
There being no correction to the September 16, 2013 Council meeting the minutes,and stand approved as written.

September 23, 2013 Special Called Council meeting minutes
Mayor Haygood asked that an amendment to the September 23, 2013 Special Called Council meeting minutes be made to reflect that the motions for the Mobile National Estuary Program and the Capital Reserve did not carry unanimously. The minutes stand approved as amended.

September 23, 2013 Strategic Plan minutes
There were no corrections to the September 23, 2013 Strategic Plan minutes, and stand approved as written.

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

Mayor Haygood read and presented the proclamation to Chief White and members of the Fire Department.

OCTOBER 7, 2013
CITY COUNCIL MEETING
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DAPHNE, AL
6:30 P.M.

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

Principal for Daphne Elementary School, Jonathan Ellis, presented the family of Fireman Dan Castrillo a picture of Fireman Dan and an elementary school student captured while Dan was at the school giving a presentation on fire safety to the students.

PROCLAMATION: Breast Cancer Awareness Month

Mayor Haygood read and presented the proclamation to members of the Fire Department who during the month of October are raising funds to fight against breast cancer.

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

The members of the Fire Department presented the winners of the design used on their pink t-shirts for this year Ariel Crook and Kirsten Asmus.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Conaway

No report.

B. BUILDINGS & PROPERTY COMMITTEE - Davis

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

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

The next meeting is October 9th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Fry

The next meeting will be October 9th after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE – LeJeune

The next meeting will be October 21st at 5:00 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMITTSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

No meeting in October. The calendar of potential meetings is in the packet.

B. Downtown Redevelopment Authority – Conaway

The next meeting will be October 23rd at 5:30 p.m.

C. Industrial Development Board – Davis
The meeting for September was postponed, and the next meeting will be October 28th at 6:00 p.m.

D. Library Board – Lake
The next meeting will be Thursday at 4:00 p.m.

E. Planning Commission – Scott
The August 29th minutes are in the packet.

Set Public Hearing date for ***November 4, 2013*** and approve advertising to consider:

MOTION BY Councilman Lake to set a Public Hearing date for November 4, 2013 and authorize advertising to consider the following:

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**

Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

F. Recreation Board – LeJeune
The next meeting will be October 16th at 6:30 p.m. at the Recreation Center.

G. Utility Board – *Fry*
The next meeting will be the last Wednesday of the month at 5:00 p.m.

6. REPORTS OF OFFICERS:

A. Mayor's Report

a.) Parade Permit / Scott Ward Memorial "Fit for Duty" 5K Run / 1 Mile Run / November 17, 2013

MOTION BY Councilman Lake to approve the Parade Permit for Scott Ward Memorial "Fit for Duty" 5K Run / 1 Mile Run /November 17, 2013. *Seconded by Councilman Fry*.

MOTION CARRIED UNANIMOUSLY

b.) Parade Permit / Run for Shep / "Benefiting Shepard Hall" / 5K Run / 12 Mile Run / January 25, 2014

MOTION BY Councilman Lake to approve the Parade Permit / Run for Shep / "Benefiting Shepard Hall" / 5K Run / 12 Mile Run / January 25, 2014. *Seconded by Councilman Rudicell*.

MOTION CARRIED UNANIMOUSLY

B. City Attorney's Report
No report.

C. Department Head Comments
David McKelroy – Recreation Director – reported Brown Bag by the Bay will be on Thursday from 11:30 – 1:30. Friday Daphne High School plays at home. Saturday is youth football, and 53 teams for a softball tournament.

Margret Thigpen – Civic Center Director - reported that there will be an Open House at Bayfront Park Pavilion October 10th. There will be a comedy show by Chondra Pierce entitled Girl Talk on October 22nd.

City Clerk Report – Rebecca Hayes –
a.) ABC License / Uncorked Fine Wines / 010 – Lounge Retail Liquor – Class 1/ *Change of Address*

MOTION BY Councilman LeJeune to approve the ABC License for Uncorked Fine Wines / 010 – Lounge Retail Liquor – Class 1/ *Change of Address. Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

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

7. PUBLIC PARTICIPATION

No one spoke.

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

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

MOTION BY Councilwoman Lake to *waive the reading* of Resolutions 2013-51,. ***Seconded by Councilman Rudicell.***

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Davis to *adopt* Resolutions 2013-51. ***Seconded by Councilman Fry.***

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

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

1ST READ

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

MOTION BY Councilman Lake to *waive the reading* of Ordinance 2013-52, 2013-53, 2013-54, 2013-55 and 2013-56. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Lake to *adopt* Ordinance 2013-52. *Seconded by Councilman Rudicell.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to *adopt* Ordinance 2013-53. *Seconded by Councilman Rudicell.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Lake to *adopt* Ordinances 2013-54. *Seconded by Councilman Rudicell.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to *adopt* Ordinance 2013-55. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to *adopt* Ordinance 2013-56. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

ORDINANCE 2013-57 WAS MADE A 1ST READ.

9. <u>COUNCIL COMMENTS:</u>

Councilman Lake – He misses seeing Dan Castrillo at city hall. He is really happy that the teen program is taking off at the library.

Council President Pro tem Conaway read thank you cards from the three year old class at the Neighborhood School on Kensington Street thanking Mr. Carpenter for his assistance this morning with the traffic, and Mr. Johnson for the sidewalk. They had a field trip and was able to walk on the new sidewalk, and they were very excited about it, she had another card saying that the children loved the new sidewalk.

Mayor Haygood thanked everyone that came out top the Jubilee Festival. He thoroughly enjoyed the Daphne High School Homecoming Parade on Thursday and the game on Friday where they won 29-10 over Dothan. He pointed out that one of the homecoming court members was Adrienne Jones's daughter.

10. <u>ADJOURN:</u>

MOTION BY Councilman Lake to adjourn. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNEDAT 7:17 P.M.

Respectfully submitted by,

_____

Rebecca A. Hayes,
City Clerk

Certification of Presiding Officer,

_____

Ron Scott,
Council President

OCTOBER 14, 2013
STRATEGIC PLAN MEETING
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

Councilman Davis called the meeting to order at 5:45 p.m.

PRESENT: Councilwoman Conaway; Councilman Lake; Councilman Fry; Council President Scott; Councilman LeJeune; Councilman Davis; Mayor Haygood; Rebecca Hayes, City Clerk; Sarah Toulson Assistant City Clerk; David McKelroy, Recreation Director, Mike Hinson, Finance Director.

1. PUB LIC PARTICIPATION

No one spoke.

2. GOALS: RECREATION / OBJECTIVES / DEVELOP PLAN

GOAL: Increase the number of diverse, state-of-the-art recreational programs and facilities available to our citizens.

1. Immediate needs:
   a. Tennis Courts
      i. Soft Courts and hard courts
      ii. Fees: Charge fees due to maintenance of soft courts
   b. Girls Softball Fields

The Recreation Board needs to decide if they will follow the Master Plan. It would be advisable to have HMR to do a presentation to council, as a refresher, on the Master Plan.

Councilman LeJeune will discuss this with the Recreation Board and bring back the objectives for recreation.

There is a need for public input on what other recreational facilities are needed other than for sports such as archery, biking paths, etc. It was suggested to utilize student government groups at the schools to get input on what other recreational activities are needed in the city. Councilman LeJeune will get with Dr. Foster to get this process started. Councilman Lake suggested involving the Sports Academy.

Councilman Davis commented on the list of topics assigning topics to departments and committees:

1. Recreation / *Recreation Board*
2. Economic Development / *Industrial Development Board*
3. Infrastructure / *Public Works*
4. Annexation / *Mayor / Planning*
5. City Management / *Mayor*
6. Public Relations / *Mayor*
7. Public Safety / *Police Department / Chief Carpenter / Fire Department / Chief White*
8. Schools / *Mayor*
9. Technology / *Mayor*

Councilman Davis will contact the different departments to discuss implementation of the plan.

4. <u>WHATEVER ELSE IS DEEMED NECESSARY</u>

There were no other necessary items to discuss.

The next meeting in two weeks, October 28th after the Finance Committee meeting.

The meeting adjourned at 6:34 p.m.

Submitted by	Certification of Presiding Officer
_____	_____
Rebecca A. Hayes, City Clerk	Ron Scott, Council President

CITY OF
DAPHNE, ALABAMA

PROCLAMATION

"Dyslexia Awareness Month"
October 2013

WHEREAS, Dyslexia is a specific learning disability that is neurobiological in origin and is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities; and

WHEREAS, these difficulties typically are caused by a deficit in the phonological component of language that is unexpected in relation to other cognitive abilities and to the provision of effective classroom instruction; and

WHEREAS, secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge; and

WHEREAS, Dyslexia occurs on a continuum of severity affecting between 10 and 20 percent of the population according to the National Institutes of Health; and

WHEREAS, Alabamians will benefit from increased awareness of the nature of Dyslexia, the early warning signs of Dyslexia,; and the value of multisensory structured language interventions for students with Dyslexia; and

WHEREAS, greater recognition and understanding are necessary to ensure that individuals with Dyslexia living in Alabama and all other Americans with Dyslexia are accurately identified and provided with appropriate services so that they might lead maximally productive lives.

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

October 2013 as "Dyslexia Awareness Month" in the City of Daphne

and encourage all Alabamians to learn more about Dyslexia, and to offer support to parents, educators and individuals affected by Dyslexia.

_____
Dane Haygood, Mayor

ATTEST: _____
Rebecca A. Hayes, City Clerk

REPORT

OF

STANDING COMMITTEES

CITY OF DAPHNE

FINANCE COMMITTEE MINUTES
OCTOBER 14, 2013
4:00 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:00 p.m. Present were Chairperson Mrs. Conaway, Councilman Ron Scott, Councilman Joseph Davis, Finance Director Mike Hinson, Senior Accountant Suzânne Henson and Accounting Technician Sue Moody. Councilman Joe Davis arrived at 4:12p.m. and Councilman John Lake arrived at 4:15p.m.

Also in attendance were Councilman Robin LeJeune, Councilman Randy Fry, Councilman Pat Rudicell, Benefits Coordinator Sherree Hilburn, Revenue Officer Angie Phillips, Public Works Director Richard Johnson, Lt. Ric Yelding, Civic Center Director Margaret Thigpen, Recreation Director David McKelroy, and Environmental Programs Manager Ashley Campbell.

II. PUBLIC PARTICIPATION

A. Lodging Tax Ordinance – Revised - Councilman Robin LeJeune

Mr. LeJeune handed out a Lodging Tax report reflecting two proposals for an increase to the Lodging Tax rate 5% and 6%. Mr. LeJeune presented the potential allocation of revenues according to Lodging Tax Ordinance specifications. Mrs. Angie Phillips stated she would like to review the penalties section of the revised ordinance to make sure it includes necessary verbiage for policy compliance. Discussion continued on what surrounding municipalities rate is for Lodging Tax Discussion continued that this information had been forwarded from the Ordinance Committee. Mr. Scott noted this will also be discussed at a Council Work Session and that the hotels should be notified so they could attend the meeting.

B. Lighthouse – Community Contribution Request

Mr. Pat Rudicell discussed an e-mail Council had received from the Lighthouse requesting additional funds due to government shutdown finance effects on the organization. Mr. Rudicell discussed that currently there is $3,500 available in Community Contributions. Mr. Scott discussed not using the full amount available for any one organization. Discussion continued on the effects of the government shutdown and that this should be forwarded to a Council Work Session for full Council discussion.

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity
Mrs. Hilburn reviewed the Human Resource Report including open position status.

Positions	Status
PT Public Service Workers (Rec)	DOH: 10/7/13
PT PSW Grounds	DOH: 9/19/2013
Library Circulation Supervisor	DOH: 10/3/2013
Police Officer	DOH: 10/3/2013
Animal Shelter Technician	Open (To be reclassified)
Detective	Interviewing
Firefighter	Select from ranking list
Children's Librarian	Pre-Employment process
PSW, SR. (Streets)	Internal posting thru 10/9
PSW (Streets)	Advertising thru 10/16
Corrections Officer	Advertising thru 10/17
PT Library Aide (2)	Advertising thru 10/24

Safety Committee Meeting: September 25**,** 2013
Free Safety training was offered to employees on October 9, 2013 by Turner Supply Co. A few topics discussed at the training were Respiratory protection, hearing protection, eye/face protection. Turner Supply Co. also donated 2 Gatorade ice chests to the Safety Committee. A drawing was held – recipients were Debbie White (Recreation) and John Williams (Civic Center).

Next Safety Committee meeting will be October 30, 2013.

HR projects/meetings:

- Employee Personnel Handbook revisions submitted to Ordinance Committee 10/9
- Customer Service Training for employees completed (Sept. 4, Sept. 11, and Sept. 25)
- EEO-4 Federal report due Sept. 30 completed
- Red Cross Blood Drive @ City Hall 10/09/2013

Also included with the Human Resources report was information on the revised Chapters 2-6 in the Employee Handbook which has been presented to the Ordinance Committee.

IV. CURRENT BUSINESS

A. Financial Reports

1. Treasurer's Report: September 30, 2013

The Treasurer's Report totaling $16,442,249.11 was presented by Mrs. Henson. Mrs. Henson noted the total was down due to Road construction project payments that had been made. Mrs. Henson noted that the 2012 Investment Account's balance was at $349,158.18 and this balance, net any accrued interest and fees, would be transferred at the end of October as approved by Council. Mrs. Henson noted that the Investment company, Raymond James, recommended the account close at this time to allow time for the final accrual of interest and principal payments due from mortgage bonds that have to be sold. .

Motion needed to accept the Treasurer's Report as of September 30, 2013 in the amount of $16,442,249.11.

2. Sales and Use Taxes: August 31, 2013

Sales and Use Taxes reports were reviewed. Mrs. Henson noted that collections for August were $88,430.59 over monthly budgeted and $552,141.84 year to date over budget.

3. Lodging Tax Collections, August 31, 2013

The Lodging Tax report was reviewed. Collections for August, 2013 were $52,427.99 which was up from August, 2012 - $50,417.73.

4. Taste of the Eastern Shore 2013 Revenue Report

The Taste of the Eastern Shore Revenue report for the 2013 event was reviewed. Discussion continued that the Revenue over Expenses for the event was ***$32,206.05*** less the Band Loan *($5,000)* netted $27,206.05 paid to Daphne High School. An additional detail was presented that showed the allocation by program based on ticket sales. The check is submitted to Daphne High School with the detailed breakdown by program listed on the check stub.
(The last five years of TASTE collections paid to Daphne High School are: 10/2012 - $31,037.08, 9/2011 - $30,760.67, 9/2010 - $30,128.43, 9/2009 - $26,807.38, and 9/2008 - $28,654.91)

5. Surplus Sale Revenue Report for sales ending 9/25/2013

Mrs. Henson reviewed the Surplus Sale Revenue Report for the two sales ending 9/25/2013. Mrs. Henson noted total sale collections were $66,930.05 ($47481.92 deposited to the General Fund and $19,448.13 *(for the sale of the Baler)* deposited to an Enterprise Fund – Recycling revenue account).

6. Report: New Business Licenses – September, 2013

Mrs. Conaway reviewed the Business License Report. Discussion continued there were 58 new businesses in Daphne for September, 2013.

7. Bills Paid Reports – September 30, 2013

The Bills Paid Report was presented. Mr. Ron Scott asked if there would be two reports next month. Mrs. Henson answered there would be two reports: one for payments remaining for September, FY2013 and a second report for October, FY2014.

C. Appropriation Request*: (Ordinance)*

LODGING TAX FUND:

1. Gator Alley Trailhead (N. Main Street) Improvements – TAP Grant 2013 - $92,857

Mr. Johnson discussed the TAP (Transportation Alternatives Program) Grant for the Gator Alley Trailhead project which will be used to correct ADA deficiencies associated with existing pedestrian infrastructure. Mr. Johnson discussed that the City's liability for the project would be $92,857 with total project cost estimated to be $316,149.37. Mr. Johnson noted the total grant award is $320,075.46 which gives a slight cushion on cost. Discussion continued that this project is eligible to be funded out of the Lodging Tax Fund.

Motion by Mr. John Lake to adopt an ordinance appropriating $92,857 out of the Lodging Tax Fund for the Gator Alley Trailhead Improvements. Seconded by Mr. Ron Scott. Motion carried.

D. Bids: *(Resolution)*

1. 2014-A-S&R / BOAT, MOTOR & TRAILER

Mrs. Henson noted that Chief White and the officers of Search & Rescue had submitted a letter recommending the bid for the boat, motor, and trailer be awarded to the low bidder, Dixie Sporting Goods, Inc. Mrs. Henson noted that $25,000 had been appropriated in the FY2013 Capital Budget Ordinance 2013-25. Mrs. Henson noted that the remaining balance of the appropriation will be needed for additional equipment to outfit the boat and that additional equipment needed will be purchased independently of the City by Search and Rescue.

Motion by Mr. Joe Davis to adopt a resolution to award the S&R Boat, Motor, & Trailer bid to Dixie Sporting Goods, Inc. in the amount of $23,557. Seconded by Mr. Ron Scott. Motion carried.

E. D'Olive Creek Watershed Study Proposal - $50,000 (100% Reimbursed) - Total Grant project - $500,000 *(Resolution)*

Mrs. Ashley Campbell reviewed the two CIAP (Coastal Impact Assistance Program) Grants -$500,000 that were awarded to the City. Mrs. Campbell noted the grant expenditures will be reimbursed 100% by the CIAP grants (the City applied for CIAP assistance from the County (Tier 1-$250,000) and State of Alabama Department of Natural Resources and Conservation (Tier 2 - $250,000) in 2010 and was awarded plan status in 2011). Mrs. Campbell discussed that Hydro Engineering Solutions (a division of Trimble Navigation Limited) will be contracted with to prepare the Watershed model for the project at a cost of $50,000.

Discussion continued what a benefit this project would be for the D'Olive Creek Watershed area. Mrs. Campbell noted the project on Joe's Branch reduced sediment flow by 90%. Mr. Davis noted this project is good commercially for the City and will attract new businesses.

Motion by Mr. Joe Davis to adopt a Resolution accepting the two CIAP Grants at 100% reimbursement by the Grantors and authorizing the Mayor to execute all agreements required for the execution of the project. Seconded by Mr. John Lake. Motion carried.

F. Reclassification of Animal Shelter Technician: Grade 7 to 9 ***(Ordinance)***

Lt. Ric Yelding discussed the need to reclassify the Animal Shelter Technician position from a Grade 7 to a Grade 9. Lt. Yelding noted the job duties for this position have evolved and now require more technical skills. Discussion continued that no appropriation was needed for FY2014 since the previous employee's salary was greater than will be required for the reclassified position. Mayor Haygood noted that this would bring this technician in line with the other technician positions in the City.

Motion by Mr. Joe Davis to adopt an ordinance to reclassify the Animal Shelter Technician from a Grade 7 to a Grade 9 with no appropriation required for FY2014. Seconded by Mr. Ron Scott. Motion carried.

G. Lighting outside City Hall's North Door - $250

The request to install a light outside the North City Hall door was forwarded from the Buildings and Property Committee. Monies are currently available in the City Hall building maintenance account for this repair.

H. Signatory Authority for Mike Hinson ***(Ordinance)***

Discussion was made that the bonding process was complete for Mr. Hinson and he could now be approved as a signatory on the City's bank accounts in addition to the existing signatories.

Motion by Mr. Ron Scott to adopt an ordinance to authorize the Interim Finance Director Mike Hinson as signatory on the City's bank accounts in addition to existing signatories. Seconded by Mr. Joe Davis. Motion carried.

V. OLD BUSINESS

VI. ADJOURN

The meeting was adjourned at 5:22 p.m.

Lodging Tax Calculations - Handout from Robin Le Jeune

CURRENT COLLECTION

2012 Year End Collections for 4 cents:	$ 654,000
1 cent equals:	$ 163,500

Current 4% Distribution Ratios

Bayfront Debt Service	$ 160,000	off top
Industrial Development Board	$ 24,700	5% of remainder
Downtown Redevelopment Board	$ 24,700	5% of remainder
Bayfront Acquisition & Maintenance	$ 222,300	45% of remainder
Recreation	$ 222,300	remainder

PROPOSED 5 PERCENT COLLECTION

2012 Year End Collections for 5 cents:	$ 817,500

Proposed 5% Distribution Ratios

Bayfront Debt Service	$ 160,000	off top
Industrial Development Board	$ 98,625	15% of remainder
Downtown Redevelopment Board	$ 32,875	5% of remainder
Bayfront Acquisition & Maintenance	$ 98,625	15% of remainder
Recreation	$ 427,375	remainder

PROPOSED 6 PERCENT COLLECTION

2012 Year End Collections for 6 cents:	$ 981,000

Proposed 6% Distribution Ratios

Bayfront Debt Service	$ 160,000	off top
Industrial Development Board	$ 123,150	15% of remainder
Downtown Redevelopment Board	$ 41,050	5% of remainder
Bayfront Acquisition & Maintenance	$ 123,150	15% of remainder
Recreation	$ 533,650	remainder

Monthly Lodging Tax Collections

	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13	Total Sale	Tax at 5%	Debt Service	IDB at 15%	BZA at 10%	DRB at 5%	Remainder for Recreation
OCT	$46,360.47	$46,543.20	$39,405.56	$56,001.39	$52,002.53	$51,578.40	$1,289,460.00	$64,473.00	$12,752.92	$9,670.95	$6,447.30	$3,223.65	$32,378.18
NOV	$42,599.84	$40,178.69	$33,763.37	$48,329.73	$47,568.08	$43,459.48	$1,086,487.00	$54,324.35	$12,752.92	$8,148.65	$5,432.44	$2,716.22	$25,274.13
DEC	$31,081.14	$38,144.69	$31,571.38	$47,210.56	$42,279.22	$40,495.14	$1,012,378.50	$50,618.93	$12,752.92	$7,592.84	$5,061.89	$2,530.95	$22,680.33
JAN	$45,607.80	$39,706.04	$42,883.70	$49,006.12	$41,917.34	$47,548.01	$1,188,700.25	$59,435.01	$12,752.92	$8,915.25	$5,943.50	$2,971.75	$28,851.59
FEB	$47,340.33	$46,699.01	$46,998.32	$43,052.68	$47,346.50	$54,207.03	$1,355,175.75	$67,758.79	$12,752.92	$10,163.82	$6,775.88	$3,387.94	$34,678.23
MAR	$53,123.15	$53,230.86	$52,771.52	$67,422.43	$70,058.33	$64,325.47	$1,608,136.75	$80,406.84	$12,752.92	$12,061.03	$8,040.68	$4,020.34	$43,531.87
APR	$46,736.02	$44,277.75	$41,531.05	$48,487.88	$51,939.06	$47,434.55	$1,185,863.75	$59,293.19	$12,752.92	$8,893.98	$5,929.32	$2,964.66	$28,752.31
MAY	$46,145.12	$43,293.74	$66,820.96	$57,880.48	$54,740.45	$68,448.49	$1,711,212.25	$85,560.61	$12,752.92	$12,834.09	$8,556.06	$4,278.03	$47,139.51
JUN	$64,626.19	$56,494.11	$79,822.84	$67,544.77	$69,822.91	$71,090.69	$1,777,267.25	$88,863.36	$12,752.92	$13,329.50	$8,886.34	$4,443.17	$49,451.44
JUL	$62,035.23	$60,619.78	$91,906.47	$76,631.86	$79,417.80	$94,310.47	$2,357,761.75	$117,888.09	$12,752.92	$17,683.21	$11,788.81	$5,894.40	$69,768.74
AUG	$55,792.89	$44,636.82	$63,323.58	$52,820.38	$50,417.73		$0.00	$0.00	$12,752.92	$0.00	$0.00	$0.00	
SEPT	$49,698.91	$35,430.62	$52,662.79	$45,216.75	$46,968.89		$0.00	$0.00	$12,752.92	$0.00	$0.00	$0.00	
	$591,147.09	$549,255.30	$643,461.54	$659,604.93	$654,478.84	$582,897.73	$14,572,443.25	$728,622.16	$153,035.00	$109,293.32	$72,862.22	$36,431.11	$382,506.35

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

Lodging Tax Fund: Information Request

I. Background

Lodging Taxes were levied beginning in in September 1995, at a rate of 3%.

In December 1997, the rate was increased to 4%.

Beginning in Fiscal 2001, annual contributions to the Industrial Dev Bd were made with Lodging Tax Proceeds. Later, the Down Town Redevelopment Authority was added to this distribution.

The formula for computing the allocations to specified purposes follows:

Tax Revenue
- Less: 5% IDB
  - 5% DownTown Redevelopment
  - Debt Service
- Remainder is divided evenly between:
  - Acquisition, Development, and Maintenance of Bay Front Property
  - Recreation Ground Capital

II. Historical Financial Information

	FY 95-2000	FY 2001-2005	FY 2006-2010	FY 11	FY 12	2/28/2013 ~~FY 13~~	TOTAL
Revenues							
Taxes	696,703	1,447,585	2,958,938	659,605	654,479	183,081	**6,600,391**
Settlement	30,000	-	-	-	-	-	**30,000**
Donations	240,300	-	10,000	-	-	-	**250,300**
Grants	-	498,100	1,390,048	21,769	52,630	23,473	**1,986,020**
Miscellaneous	12	-	-	-	-	-	**12**
Total Revenues	967,015	1,945,685	4,358,986	681,374	707,109	206,554	**8,866,722**
Expenditures							
Costs of Debt Issuance	-	112,242	-	-	-	-	**112,242**
Bay Front Park Imprvmnt	1,712	-	158,432	2,447	49,793	-	**212,384**
Bd Walks/Wlkng Trails, Sdwlks	-	-	110,693	7,965	2,535	1,530	**122,723**
Building Improvements	48,957	-	56,001	-	44,158	-	**149,116**
May Day Improvements	-	-	733,971	33,973	25,634	7,297	**800,875**
Property	2,077,067	2,970,223	323,823	-	-	-	**5,371,113**
Village Point Grants	-	-	-	10,824	-	21,852	**32,676**
Mobile Bay NEP Contribution	-	-	-	-	7,000	-	**7,000**
Downtown Redev Auth	-	-	-	-	97,877	9,154	**107,031**
Industrial Dev Bd	-	72,379	148,052	32,980	32,724	9,154	**295,289**
	2,127,736	3,154,844	1,530,971	88,190	259,721	48,987	**7,210,449**
Other Financing Sources/(Uses)							
Debt Proceeds	1,323,450	3,854,533	-	-	-	-	**5,177,983**
Transfers to Debt Service	(259,240)	(3,034,059)	(829,879)	(166,139)	(167,064)	(18,592)	**(4,474,974)**
	1,064,210	820,474	(829,879)	(166,139)	(167,064)	(18,592)	**703,009**
Revenues and Other Financing Sources Over/(under) Expend & Uses	(96,511)	(388,685)	1,998,136	427,045	280,324	138,974	**2,359,283**
General Fund Loan: Recreation	-	-	(1,152)	(797,938)	(51,647)	(264,065)	**(1,114,803)**
Net Revenues and Other Financing Sources Over/(under) Expend & Uses	(96,511)	(388,685)	1,996,984	(370,893)	228,676	(125,091)	**1,244,480**

Total Fund Balance	1,244,480
Less: Reserve for In Progress Prjcts	(229,869)
Reimbursement from Recreation Projects	410,750
Unreserved Fund Balance*	1,425,361

* Bay Front Property

III. Debt Information

The debt outstanding for the Fiscal 2002 property purchase was refunded in Fiscal 2012. The maturity date was not shortened so the final maturity is 2032. Annual debt service is apprx $ 153,000. Principal refunded: 2,205,000; Interest 816,678.

IV. Recreation "Loan"

February 28, 2013

Ordinances appropriating funds for "loan":

Ord 2010-09	822,500	Lighting, Restrooms, Concessions, Bleachers
Ord 2011-04	6,350	Fence & Netting Replacement
Ord 2011-14	48,501	Concession & Bleachers Repair & Replacement
Ord 2012-44	831,207	Sports Complex Entrance Road
Total Available for Loan	1,708,558	

Expended to date:

Lighting	(449,084)
Underground Utilities	(16,000)
Restroom/Concessions	(297,943)
Fence & Netting	(2,063)
Bleachers	(50,000)
Entrance Road	(299,713)
	(1,114,803)

Revenues collected to Repay Loan:

FY 2010	206,226
FY 2011	213,753
FY 2012	210,983
FY 2013	73,090
	704,053

Net Loan Due to Gen Fund, 2-28-13	(410,750)

Loan Approved	1,708,558
Expenditures	(1,114,803)
Loan Available	593,756

Estimated Annual Collections to be applied to Loan:

Loan Due	1,004,506
FY 13	(225,000)
FY 14	(230,000)
FY 15	(235,000)
FY 16	(240,000)
FY 17	(74,506)
	0

ORDINANCE 2012-
Amending Use of Lodging Tax Proceeds-
Time Extension

WHEREAS, Ordinance No. 2009-28 as adopted May 18, 2009, respectively, provide for the levy and imposition of a Lodging Tax until September 30, 2009; and

WHEREAS, subsequently, Ordinance 2009-55 as adopted October 19, 2009 amended the use of Lodging Tax proceeds and set an expiration date of October 31, 2012; and

WHEREAS, the city council deems that allocations be extended to October 31, 2015 for the purpose of bay front property debt service, future acquisition, development and maintenance of bay front property, industrial development, downtown redevelopment, and ground related capital for recreation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA:
SECTION 1: Section I of Ordinance 2000-34 repealing and replacing Section 1 of 2000-25 is hereby amended as follows:

The lodging taxes which are collected for the period of October 1, 2012 through October 31, 2015 are hereby divided as follows:

1. Five percent (5%) shall be paid quarterly and used for the purpose of providing funding to the IDB for the implementation of strategies, action items, and tactics included in the Strategic Economic Development Plan as approved and adopted in Resolution 2000-31 by Daphne City Council June 19, 2000.
2. Five percent (5%) shall be paid quarterly and used for the purpose of providing funding for Downtown Redevelopment Authority.
3. All debt service incurred for bay front property, which is approximately $160,000 a year, will be paid from lodging tax proceeds.
4. The remainder of the lodging tax proceeds shall be divided evenly between continued bay front uses (acquisition, development and maintenance) and ground related capital for recreation- which does not include such items as trucks or maintenance of fields.

All other provisions of Section I of Ordinance 2000-25 shall remain in full force and effect.

SECTION II: SEVERABILITY CLAUSE – The provision of this ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction such declaration shall not affect the part that remains.

SECTION III: EFFECTIVE DATE- This ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne, Alabama, and upon publication as provided by law.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this __ day of _____, 2012.

_____
Cathy Barnette, Council President

Previously Adopted

_____
Bailey Yelding, Jr., Mayor

ATTEST:

_____
David L. Cohen, City Clerk, MMC

Dane Haygood
Mayor

Vickie Hinman
Human Resources Director

Daphne
ALABAMA
The Jubilee City

Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

October 8, 2013

HUMAN RESOURCES DEPARTMENT ACTIVITY REPORT

Positions	Status
PT Public Service Workers (Rec)	DOH: 10/7/13
PT PSW Grounds	DOH: 9/19/2013
Library Circulation Supervisor	DOH: 10/3/2013
Police Officer	DOH: 10/3/2013
Animal Shelter Technician	Open (To be reclassified)
Detective	Interviewing
Firefighter	Select from ranking list
Children's Librarian	Pre-Employment process
PSW, SR. (Streets)	Internal posting thru 10/9
PSW (Streets)	Advertising thru 10/16
Corrections Officer	Advertising thru 10/17
PT Library Aide (2)	Advertising thru 10/24

Safety Committee Meeting: September 25, 2013
Free Safety training was offered to employees on October 9, 2013 by Turner Supply Co. A few topics discussed at the training were Respiratory protection, hearing protection, eye/face protection. Turner Supply Co. also donated 2 Gatorade ice chests to the Safety Committee. A drawing was held – recipients were Debbie White (Recreation) and John Williams (Civic Center).

Next Safety Committee meeting will be October 30, 2013.

HR projects/meetings:

- Employee Personnel Handbook revisions submitted to Ordinance Committee 10/9
- Customer Service Training for employees completed (Sept. 4, Sept. 11, and Sept. 25)
- EEO-4 Federal report due Sept. 30 completed
- Red Cross Blood Drive @ City Hall 10/09/2013

Human Resources Department
P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3075 • Fax: (251) 621-4506

Suzanne Henson

From: Vickie Hinman <hrdirector@daphneal.com>
Sent: Thursday, October 10, 2013 4:20 PM
To: Suzanne Henson
Subject: HR Activity Report
Attachments: Ordinance_Revised Chapters 2, 3, 4, 5, 6 - clean (draft 9-27-13).pdf; MEMO to Ordinance Committee - proposed changes to Chapters 2-6 (9-27-13).pdf

Suzanne,
I mentioned in my report that I submitted the revised Chapters 2-6 in the Employee Handbook to the Ordinance Committee. I have attached a copy of the ordinance with the chapters listed. Of course they will be submitted to the employees for 10 days to review before the final reading of the ordinance on November 4. I also have submitted the *summary* of the revised chapters from the City attorney.
Thanks,
Vickie

--
Vickie Hinman, PHR
Human Resources Director
City of Daphne

251 447-0154 (office)
251 621-3075 (office)
251 621-4506 (fax)

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MEMORANDUM

TO: **Daphne City Council, Ordinance Committee**

FROM: **Scott Hetrick**

RE: **Daphne Employee Handbook Revisions Chapters 2-6**

DATE: **September 27, 2013**

I'm writing to discuss the draft ordinances to be submitted at the October 9th Ordinance Committee meeting. These ordinances will revise Chapters 2 through 6 of the Employee Handbook. I plan to attend the committee meeting but also am available for questions about these ordinances prior to the meeting by email or phone.

When I was asked in the fall of 2012 to review and make recommendations about the City's Employee Handbook, I was tasked with accomplishing several goals. My first priority was to make sure the policies in the Handbook were legally compliant, legally sufficient, and legally consistent with applicable state and federal law governing the City's relationship with its employees, primarily, and its relationship with non-employees to the extent such relationships impacted the employer-employee relationship. My second goal involved ensuring the policies were internally consistent with each other, meaning that I needed to look for conflict between what rules or standards or guidance may be set by a policy or policies as compared to another policy or other policies. As a third priority, I was asked to attempt to simplify the policies as much as possible, within the constraints of the first two goals, to make each policy and the entire handbook more "user friendly" for employees responsible for following the policies and managers responsible for implementing the policies.

Chapter 2 (Conflicts of Interest)

No substantive changes were made to this chapter. All changes are wholly stylistic for consistency with other "user friendly" style changes.

Chapter 3 (Categories of Service and Employment Status)

No substantive changes were made to this chapter. Most of the changes are simply to reorganize the sections, eliminate redundant or unnecessary material, and to provide some necessary cross-references to policies in other chapters.

Chapter 4 (Staffing)

There were four substantive changes to this chapter. First, references to determining the level of an employee's pay after hire or reassignment were deleted since those issues are covered by Chapter 10, extensive parts of which were recently revised by Ordinance 2013-25. I'm still working on revising Chapter 10 and integrating those changes. Second, for consistency of treatment, I included a process for involuntary demotions for poor job performance identical to

the process for involuntary separations for poor job performance in Chapter 6. Third, I set out an explicit policy governing demotions for disciplinary purposes which may be appealed under the same grievance process in Chapter 8 as disciplinary terminations. Finally, I revised and renamed the transitional duty assignment policy to shorten it, eliminate redundancies with other policies, and to incorporate language more closely tracking how the policy has been implemented. The remainder of the changes are stylistic.

Chapter 5 (Employee Performance Evaluation)

The revision of this chapter resulted in two sections, with the first section consisting of essentially all the existing policies of this chapter presented in a reorganized format and the second section comprising a performance counseling and monitoring policy lifted from the existing Chapter 6. The reason for moving that policy to this chapter is that the same process should be followed prior to a poor job performance demotion, and it is a natural fit for this chapter. With the addition of this policy, it also made sense to rename the chapter.

Chapter 6 (Separations)

Most of the changes in this chapter were stylistic. In the "resignation" section, at the request of the HR department, I included a new policy concerning use of sick leave in the period prior to an effective date of resignation. I also revised the policy governing withdrawal of a resignation (i) to require the employee to request withdrawal in writing just the notice to resign should be in writing, to avoid any controversy, (ii) to make clear that the mayor makes the decision whether to approve the request to withdraw, and (iii) to require the approval to be in writing to again avoid controversy over whether the approval occurred. Also at the request of the HR department, conveying requests from department heads, I revised the section concerning when an absence from work will be considered a voluntary quit. The existing policy states that any "unauthorized and unjustified absence for five consecutive working days" may be considered a voluntary quit, but in practice it has only been those absences that are without notice, i.e., no call, no show absences. The change in terminology more accurately reflects this practice. I also shortened the period of time as requested by HR and the department heads, because in light of the technology changes since 1995, it is considerably easier for employees to comply with the notice requirements; in addition, this period of time is consistent with the majority of employers in our area. Also as discussed above, I moved to Chapter 5 the section concerning performance counseling and monitoring which was previously in this chapter.

TREASURER'S REPORT

As of September 30, 2013

TO: FINANCE COMMITTEE

FROM: FINANCE DEPARTMENT

ACCT TITLE	BANK	BALANCE
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	$6,953,515.53
OPERATING ACCT	COMPASS	($404,533.45)
PAYROLL ACCT	COMPASS	$0.00
CREDIT CARD DONATION ACCT	COMPASS	$500.00
($500 transf frm GF to open acct)		$6,549,482.08
INVESTMENT FUND	RAYMOND JAMES (investment $4,828,875.15)	$5,164,072.05
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	$401,559.62
SPECIAL REVENUE FUNDS		
SAIL SITE	PNC BANK	$5,773.40
4 CENT GAS TAX	PNC BANK	$114,036.70
7 CENT GAS TAX	PNC BANK	$400,970.63
		$520,780.73
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WELLS FARGO	$1,639,012.82
2012 CONSTRUCTION	REGIONS	$559,784.09
2012 CONSTRUCTION INVESTMENT ACCT	RAYMOND JAMES	$349,158.18
		$2,547,955.09
DEBT SERVICE FUNDS		
DEBT SERVICE	WELLS FARGO	$1,258,399.54
		$16,442,249.11

PRIOR YEAR BALANCE September 30, 2012 $18,845,224.67

SALES & USE TAXES

ACTUAL COLLECTIONS

	2007	2008	2009	2010	2011	2012	2012 Eastern Shore Park	2013	2013 Eastern Shore Park
October	944,542.36	867,190.18	806,503.85	764,641.13	800,512.03	864,727.27	-	919,399.50	99,665.87
November	918,837.95	915,890.97	801,075.91	761,955.37	819,834.09	845,342.45	-	910,116.86	101,697.10
December	1,182,584.39	1,120,005.09	1,078,330.45	1,004,037.20	1,121,383.45	1,165,135.62	-	1,141,639.06	124,412.44
January	914,876.33	822,020.87	755,541.41	723,504.28	817,230.14	809,785.59	-	803,032.70	92,684.49
February	877,975.60	865,625.83	748,620.87	733,335.60	840,768.01	845,101.34	-	901,887.85	102,461.65
March	1,071,598.38	998,616.04	863,535.78	916,657.55	976,181.39	1,018,721.43	-	1,054,154.80	126,852.75
April	960,140.54	963,691.85	823,173.33	809,588.73	916,536.59	911,438.60	-	925,050.96	114,718.91
May	1,021,498.14	957,167.20	829,099.81	862,254.54	889,945.33	911,839.30	-	976,076.02	122,472.03
June	1,066,433.92	997,274.15	868,309.52	887,262.68	946,206.78	995,894.44	118,255.09	970,489.48	127,017.84
July	993,216.66	888,690.34	808,113.93	839,192.33	902,457.24	898,566.91	111,626.17	951,717.08	113,497.94
August	954,421.57	964,626.26	831,984.35	790,713.80	871,437.04	909,570.34	111,697.42	995,366.09	114,760.35
September	965,107.35	918,551.15	825,257.74	841,035.40	863,630.36	898,557.39	106,103.65		
Totals	**11,871,233.19**	**11,279,349.93**	**10,039,546.95**	**9,934,178.61**	**10,766,122.45**	**11,074,680.68**	**447,682.33**	**10,548,930.40**	**1,240,241.37**

FY 2013 BUDGET/ACTUAL COMPARISONS

	Actual- 2013	Budget	Monthly Variance	YTD Variance	% of Budget
October	1,019,065.37	925,163	93,902.37	93,902.37	10.15%
November	1,011,813.96	924,116	87,697.76	181,600.13	9.49%
December	1,266,051.50	1,252,860	13,191.55	194,791.68	1.05%
January	895,717.19	894,947	770.52	195,562.20	0.09%
February	1,004,349.50	921,098	83,251.44	278,813.64	9.04%
March	1,181,007.55	1,108,559	72,448.06	351,261.70	6.54%
April	1,039,769.87	1,004,237	35,532.92	386,794.62	3.54%
May	1,098,548.05	1,014,317	84,230.80	471,025.42	8.30%
June	1,097,507.32	1,122,289	(24,781.28)	446,244.14	-2.21%
July	1,065,215.02	1,047,748	17,467.11	463,711.25	1.67%
August	1,110,126.44	1,021,696	88,430.59	552,141.84	8.66%
September	-	1,031,560			0.00%
Totals	**11,789,171.77**	**12,268,590**	**552,141.84**		

FISCAL YEAR COMPARISONS

$ Change

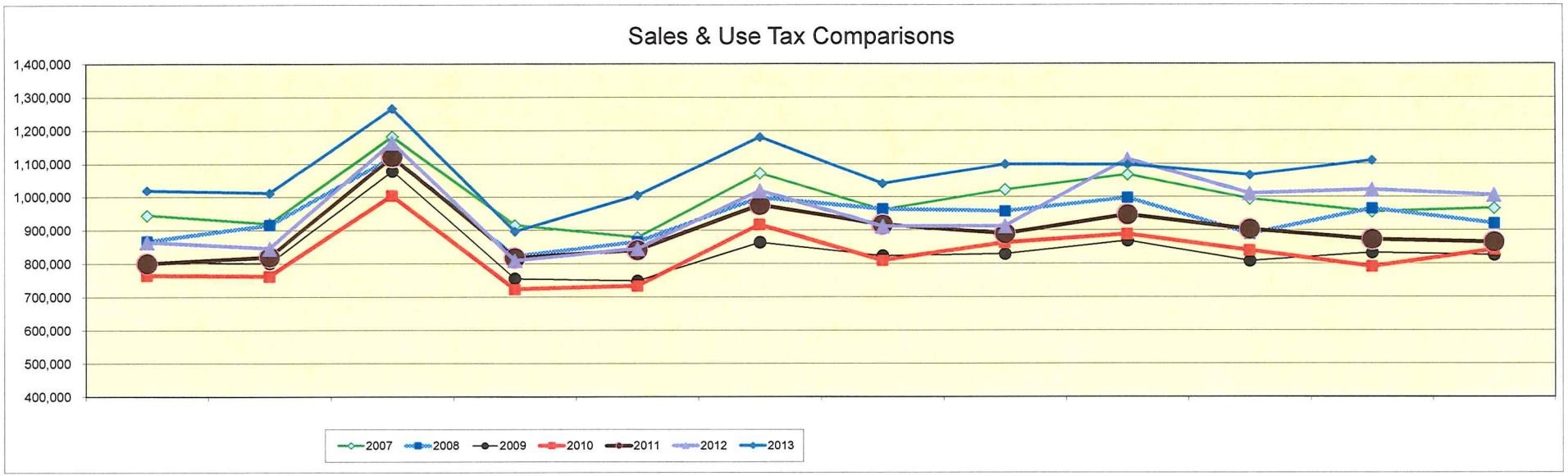
	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
October	(77,352.18)	(60,686.33)	(41,862.72)	35,870.90	64,215.24	154,338.10
November	(2,946.98)	(114,815.06)	(39,120.54)	57,878.72	25,508.36	166,471.51
December	(62,579.30)	(41,674.64)	(74,293.25)	117,346.25	43,752.17	100,915.88
January	(92,855.46)	(66,479.46)	(32,037.13)	93,725.86	(7,444.55)	85,931.60
February	(12,349.77)	(117,004.96)	(15,285.27)	107,432.41	4,333.33	159,248.16
March	(72,982.34)	(135,080.26)	53,121.77	59,523.84	42,540.04	162,286.12
April	3,551.31	(140,518.52)	(13,584.60)	106,947.86	(5,097.99)	128,331.27
May	(64,330.94)	(128,067.39)	33,154.73	27,690.79	21,893.97	186,708.75
June	(69,159.77)	(128,964.63)	18,953.16	58,944.10	167,942.75	(16,642.21)
July	(104,526.32)	(80,576.41)	31,078.40	63,264.91	107,735.84	55,021.94
August	10,204.69	(132,641.91)	(41,270.55)	80,723.24	149,830.72	88,858.68
September	(46,556.20)	(93,293.41)	15,777.66	22,594.96	141,030.68	-
Annual $ Change	**(591,883.26)**	**(1,239,802.98)**	**(105,368.34)**	**831,943.84**	**756,240.56**	**1,271,469.80**

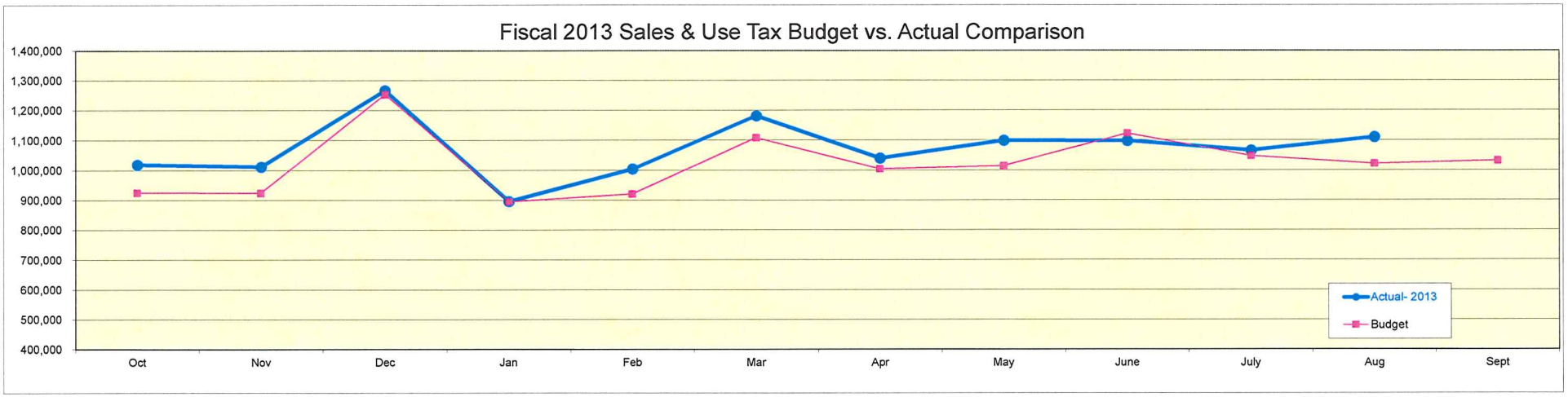
Percent Change

	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
October	-8.19%	-7.00%	-5.19%	4.69%	8.02%	17.85%
November	-0.32%	-12.54%	-4.88%	7.60%	3.11%	19.69%
December	-5.29%	-3.72%	-6.89%	11.69%	3.90%	8.66%
January	-10.15%	-8.09%	-4.24%	12.95%	-0.91%	10.61%
February	-1.41%	-13.52%	-2.04%	14.65%	0.52%	18.84%
March	-6.81%	-13.53%	6.15%	6.49%	4.36%	15.93%
April	0.37%	-14.58%	-1.65%	13.21%	-0.56%	14.08%
May	-6.30%	-13.38%	4.00%	3.21%	2.46%	20.48%
June	-6.49%	-12.93%	2.18%	6.64%	17.75%	-1.67%
July	-10.52%	-9.07%	3.85%	7.54%	11.94%	6.12%
August	1.07%	-13.75%	-4.96%	10.21%	17.19%	9.77%
September	-4.82%	-10.16%	1.91%	2.69%	16.33%	
Anl% Change	**-4.99%**	**-10.99%**	**-1.05%**	**8.37%**	**7.02%**	**11.48%**

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

TOTAL collections thru: 8-31-13	11,789,172
Budgeted thru: 8-31-13	11,237,030
Actual Coll>(<)Budget, 8-31-13	552,142
% Over/(Under) Budget, 8-31-13	4.91%

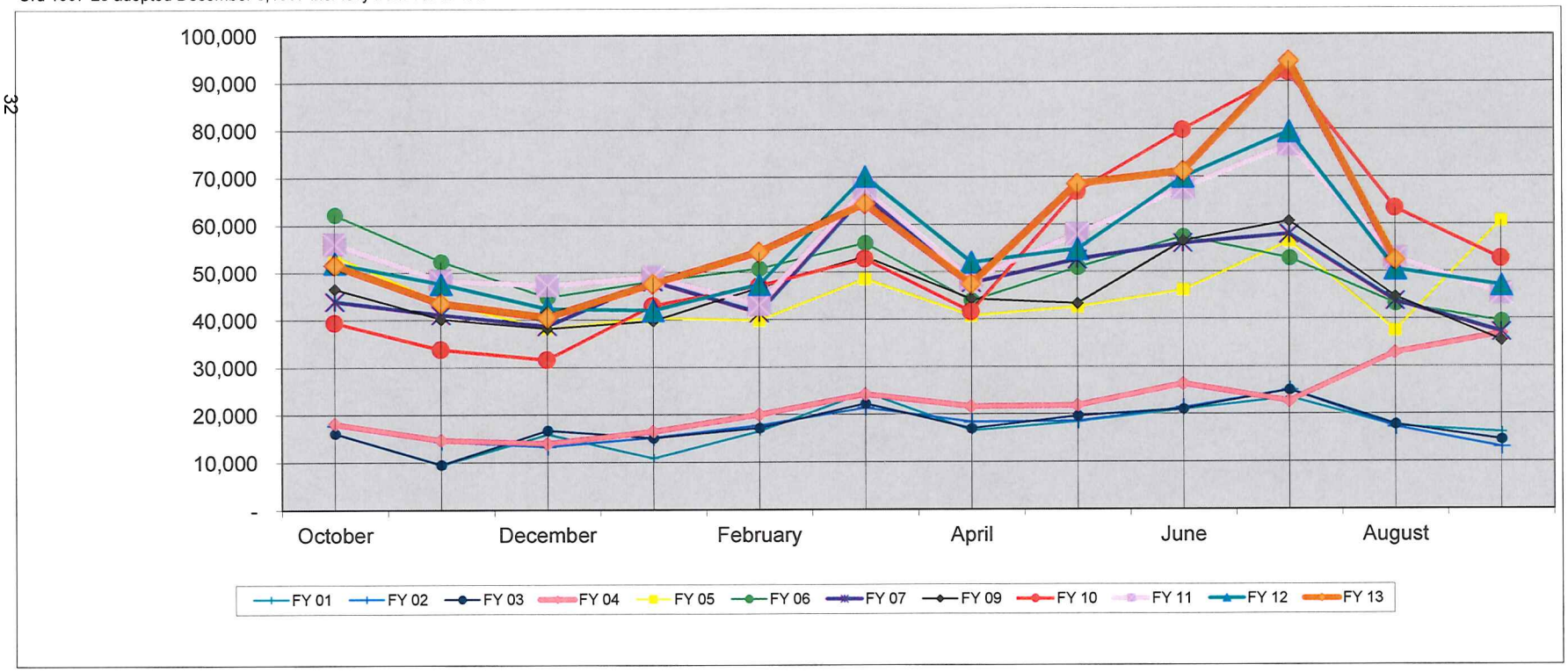

Sales & Use Tax Comparisons
1,400,000
1,300,000
1,200,000
1,100,000
1,000,000
900,000
800,000
700,000
600,000
500,000
400,000
2007
2008
2009
2010
2011
2012
2013


Fiscal 2013 Sales & Use Tax Budget vs. Actual Comparison
1,400,000
1,300,000
1,200,000
1,100,000
1,000,000
900,000
800,000
700,000
600,000
500,000
400,000
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
June
July
Aug
Sept
Actual- 2013
Budget

Monthly Lodging Tax Collections

	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13
Oct	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01	46,360.47	46,543.20	39,405.56	56,001.39	52,002.53	51,578.40
Nov	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15	42,599.84	40,178.69	33,763.37	48,329.73	47,568.08	43,459.48
Dec	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47	31,081.14	38,144.69	31,571.38	47,210.56	42,279.22	40,495.14
Jan	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19	45,607.80	39,706.04	42,883.70	49,006.12	41,917.34	47,548.01
Feb	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	46,699.01	46,998.32	43,052.68	47,346.50	54,207.03
Mar	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49	53,123.15	53,230.85	52,771.52	67,422.43	70,058.33	64,325.47
Apr	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84	46,736.02	44,277.75	41,531.05	48,487.83	51,939.06	47,434.55
May	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61	46,145.12	43,293.74	66,820.96	57,880.48	54,740.45	68,448.49
Jun	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	56,494.11	79,822.84	67,544.77	69,822.91	71,090.69
Jul	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	60,619.78	91,906.47	76,631.86	79,417.80	94,310.47
Aug	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	43,701.41	55,792.89	44,636.82	63,323.58	52,820.33	50,417.73	52,427.99
Sept	12,997.60	14,563.86	36,847.13	60,635.33	39,398.90	37,180.99	49,698.91	35,430.62	52,662.79	45,216.75	46,968.89	-
Total	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	573,770.96	591,147.09	549,255.30	643,461.54	659,604.93	654,478.84	635,325.72

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



FY 2013 Budget
650,000

% Budget Collected,
8/31/2013
98%

Taste of the Eastern Shore
Fiscal Year 2013

Revenues	
Tickets (1144 @ $25)	28,600.00
Donation	
Silent Auction	-
Raffle	-
Sponsor	-
Total Revenues	**28,600.00**
Expenses	
Payroll	534.48
Contracted Services	-
Bands/DJ	375.00
Music License-ASCAP	275.00
Promotional Adv	-
Dumpsters/Portables	-
Temporary Services	-
Cleaning Supplies	1,682.79
Decorating Supplies	1,526.68
Concession Supplies	-
Total Expenses	**4,393.95**
Revenues>Expenses	**24,206.05**
Additional City Paid	**8,000.00**
DHS	**32,206.05**
Band Loan	**(5,000.00)**
Total Payment to DHS	**27,206.05**

	Athletics-Baseball	Athletics-Boy's Basketball	Athletics-Football	Athletics-Soccer	Athletics-Softball	Athletics-Volleyball	Band	General School	Total
Gross Total Ticket Sales Number									
Tickets Sold - 1144 Dept Marked on Ticket or on Receipt	98	99	152	251	82	105	352	5	1144
Amount (Tickets per Dept x $25 each)	$ 2,450.00	$ 2,475.00	$ 3,800.00	$ 6,275.00	$ 2,050.00	$ 2,625.00	$ 8,800.00	$ 125.00	$ 28,600.00
% of Tickets Sold by Department	8.56643%	8.65385%	13.28671%	21.94056%	7.16783%	9.17832%	30.76923%	0.43706%	100.00000%
# TICKETS SOLD	98	99	152	251	82	105	352	5	1144
Tickets Sold - Without Dept Specifications	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL TICKET RECEIPTS	$ 2,450.00	$ 2,475.00	$ 3,800.00	$ 6,275.00	$ 2,050.00	$ 2,625.00	$ 8,800.00	$ 125.00	$ 28,600.00
									$ -
$0 Donation to TOTES	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Revenues	$ 2,450.00	$ 2,475.00	$ 3,800.00	$ 6,275.00	$ 2,050.00	$ 2,625.00	$ 8,800.00	$ 125.00	$ 28,600.00

Total Costs Incurred by Civic Center (to be divided between departments)	$ 4,393.95

Total Revenues Per Department (Line 11)	$ 2,450.00	$ 2,475.00	$ 3,800.00	$ 6,275.00	$ 2,050.00	$ 2,625.00	$ 8,800.00	$ 125.00	$ 28,600.00
Expenses Incurred (Line 10) x % Line 4	$ 376.40	$ 380.25	$ 583.81	$ 964.06	$ 314.95	$ 403.29	$ 1,351.98	$ 19.20	$ 4,393.95
Total Due Per Department	$ 2,073.60	$ 2,094.75	$ 3,216.19	$ 5,310.94	$ 1,735.05	$ 2,221.71	$ 7,448.01	$ 105.80	$ 24,206.05
Band Pay back to City-5 yrs beginning 2013.							$ (5,000.00)		$ (5,000.00)
City's Donation of $8,000 - % of Ticket Sales	$ 685.31	$ 692.31	$ 1,062.94	$ 1,755.24	$ 573.43	$ 734.26	$ 2,461.54	$ 34.97	$ 8,000.00
Total Per Department	$ 2,758.91	$ 2,787.06	$ 4,279.13	$ 7,066.19	$ 2,308.48	$ 2,955.97	$ 4,909.55	$ 140.76	$ 27,206.05
	Athletics-Baseball	Athletics-Boy's Basketball	Athletics-Football	Athletics-Soccer	Athletics-Softball	Athletics-Volleyball	Band	General School	Total

City of Daphne
2013 Surplus Minutes - Sales ending by 9/25/13
(Equipment sold online through Govdeals.com)

GENERAL FUND:

ID	Inv ID	Description	End Date/Time	Net Total
145	41	1999 FORD F150 4 X 2	9/5/13	$577.20
146	1337	2010 JOHN DEERE 1565 62" DECK	9/5/13	$7,284.38
149	5765	1999 JOHN DEERE 1145	9/5/13	$661.38
151	1199	1994 GMC 3500 TRUCK	9/5/13	$2,060.90
154	1019	1999 MANLIFT	9/5/13	$770.94
157		LIghts - Snowflakes (5+) & Christmas Lights	9/10/13	$16.00
156		Tables-60" Round (7) / 20 Chairs (Blue Cloth)&printer Table	9/10/13	$271.95
153	399	1999 FORD TAURUS LX	9/11/13	$346.88
163	58	1993 CATERPILLAR EXCAVATOR 214B	9/24/13	$10,198.13
158	1170	2006 JOHN DEERE 1445	9/24/13	$2,252.38
159	1173	2006 JOHN DEERE 1445 - 62" Deck	9/24/13	$407.00
167	991	1991 GMC 1500 Truck	9/24/13	$670.63
160	1172	2006 JOHN DEERE 1445 - 62" Deck	9/24/13	$2,469.75
164	1331/75	1996 Ford F800 Trashloader	9/24/13	$9,365.63
161	1338	2010 JOHN DEERE 1565 - 62" Deck	9/24/13	$3,075.63
162		2010 BUSH WHACKER T-120	9/24/13	$2,890.63
168	403	2003 Ford Crown Victoria	9/25/13	$1,410.63
169	703	2003 Ford Crown Victoria	9/25/13	$1,318.13
170	603	2003 Ford Crown Victoria	9/25/13	$1,433.75
			TOTAL	**$47,481.92**

RECYCLING:

155	Baler-0505070	INTERNATIONAL BALER MODEL LD-60-SD	9/6/13 11:00AM	**$19,448.13**

TOTAL **$66,930.05**

NEW BUSINESSES
September-13

CITY LIMITS	
RETAILERS	
MEDITERRANEAN SANDWICH CO.	1
OOH LA LA	1
ALL OTHER	
HILL, BRIDGETTE / LAUNDRY QUEEN	1
CRANDALL, JANE R / SQUIRRELS AT WORK	1
UNLIMITED U TOO CUSTOM FIT LLC	1
LAURENCE & ASSOCIATES LLC	1
SIDNEY'S PAINTING	1
EM GLOBAL SOUTH INC	1
LD HOLT AND ASSOCIATES, P.C.	1
SOUTHEAST FUNCTIONAL CHIROPRACTIC LLC	1
GF CONSULTING	1
US GLOBAL TECH / FIRAS SHUEIB	1
SENIORS LOVING & CARE	1
ARCHBECK CONSULTING / MICHAEL RIFE	1
THRASHER COMPANY LLC	1
TOTAL CITY LIMITS	**15**

OUTSIDE CITY LIMITS	
MOBILE BAY TRANSPORTATION CO INC / YELLOW CAB	1
LAGARDE ENTERPRISES / HAMCO OF NEW ORLEANS	1
RAWLINS, MICHAEL / MR SIGNS	1
DOW ELECTRONICS	1
HARSCO RAIL	1
TITAN HOMES LLC	1
INTERSTATE BALDWIN INVESTMENTS, LLC	1
MOBILE TECHNOLOGIES	1
THE ROBINSON CO LLC	1
111616 OPCP (DELAWARE) INC.	1
A-LIST INDUSTRIES, INC	1
ABAXIS INC	1
ADVANCED INSTRUCTIONAL SYSTEMS INC.	1
AIA SERVICES LLC	1
EPIMED INTERNATIONAL INC.	1
CLIMATIC COMFORT PRODUCTS	1
AMERICAN DIRECT	1
FALK PLI LLC	1
RC CLEANING	1
PLAYCORE WISCONSIN INC	1
WILSON LANGUAGE TRAINING CORP	1
PARVIN ANIMAL CLINIC LLC	1
ATLAS COPCO CONSTRUCTION MINING TECHNIQUE	1
WINSHAPE FOUNDATION, INC.	1
EARL DUDLEY INC	1
TOTAL OUTSIDE CITY LIMITS	**25**

CONTRACTORS	
TRAMEL LAWN SERVICE AND HOME REPAIR LLC	1
DA BOYZ PAINTING & POWERWASHING	1
BRIAN T ARMSTRONG CONSTRUCTION INC	1
MOBILE ACOUSTICAL & DRYWALL	1
PREMIER LANDSCAPE & STONE LLC	1
MIKE ROZIER CONSTRUCTION CO., INC.	1
PANHANDLE CONRETE CUTTING, INC.	1
PERDUE GENERAL CONTRACTOR, INC.	1
MIKE BERNS REMODELING LLC	1
JOHN E WATSON	1
GEORGE DRYWALL INC	1
TEAGUE CONSTRUCTION SYSTEMS	1
GRAY RICKEY / GRAY'S FINE FINISHING	1
ED'S HOME REPAIR / EDWARD MARTIN JR	1
BRADFORD BUILDING CO., INC.	1
YELLOWHAMMER & ASSOCIATES, LLC	1
R J MARTIN NATIONAL CONTRACTING INC.	1
GIRARD'S METAL ROOFING / MIKE GIRARD	1
TOTAL CONTRACTORS	**18**

INSURANCE	
	0
TOTAL INSURANCE	**0**

TOTAL NEW BUSINESSES IN DAPHNE	**58**

CLOSED BUSINESSES IN DAPHNE	
TOTAL CLOSED BUSINESSES IN DAPHNE	**0**

Suzanne Henson

From: Mike Hinson <mhinson@daphneal.com>
Sent: Monday, October 07, 2013 8:50 AM
To: Suzanne
Subject: FW: Finance Agenda Item - 10-14-2013 - TAP Grant 2013
Attachments: 2013 TAP Packet with Award Letter.pdf; Resolution 2013-30.pdf; JADE - Scope of Engineering Services 10-07-2013.pdf

FYI

Mike Hinson CPA
Finance Director

From: Richard Johnson [mailto:directorpw@daphneal.com]
Sent: Monday, October 07, 2013 8:43 AM
To: Mike Hinson; Mike Hinson
Cc: financedeputydirector@daphneal.com; Mayors Office; Michele Hanson; 'Denise Penry'
Subject: Finance Agenda Item - 10-14-2013 - TAP Grant 2013

Mike:

Please find a the following attached:

1. Resolution 2013-30 (PDF)
2. 2013 TAP Packet with Award Letter (PDF)
3. JADE - Scope of Engineering Services 10-07-2013 – Draft (PDF)

This needs to be on the 10-14-2013 FC Agenda for appropriation based on the following cost activities:

Activity	Total Cost	Grant Portion	City's Portion
Initial Survey & Design (9.5%)	$ 13,819.00	$ 0.00	$ 13,819.00
Construction Cost Including Property Acquisition (20%)	$370,457.71	$296,366.17 (80%)	$74,091.54
Const. Material Testing (2%)* (20%)	$ 2,910.00	$ 2,328.00 (80%)	$ 582.00
Const. Engineering – CE&I (15%)* (20%)	$ 21,819.00	$ 17,455.20 (80%)	$ 4,363.80
Totals (22.7%)	$409,005.71	$316,149.37 (77.3%)	$ 92,856.34 *

*Based on Actual Construction Cost – minus land acquisition ($370,457.71 - $225,000.00 = $145,458.71)

Note: Grant amount is published as at a slightly higher $320,075.46, this is good and gives a slight cushion on cost.

* This is a qualifying Lodging Tax Project – Bayfront Improvements.

Thanks,

RESOLUTION 2013-30

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

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

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

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

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

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

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

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 6TH DAY OF MAY, 2013.

CITY OF DAPHNE, ALABAMA
AN ALABAMA MUNICIPAL CORPORATION

ATTEST:

Rebecca A. Hayes
REBECCA A. HAYES, CITY CLERK

DANE HAYGOOD, MAYOR

City of Daphne Identifying Project Number: **CODFY2013-TAP 1**

TAP FY2013 Project No.: **Unknown**

Detail Description of the Project - 2013 Transportation Alternatives Program (TAP):

Gator Alley Trailhead (North Main Street) Improvements – Executive Summary:

Gator Alley which is a link in the Eastern Shore National Recreation Trail, Baldwin County, Alabama, is a popular tourist destination, roadside attraction, scenic overlook, and park for the Citizens and Visitors of Daphne, Alabama. Gator Alley consists of a turnout, overlook, viewing, and parking area connected to a wooden boardwalk and concrete trail systems that crosses, at multiple locations, and follows D'Olive Creek to Mobile Bay. The area is habitat to a multitude of coastal animals and is home to a healthy population of the American Alligator which is the main draw of the park and trail.

This project entails major improvements by constructing a new and expanded turnout, overlook, viewing, and parking area. This Project will accomplish community improvement by acquiring the undevelopable property to the west of the current trailhead and the removal of existing outdoor advertising on that property. This project will include significant drainage and post-development stormwater treatment. The project will include the construction of a stepped pool treatment and bio-retention system that will improve water quality prior to discharge to D'Olive Creek. D'Olive Creek is an impaired waterway (303D Listed Stream) and this system will intercept and treat stormwater runoff from US Hwy 98, North Main Street, and the new turnout/ overlook/ parking area.

1. **Transportation Alternatives Eligibility -** Qualifying Eligible activities under TAP (from application page 2) are as follows:

    a. Eligibility Item #4: *Construction of turnouts, overlooks, and viewing areas.* Project will include construction of a new turnout, overlook, viewing, and parking area – this will include pervious pavers, fencing, and landscaping.
    b. Eligibility Item #5: *Community improvement activities including the removal of outdoor advertising.* Project includes the acquisition of the undevelopable property to the west of the current trailhead to allow for more access and storm water treatment and management. This would have the additional benefit of eliminating a grandfathered billboard (blight).
    c. Eligibility Item #6: *Environmental mitigation - pollution abatement activities and mitigation to address storm water management, control, and water pollution abatement due to highway runoff.* The project will accomplished this by the construction of a stepped pool treatment system. This area drains to D'Olive Creek, an impaired waterway (303D Listed Stream). This system will intercept stormwater runoff from US Hwy 98, North Main Street, and the new turnout/overlook/parking area and treat via bio-retention prior to discharge to D'Olive Creek.

This proposed project meets 3 of the 6 TA Eligibility Activities listed. It should be selected based on eligibility alone.

2. **History** – ***Recent:*** Gator Alley was constructed in 2004 as a joint project between the City of Daphne, the Baldwin County Trailblazers, and the Alabama Department of Transportation. The boardwalk concept was conceived by Trailblazer founder Teko Wiseman who wanted cyclists and pedestrians from Mobile to have access to the 30 mile Eastern Shore Trail. With creative engineering, a path emerged under Interstate 10 and over D'Olive Creek. Now a popular destination point for visitors from all directions, the Gator Alley boardwalk welcomes cyclists and pedestrians.

   Ancient (2001 Phase I Archaeological Survey): Several historical sites were documented within a one mile radius of the proposed site. One recorded as a Pensacola period shell midden/village site and another as a buried Mississippian or Proto-historic shell midden situated on a wooded peninsula extending into the marsh on the north east side of D'Olive Creek. Proposed project will not impact areas.

3. **Scenic Significance** - Project overlooks Mobile Bay and the fertile marshlands that border it. These marshes are feeding grounds for a wide variety of wildlife including flocks of giant white pelicans that winter in the area. A Bald Eagle's nest is located just north of the boardwalk. Visitors may see one while walking the board walk.

   The project improves access to the 33 mile Eastern Shore Trail (A National Recreation Trail) which begins at the USS Alabama on Battleship Causeway and ends at the Weeks Bay Estuary Reserve.

   This project is the first chance drivers coming from the east have to get a close up view of the Mobile Bay which is one of the US 28 National Estuaries.

4. **Impact** –
   a. *Storm Water Quality:* The project will improve the storm water drainage and quality by implementing a Step Pool Conveyance System (SPCS). A sediment laden, wetland area that has been overtaken by invasive species will be restored to natural conditions. The invasive species will be removed and native species will be planted. Environmental educational signage will be installed at the project, describing the project and its importance to the improving the coastal habitat and water quality of Mobile Bay.
   b. *Safety:* Alligator Alley is a very busy attraction. The improvements to the parking area will address a major safety concern. The current parking lot is situated where a visitor must back out on to the very busy Main Street; which is an unsafe condition. The proposed design provides a "drive thru" arrangement for the parking area and completely eliminates the backing movement onto North Main Street.
   c. *Visual:* A very large, very tall non- conforming outdoor sign will be removed.
   d. *Economic:* Improving the access, drainage, and aesthetics of this popular tourist and locals destination will provide a boost to the neighboring business by increasing visitation to the area. This section of U.S. Highway 98/North Main Street is home to a wide variety of restaurants, retail establishments, and motels/hotels that will benefit from the additional traffic volume.
   e. *Ground Disturbance and Demolition:* This whole area has already been severely impacted by prior developmental activities. Most of the work will be restorative in

nature. The existing eroded gravel parking area will be removed, expanded, and undercut. The excavated material will be removed offsite.

f. General: The proposed improvements to Gator Alley would have no negative effects on the adjacent properties, community, state, transportation system, plant or animal life

5. **Proposed Construction** - The proposed construction activity at Gator Alley will include, but not limited to, excavating 1162 square yards, preparation of an 8" subgrade, placement of a base of #57 stone and #8/9 stone, followed by installation of permeable pavers. Work will include placement of concrete curb, gutters, and connecting sidewalk. Drainage work include: inlets, pipe extension(s), headwalls, construction of bio-retention pond, and installation of the Step Pool Conveyance System (SPCS). For this project landscaping will consist of sod, mulch, and seed for soil stabilization only.

6. **Ownership** - The City of Daphne currently owns the property that contains Gator Alley. For the proposed expansion area the City will need to purchase the property from the current owner, a private citizen. The acquisition cost of this property is included in the grant request. The City has plans for both scenarios improvements with and without property acquisition.

7. **Intended Use** - This project upon completion will serve a high public use. Currently Gator Alley is one of the highest use parks in the City of Daphne. The only current limiting factors are access and overlook capacity. The propose improvement will address these limitations. This facility is more than a pedestrian facility, it is part a of national trail system and is a unique eco-tourist destination.

8. **Life Expectancy** - The new turnout/overlook/parking area, composed of pervious brick pavers and concrete curbing, has a 25-50 year lifespan if properly maintained. The drainage will be designed and maintained based on the same serviceable lifespan.

9. **Maintenance Plan** - The maintenance plan involves the periodical use of a street sweeper and the occasional addition of gravel base for the pavers, if required, after a storm event. The SPCS will trap sediments carried by stormwater; thus preventing them from entering the 303 (d) listed D'Olive Creek. The step pools will be regularly maintained by City staff. Post development landscaping will be maintained by the City's Park and Recreation staff. All maintenance activities will be line-itemed in each respective department's budgets.

10. **Public Involvement** – This proposed Project has been vetted, discussed, and planned at the following City of Daphne Public Meetings (minutes and/or resolutions attached):
    a. Daphne Beautification Committee Meeting – May 1, 2013
    b. Regular Business Meeting of the City Council of Daphne – May 6, 2013
    c. Daphne Beautification Committee Meeting – June 5, 2013
    d. Daphne Public Works Committee - June 17, 2013

NOTE: The full FY2013 Transportation Alternatives Program (TAP) Project Application - Gator Alley - Turnout/Overlook/Drainage/Scenic Improvements is attached and should be considered a companion document to this Scope of Work for Engineering Services.

City of Daphne – JADE CONSULTING– Project Scope of Engineering Work
TAP FY2013 Gator Alley - Turnout/Overlook/Drainage/Scenic Improvements

Public Works Cost Estimate for Project with Professional Services Summary:

Transportation Alternative Program - Fiscal Year 2013

Gator Alley Trailhead (North Main Street) Improvements

Construction Estimate Construction of a new & expanded turnout, overlook, viewing, and parking area, drainage management & treatment, and removal of outdoor advertising					
Item #	**Description**	**Unit**	**Quantity**	**Unit Price**	**Amount**
1	Unclassified Excavation	Yd^3	500	$7.50	$3,750.00
2	Borrow Excavation Select Fill (Hydric Soil)	Yd^3	750	$15.00	$11,250.00
3	Drop Pool, Bio Retention Grading	L.S.	1	$10,500.00	$10,500.00
4	Drop Pool, Bio Retention Ledge Stones (Placed)	Ton	175	$115.00	$20,125.00
5	Geo Fiber Filter Fabric	Yd^2	270	$2.50	$675.00
6	Install 8" Subgrade for Pavers	Yd^2	1162	$19.75	$22,949.50
7	Install Permeable Pavers (Pavers, 57 Stone & 8/9 Stone Included)	Yd^2	1162	$38.75	$45,027.50
8	Install 6" Diameter Drain Tile	L.F.	200	$12.50	$2,500.00
9	Install Type M-2 Combination Curb & Gutter	L.F.	245	$15.00	$3,675.00
10	Install Type M-10 Median Curbing	L.F.	210	$15.00	$3,150.00
11	Install Flush Concrete Header Curb	L.F.	160	$12.50	$2,000.00
12	Install 6'-0" Wide Concrete Sidewalk	L.F.	100	$17.50	$1,750.00
13	Concrete Sloped Headwall (RCP)	Each	2	$500.00	$1,000.00
14	Install Curb Inlet/Junction Box (Retrofit)	Each	1	$1,000.00	$1,000.00
15	Install 29 x 18 RCAP	L.F.	16	$62.50	$1,000.00
16	Top Soil (backfill at median and behind curbing)	Yd^3	100	$20.00	$2,000.00
17	Sod (at median and behind curbing)	Yd^2	435	$4.50	$1,957.50
18	Sign Removal (including disposal)	Each	1	$1,000.00	$1,000.00
19	BMP's (2.5% of Construction)	Each	1	$3,382.74	$3,382.74
20	Mobilization (2.5% of Construction)	Each	1	$3,382.74	$3,382.74
21	Contingencies (2.5% of Construction)	Each	1	$3,382.74	$3,382.74
22	Property Acquisition (Title, Deed, and Closing Cost)	L.S.	1	$225,000.00	$225,000.00
				Estimated Construction Cost	**$370,457.71**

Professional Services Calculations					
Item #	**Description**	**Unit**	**Quantity/Mile**	**Unit Price**	**Amount/Mile**
1	Material Testing (2% of Construction)	Each	1	$7,409.15	$7,409.15
2	Engineering - CE&I (6% of Construction)	Each	1	$22,227.46	$22,227.46
				Estimated Professional Service Cost	**$29,636.62**

Estimated Total Cost	**$400,094.33**

Engineering Services Budget				
Construction Cost Less Property Acquisition	Survey & Design (9.5%)	Engineering – CE&I (15%)	Material Testing (2%)	Total Budgeted
$145,458.00	$13,819.00	$21,819.00	$2910.00	$38,548.00

City of Daphne – JADE CONSULTING– Project Scope of Engineering Work
TAP FY2013 Gator Alley - Turnout/Overlook/Drainage/Scenic Improvements

Proposed Project Timeline and proposed Letting Date:

Letting Date Goal: March, 2014

By October 4, 2013: Engineering Scope Completed

October 14, 2014: City of Daphne Finance Committee Meeting (Request for Apropriation)

October 21, 2013: City of Daphne Council Business Meeting (1st Read)

October 22, 2013: Pre-Agreement Meeting – ALDOT SW Region (10:30 am)

November 4, 3013: City of Daphne Council Business Meeting (2nd Read)

November 5, 2013: Notice to Proceed – JADE Consulting

By December 31, 2013: Plans Submitted Multimodal Planning Engineer and/or Region ALDOT*

January 2014: Review, Revision, and Approval – ALDOT*

March 2014: Proposed Project Letting*

May 1, 2014: Approximate Start of Construction (45 Day Estimated Contract)*

*June 15, 2014: Project Completion and Acceptance**

** Subject to change based on outcome of the Pre-Agreement Meeting*

General Services

The Engineer shall perform certain professional engineering services relating to the above referenced Project, as follows:

A. Survey, Design, and Letting

1. Attend all required meetings regarding proposed project.
2. Prepare preliminary layouts and sketches if needed – this shall include the assisting the City in preparing the required Scope of Work Document for ALDOT/FHWA.
3. Prepare preliminary construction cost estimates – revise and update.
4. Field surveys for design and layout.
5. Design the work construction – per ALDOT/FHWA requirements and standards.
6. Prepare detailed contract drawings and specifications for construction – per ALDOT/ FHWA requirements and standards.
7. Prepare construction estimates of quantities and cost construction – per ALDOT/ FHWA requirements and standards.
8. Assembling and mailing Contract Documents on behalf of the City – unknown at this time if ALDOT will let project – may not be applicable.
9. Assist the City in receiving bids – unknown at this time if ALDOT will let project– may not be applicable.

10. Tabulate bids and make recommendations concerning award – unknown at this time if ALDOT will let project – may not be applicable.
11. Assist the City in the award of the Contract – unknown at this time if ALDOT will let project – may not be applicable.

Per the terms of the associated Engineering Service Agreement between the City of Daphne and JADE Consulting, enclosed is the Engineering Scope of work for the above referenced project.

City of Daphne
P.O. Box 400
Daphne, AL 36526

Richard D. Johnson, P.E.
Director of Public Works

October 27, 2013
Date

JADE CONSULTING
Post Office Box 1929
Fairhope, AL 36533

Signature

Title

Date

OFFICE OF THE GOVERNOR

ROBERT BENTLEY
GOVERNOR

STATE CAPITOL
MONTGOMERY, ALABAMA 36130

(334) 242-7100
FAX: (334) 242-3282

STATE OF ALABAMA

September 9, 2013

The Honorable Dane Haygood
Mayor, City of Daphne
P. O. Box 400
Daphne, Alabama 36526

Re: Transportation Alternatives Program
Fiscal Year (FY) 2013

Dear Mayor Haygood:

This letter is to advise you that your FY 2013 application for the Federal Transportation Alternatives Program funds for the Gator Alley – Turnout/Overlook/Drainage/Scenic Improvements in Daphne in the amount of $320,075.46, has been approved. Congratulations! I am very pleased to award these federal funds to this worthwhile project.

Mr. Robert J. Jilla, Alabama Department of Transportation Multimodal/Transportation Planning Engineer, will be in contact with you concerning the requirements that will have to be followed in administering this project. If you have any questions concerning this matter, please call Mr. Jilla at (334) 242-6438. Again, sincere congratulations.

Sincerely,

Robert Bentley

Robert Bentley
Governor

RB/JRC/RJJ/CWCjr:rac

c: Senator Trip Pittman
Representative Randy Davis
Mr. Mark Bartlett
Mr. John R. Cooper
Mr. Robert J. Jilla
Mr. Vincent Calametti
File

Dane Haygood
Mayor

Daphne
ALABAMA
The Jubilee City

Richard D. Johnson, PE
Public Works Director

To: Mr. Robert J. Jilla
Bureau of Transportation Planning & Modal Programs
Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, Alabama 36130-3050

Cc: Honorable Dane Haygood, Mayor; File

From: Richard D. Johnson, P.E.
Public Works Director

Date: June 26, 2013

Re: FY2013 Transportation Alternatives Program (TAP) Project Application - Gator Alley - Turnout/Overlook/Drainage/Scenic Improvements

---

Dear Mr. Jilla:

Please find enclosed four copies of the FY2013 TAP Application for the above referenced project.

The City of Daphne is committed to quality pedestrian infrastructure that promotes accessibility, safety, economic development, quality education, and overall community and regional enhancement. The City is committed to the full required sponsor match if selected.

If you have any questions, or require additional information, do not hesitate to contact me at 251-621-3182 or directorpw@daphneal.com.

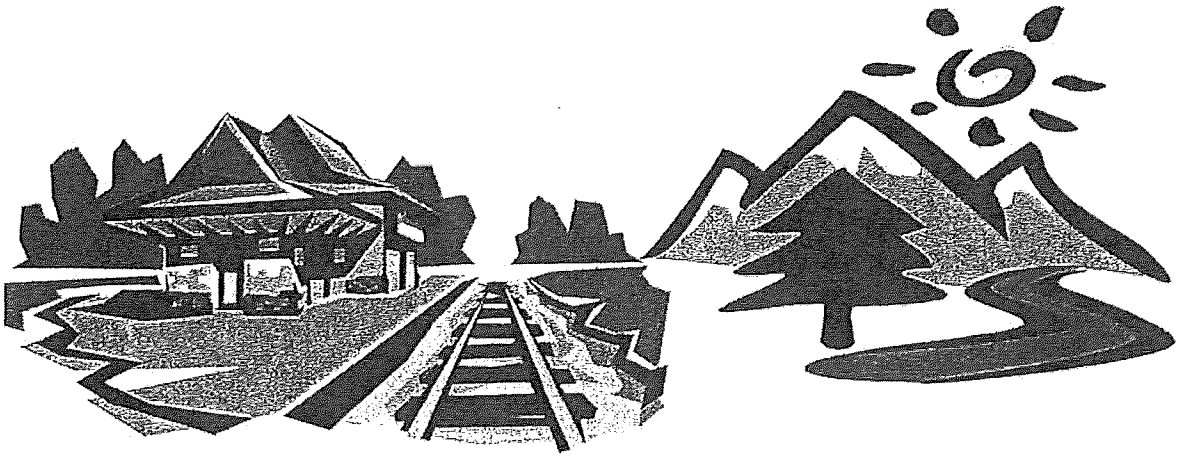
Yours,

RDJ

Public Works Department
26435 Public Works Road P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3182 Fax: (251) 621-3189

City of Daphne

The Alabama Department of Transportation



FY 2013

TRANSPORTATION ALTERNATIVES PROGRAM

PROJECT APPLICATION

June 28, 2013

GENERAL INFORMATION

1. Project Title Gator Alley - Turnout/Overlook/Drainage/Scenic Improvements

2. Sponsor City of Daphne, Alabama Population 22,500

3. Mayor, Commission Chair, etc.

   Name Honorable Dane Haygood

   Title Mayor

   Address P.O. Box 400

   Daphne, Alabama 36526

   Phone (251) 621-9000 Ext.# 1 Fax (251) 621-8624

4. Contact Person Richard D. Johnson, P.E.

   Title Director of Public Works

   Phone (251) 621-3182

5. Application Prepared by Richard D. Johnson, P.E.

   Company/Agency City of Daphne Phone: (251) 621-3182

6. Location of the Project Area North Main Street at D'Olive Creek - Southeast of the Interstate 10 and U.S. Highway 98/90 exchange at D'Olive Creek

   a. County Baldwin City Daphne ALDOT Div. 9th

   b. M.P.O. (Area) Eastern Shore MPO (ESMPO)

   c. State, U.S. or Interstate Route Adjacent to US Hwy 98 & 90 & I-10

   d. Senatorial District Number 32

   e. House District Number 96

7. Legislators

   a. State Senator(s) Honorable, Lee "Trip" Pittman

   b. State Representative(s) Honorable, Randy Davis

8. Total Project Cost $ 400,094.33 Federal Share $ 320,075.46

   Sponsor Share $ 80,018.87

PROJECT DESCRIPTION

2013 Transportation Alternatives Program (TAP)

Gator Alley Trailhead (North Main Street) Improvements – Executive Summary:

Gator Alley which is a link in the Eastern Shore National Recreation Trail, Baldwin County, Alabama, is a popular tourist destination, roadside attraction, scenic overlook, and park for the Citizens and Visitors of Daphne, Alabama. Gator Alley consists of a turnout, overlook, viewing, and parking area connected to a wooden boardwalk and concrete trail systems that crosses, at multiple locations, and follows D'Olive Creek to Mobile Bay. The area is habitat to a multitude of coastal animals and is home to a healthy population of the American Alligator which is the main draw of the park and trail.

This grant will fund major improvements by constructing a new and expanded turnout, overlook, viewing, and parking area. This Project will accomplish community improvement by acquiring the undevelopable property to the west of the current trailhead and the removal of existing outdoor advertising on that property. This project will include significant drainage and post-development stormwater treatment. The project will include the construction of a stepped pool treatment and bio-retention system that will improve water quality prior to discharge to D'Olive Creek. D'Olive Creek is an impaired waterway (303D Listed Stream) and this system will intercept and treat stormwater runoff from US Hwy 98, North Main Street, and the new turnout/ overlook/ parking area.

1. **Transportation Alternatives Eligibility -** Qualifying Eligible activities under TAP (from application page 2) are as follows:

    a. Eligibility Item #4: *Construction of turnouts, overlooks, and viewing areas.* Project will include construction of a new turnout, overlook, viewing, and parking area – this will include pervious pavers, fencing, and landscaping.
    b. Eligibility Item #5: *Community improvement activities including the removal of outdoor advertising.* Project includes the acquisition of the undevelopable property to the west of the current trailhead to allow for more access and storm water treatment and management. This would have the additional benefit of eliminating a grandfathered billboard (blight).
    c. Eligibility Item #6: *Environmental mitigation - pollution abatement activities and mitigation to address storm water management, control, and water pollution abatement due to highway runoff.* The project will accomplished this by the construction of a stepped pool treatment system. This area drains to D'Olive Creek, an impaired waterway (303D Listed Stream). This system will intercept stormwater runoff from US Hwy 98, North Main Street, and the new turnout/overlook/parking area and treat via bio-retention prior to discharge to D'Olive Creek.

This proposed project meets 3 of the 6 TA Eligibility Activities listed. It should be selected based on eligibility alone.

2. **History** – ***Recent:*** Gator Alley was constructed in 2004 as a joint project between the City of Daphne, the Baldwin County Trailblazers, and the Alabama Department of Transportation. The boardwalk concept was conceived by Trailblazer founder Teko Wiseman who wanted cyclists and pedestrians from Mobile to have access to the 30 mile Eastern Shore Trail. With creative engineering, a path emerged under Interstate 10 and over D'Olive Creek. Now a popular destination point for visitors from all directions, the Gator Alley boardwalk welcomes cyclists and pedestrians.

   Ancient (2001 Phase I Archaeological Survey): Several historical sites were documented within a one mile radius of the proposed site. One recorded as a Pensacola period shell midden/village site and another as a buried Mississippian or Proto-historic shell midden situated on a wooded peninsula extending into the marsh on the north east side of D'Olive Creek. Proposed project will not impact areas.

3. **Scenic Significance** - Project overlooks Mobile Bay and the fertile marshlands that border it. These marshes are feeding grounds for a wide variety of wildlife including flocks of giant white pelicans that winter in the area. A Bald Eagle's nest is located just north of the boardwalk. Visitors may see one while walking the board walk.

   The project improves access to the 33 mile Eastern Shore Trail (A National Recreation Trail) which begins at the USS Alabama on Battleship Causeway and ends at the Weeks Bay Estuary Reserve.

   This project is the first chance drivers coming from the east have to get a close up view of the Mobile Bay which is one of the US 28 National Estuaries.

4. **Impact** –
   a. *Storm Water Quality:* The project will improve the storm water drainage and quality by implementing a Step Pool Conveyance System (SPCS). A sediment laden, wetland area that has been overtaken by invasive species will be restored to natural conditions. The invasive species will be removed and native species will be planted. Environmental educational signage will be installed at the project, describing the project and its importance to the improving the coastal habitat and water quality of Mobile Bay.
   b. *Safety:* Alligator Alley is a very busy attraction. The improvements to the parking area will address a major safety concern. The current parking lot is situated where a visitor must back out on to the very busy Main Street; which is an unsafe condition. The proposed design provides a "drive thru"

arrangement for the parking area and completely eliminates the backing movement onto North Main Street.

c. *Visual:* A very large, very tall non- conforming outdoor sign will be removed.
d. *Economic:* Improving the access, drainage, and aesthetics of this popular tourist and locals destination will provide a boost to the neighboring business by increasing visitation to the area. This section of U.S. Highway 98/North Main Street is home to a wide variety of restaurants, retail establishments, and motels/hotels that will benefit from the additional traffic volume.
e. *Ground Disturbance and Demolition:* This whole area has already been severely impacted by prior developmental activities. Most of the work will be restorative in nature. The existing eroded gravel parking area will be removed, expanded, and undercut. The excavated material will be removed offsite.
f. *General:* The proposed improvements to Gator Alley would have no negative effects on the adjacent properties, community, state, transportation system, plant or animal life

5. **Proposed Construction** - The proposed construction activity at Gator Alley will include, but not limited to, excavating 1162 square yards, preparation of an 8" subgrade, placement of a base of #57 stone and #8/9 stone, followed by installation of permeable pavers. Work will include placement of concrete curb, gutters, and connecting sidewalk. Drainage work include: inlets, pipe extension(s), headwalls, construction of bio-retention pond, and installation of the Step Pool Conveyance System (SPCS). For this project landscaping will consist of sod, mulch, and seed for soil stabilization only.

6. **Ownership** - The City of Daphne currently owns the property that contains Gator Alley. For the proposed expansion area the City will need to purchase the property from the current owner, a private citizen. The acquisition cost of this property is included in the grant request. The City has plans for both scenarios improvements with and without property acquisition.

7. **Intended Use** - This project upon completion will serve a high public use. Currently Gator Alley is one of the highest use parks in the City of Daphne. The only current limiting factors are access and overlook capacity. The propose improvement will address these limitations. This facility is more than a pedestrian facility, it is part a of national trail system and is a unique eco-tourist destination.

8. **Life Expectancy** - The new turnout/overlook/parking area, composed of pervious brick pavers and concrete curbing, has a 25-50 year lifespan if properly maintained. The drainage will be designed and maintained based on the same serviceable lifespan.

9. **Maintenance Plan** - The maintenance plan involves the periodical use of a street sweeper and the occasional addition of gravel base for the pavers, if required, after a storm event. The SPCS will trap sediments carried by stormwater; thus preventing them from entering the 303 (d) listed D'Olive Creek. The step pools will be regularly maintained by City staff. Post development landscaping will be maintained by the City's Park and Recreation staff. All maintenance activities will be line-itemed in each respective department's budgets.

10. **Public Involvement** – This proposed Project has been vetted, discussed, and planned at the following City of Daphne Public Meetings (minutes and/or resolutions attached):
    a. Daphne Beautification Committee Meeting – May 1, 2013
    b. Regular Business Meeting of the City Council of Daphne – May 6, 2013
    c. Daphne Beautification Committee Meeting – June 5, 2013
    d. Daphne Public Works Committee - June 17, 2013

PROJECT BUDGET

Public Works Director Estimated Costs

Transportation Alternative Program - Fiscal Year 2013

Gator Alley Trailhead (North Main Street) Improvements

Construction Estimate Construction of a new & expanded turnout, overlook, viewing, and parking area, drainage management & treatment, and removal of outdoor advertising					
Item #	Description	Unit	Quantity	Unit Price	Amount
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2	Borrow Excavation Select Fill (Hydric Soil)	Yd^3	750	$15.00	$11,250.00
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				Estimated Construction Cost	$370,457.71

Professional Services Calculations					
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2	Engineering - CE&I (6% of Construction)	Each	1	$22,227.46	$22,227.46
				Estimated Professional Service Cost	$29,636.62

Estimated Total Cost	$400,094.33

PROJECT COST	$ 370,457.71
CE&I (UP TO 15%)	$ 29,636.62
TOTAL PROJECT COST	$ 400,094.33
	X 80%
FEDERAL SHARE	$ 320,075.46
20% LOCAL SHARE	$ 80,018.87

Note: Provide an itemized budget that includes construction items, quantities, cost per item and total cost per item and a total project cost.
Please round off all amounts to the nearest dollar.

2013 Transportation Alternatives Program (TAP) Grant

GRANT ATTACHMENTS

#1 – Letter from the Mayor stating the City's willingness to pursue the project to completion and be responsible for the required expenses

#2 - Eastern Shore Metropolitan Planning Organization (ESMPO) letter to allow the project to be included in the Transportation Improvement Plan (TIP)

#3 - Resolution 2013-30 from the Daphne City Council stating their approval of the proposed transportation alternatives

#4 - Current and legible 7.5 minute USGS map indicating exact project location

#5 - Project Location Map

#6 - Design Sketch – Expanded Turnout/Overlook/Parking Area based on property acquisition to the west

#7 - Design Sketch –Turnout/Overlook/Parking Area based on use of current City property – typical drainage design (applicable to expanded or based on current property)

#8 - Design Sketch – Typical concrete pavers and curbing cross section

#9a - Photo Legend – Current Site Conditions

#9b - Photos 1 – 3

#9c - Photos 4 – 6

#10a - Photo Example of Concrete Pavers – Mayday Park, Daphne, AL

#10b - Concrete Paver Specification (page 1 of 2)

#10c - Concrete Paver Specification (page 2 of 2)

#11a - Photo Example - Step Pool Conveyance System (SPCS)

#11b - Typical Detail - Step Pool Conveyance System (SPCS)

#12a - Public Involvement - Daphne Beautification Committee Meeting – May 1, 2013

#12b - Public Involvement - Daphne Beautification Committee Meeting – June 5, 2013

#12c - Public Involvement - Daphne Public Works Committee - June 17, 2013

Attachment #1

June 24, 2013

Mr. Robert J. Jilla
Bureau of Transportation Planning & Modal Programs
Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, Alabama 36130-3050

Re: FY2013 Transportation Alternatives Program (TAP) Project Application - Gator Alley - Turnout/Overlook/Drainage/Scenic Improvements

Dear Mr. Jilla:

Please find attached the City of Daphne's application for the Transportation Alternatives Program (TAP) funding for the above referenced project.

The City of Daphne is committed to quality pedestrian infrastructure that promotes accessibility, safety, economic development, quality education, and overall community and regional enhancement.

This project embodies the criteria listed in the Moving Ahead for Progress in the 21st Century (MAP-21) Initiative and the City is in a strong financial position to partner with State to bring this project to fruition.

I humbly ask that you give this application thoughtful consideration and weigh it on its merits. If you have any questions, or need additional information, the City's TAP Coordinator is Richard D. Johnson, PE, Public Works Director. He can be contacted at 251-621-3182 or directorpw@daphneal.com.

I look forward to the City of Daphne and the State partnering in this important project. It is reassuring to know the State able and willing to assist the City in a time of need. If there is ever anything that the City of Daphne can do to assist Transportation Department, please do not hesitate to call on us.

Sincerely,

Dane Hayggod, Mayor

Cc: Richard Johnson – Daphne Public Works Director
File

Attachment #2

EASTERN SHORE MPO

BALDWIN COUNTY SATELLITE COURTHOUSE
1100 FAIRHOPE AVENUE
FAIRHOPE, ALABAMA 36532
TELEPHONE: (251) 990-4640
FAX: 251-580-2590
WWW.EASTERNSHOREMPO.ORG

May 8, 2013

VIA U.S. MAIL:
Cecil Colson
Special Programs Section Administrator
Transportation Planning and Modal Programs
Alabama Department of Transportation
1100 John Overton Drive
Montgomery, Alabama 36110

Re: MPO Letter of Support for TAP Grant Funding for Transportation Improvements in the City of Daphne, Alabama

Dear Mr. Colson:

The Eastern Shore MPO Policy Board is pleased to issue this letter supporting and endorsing the City of Daphne's application for grant funding under the Transportation Alternatives Program to complete transportation improvements at the Gator Alley Trailhead. The Gator Alley Trailhead is a popular attraction for residents throughout the entire Eastern Shore and provides important access and linkage to commercial areas in the City of Daphne, the City of Fairhope, and the City of Spanish Fort.

The Eastern Shore MPO was formed in late 2012, and does not yet have a Transportation Improvement Program (TIP) in place. However, per ALDOT and FHWA's guidance, funds of this nature will be approved by the Policy Board and incorporated directly into the state TIP.

Thank you for your consideration of the City of Daphne's grant application. These funds will greatly benefit the Eastern Shore.

Sincerely,

Commissioner Bob James, Chairperson

cc:
Jim Doolin via email
Cal Markert via email
File

RESOLUTION 2013-30

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

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

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

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

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

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

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

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 6TH DAY OF MAY, 2013.

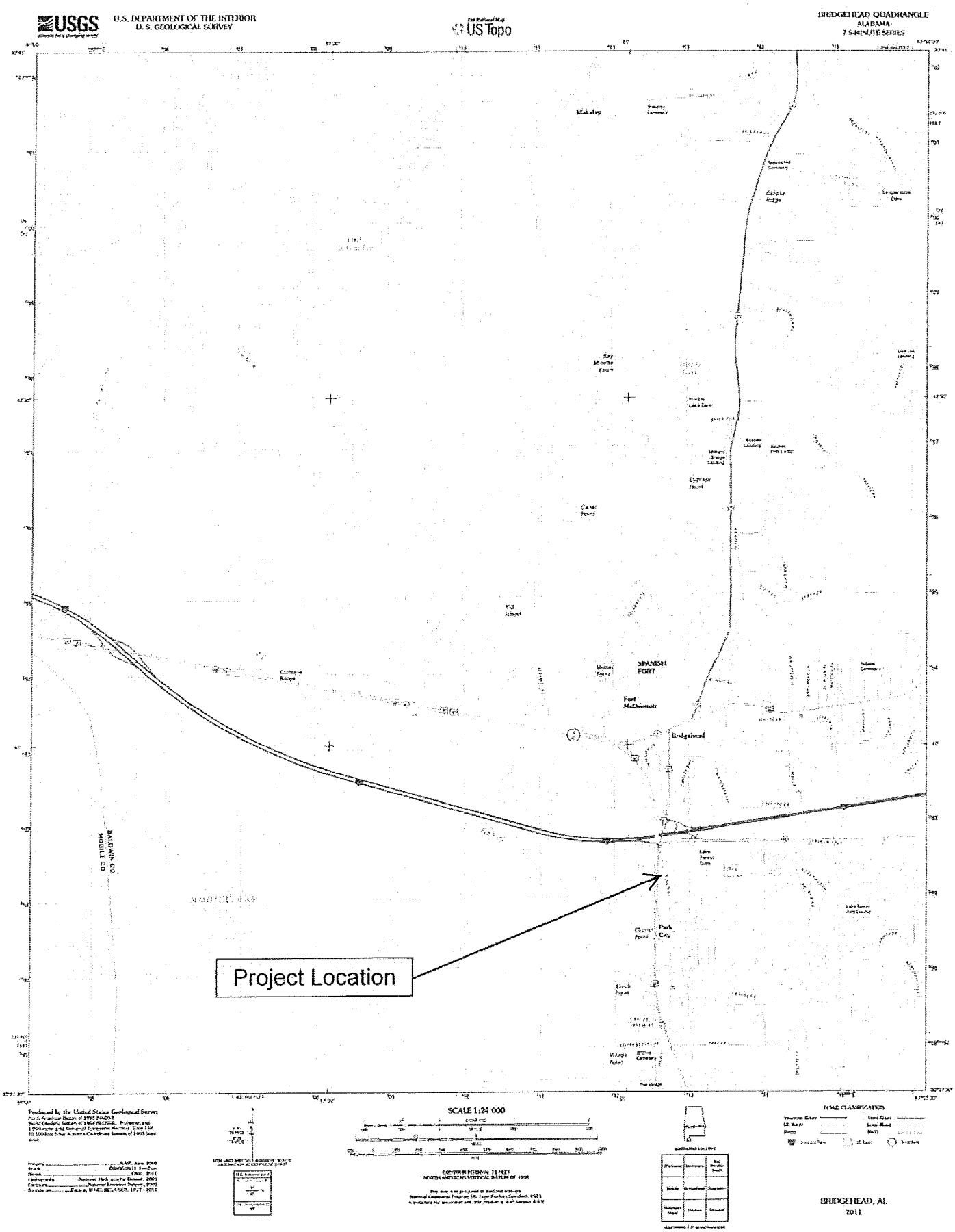
CITY OF DAPHNE, ALABAMA
AN ALABAMA MUNICIPAL CORPORATION

ATTEST:

Rebecca A. Hayes
REBECCA A. HAYES, CITY CLERK

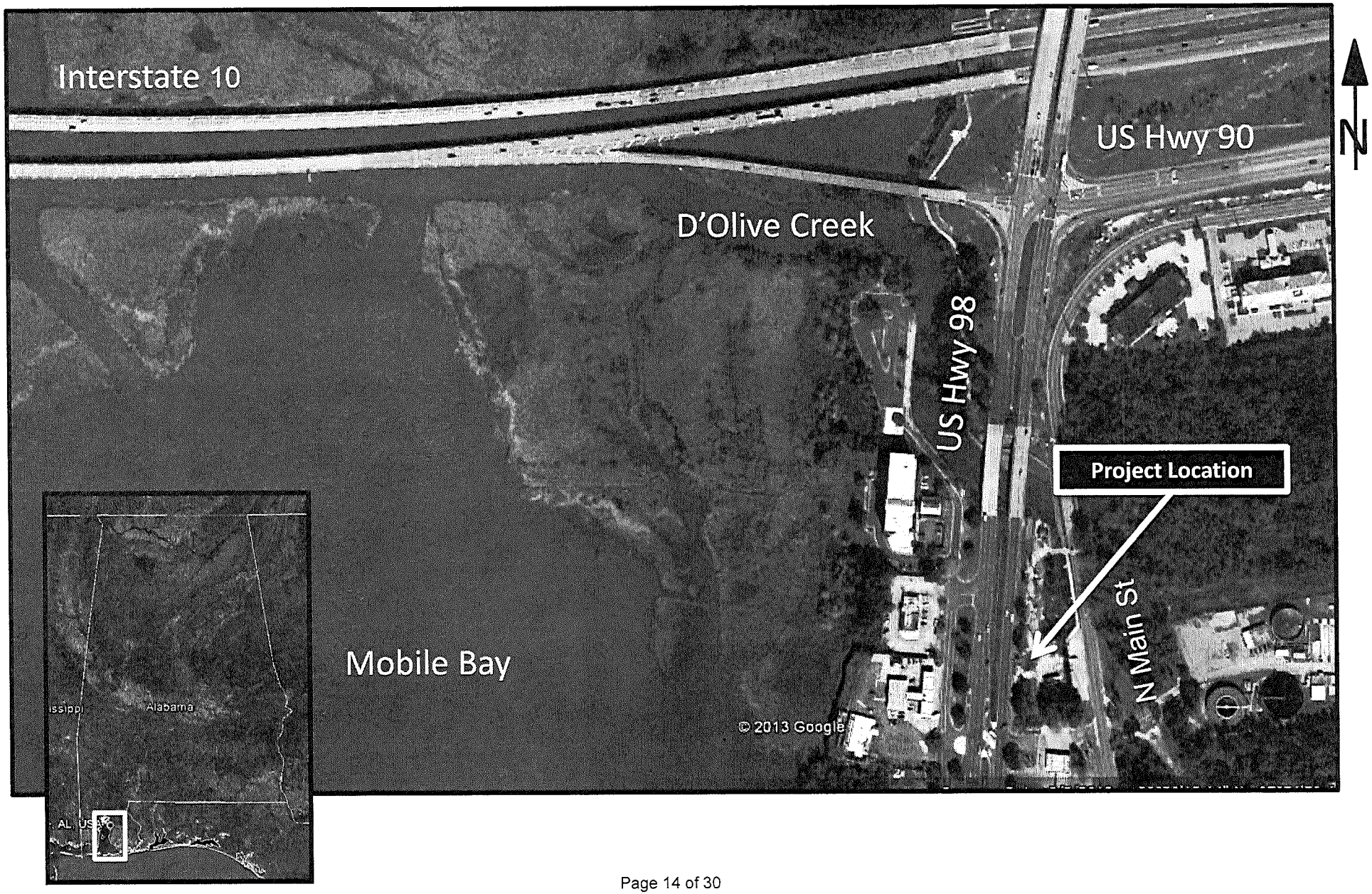
DANE HAYGOOD, MAYOR

Attachment #4



Attachment #5

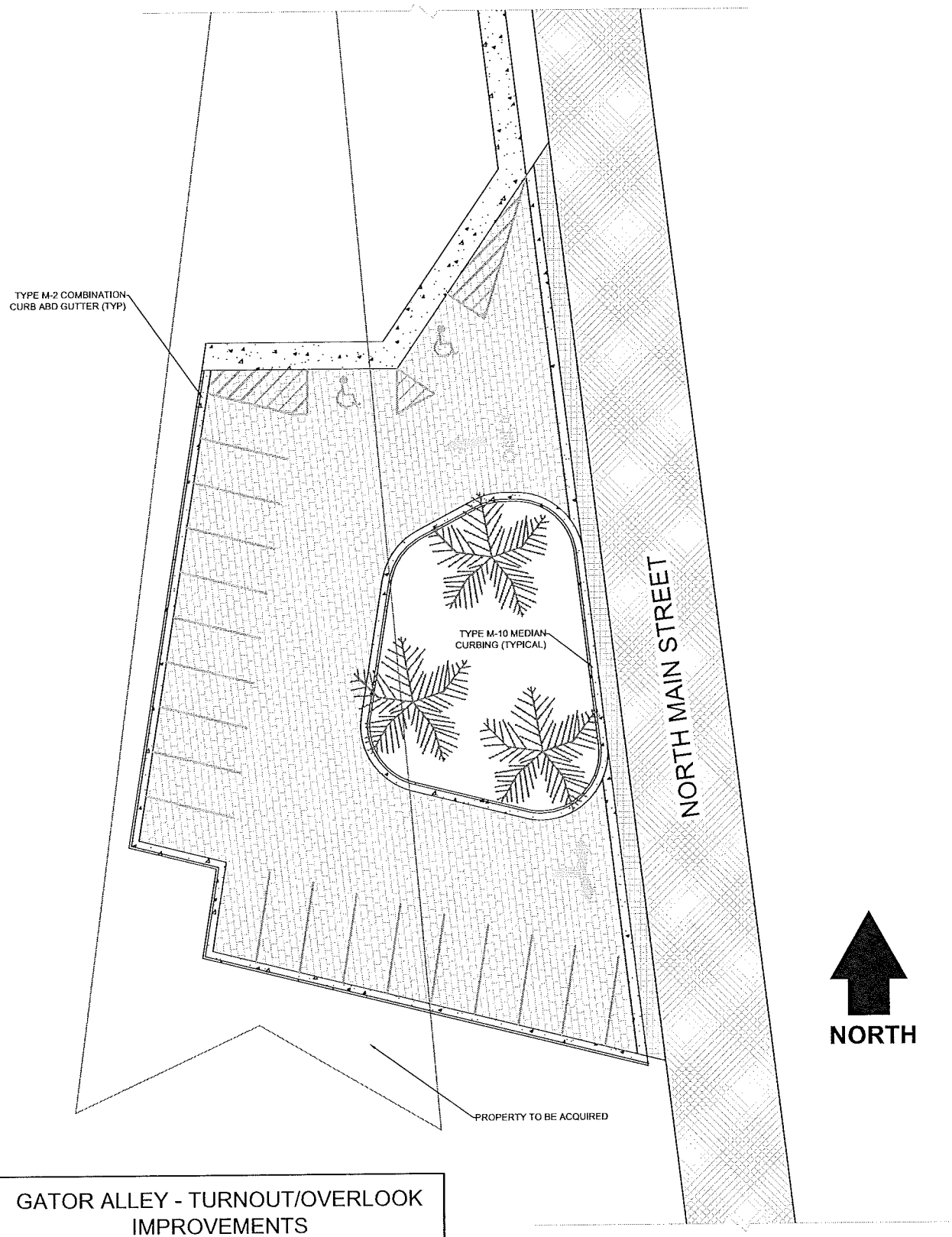
2013 Transportation Alternatives Program (TAP)
Project Location Map



Attachment #6

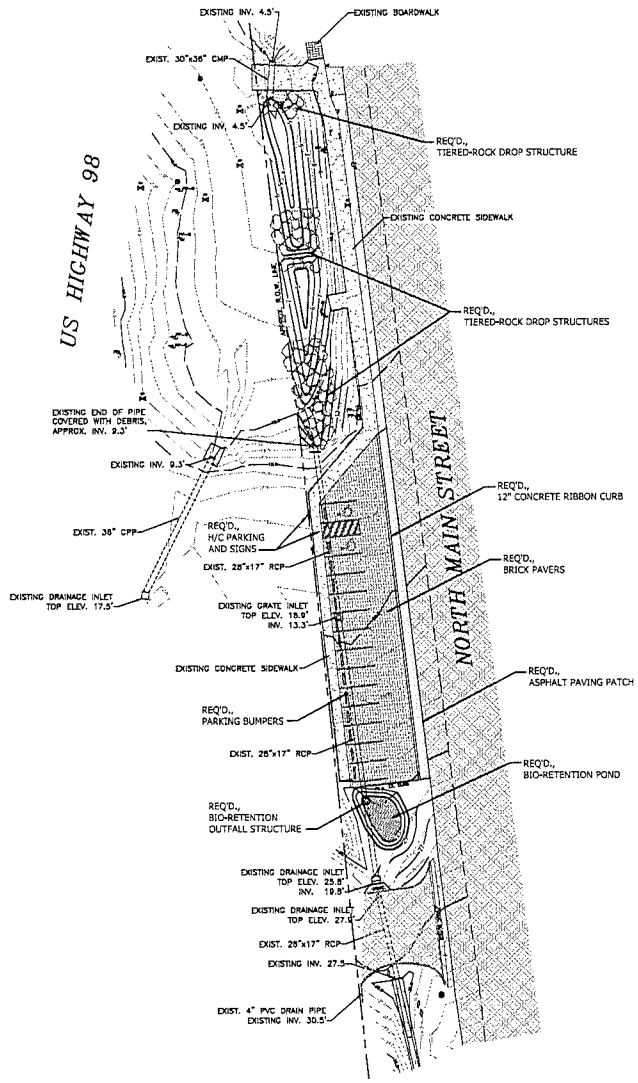
GATOR ALLEY TURNOUT/OVERLOOK/ PARKING PLAN - WEST EXPANSION

N.T.S.



GATOR ALLEY - TURNOUT/OVERLOOK IMPROVEMENTS		
PROJECT #	DRAW BY:	
TAP 2013	RICHARD D. JOHNSON, PE	
SCALE	DATE:	6/14/2013
N.T.S.	SHEET	1 OF 1

Attachment #7



N

GRAPHIC SCALE

30 0 30

(IN FEET)
1 inch = 30 ft.

LEGEND

- EXIST. SIGN
- EXIST. GAS VALVE
- EXIST. LIGHT POLE
- EXIST. POWER POLE
- EXIST. FIBER OPTIC MARKER
- EXIST. SANITARY SEWER MANHOLE
- EXIST. WATER VALVE
- EXIST. WATER METER
- EXIST. FIRE HYDRANT
- EXIST. BOLLARD
- EXIST. 5 FT CONTOUR
- EXIST. 1 FT CONTOUR
- FINISH CONTOUR
- EXISTING PAVING
- EXISTING GRAVEL PARKING
- EXISTING CONCRETE
- EXISTING BOARDWALK
- PROPOSED ASPHALT PAVING PATCH
- PROPOSED BRICK PAVERS
- BIO-RETENTION POND FILTER MEDIA

PRELIMINARY PLANS ONLY
NOT FOR CONSTRUCTION

JADE CONSULTING, LLC

Jungle & Associates Development Engineers
209 Greene Road North Fairhope, Alabama 36532
P.O. Box 1929 Fairhope, Alabama 36533
251 928.3665(fax)
251 928.3443(tel)
jadengineers.com

NO.	REVISION	DATE	APPR.

GRADING AND DRAINAGE PLAN

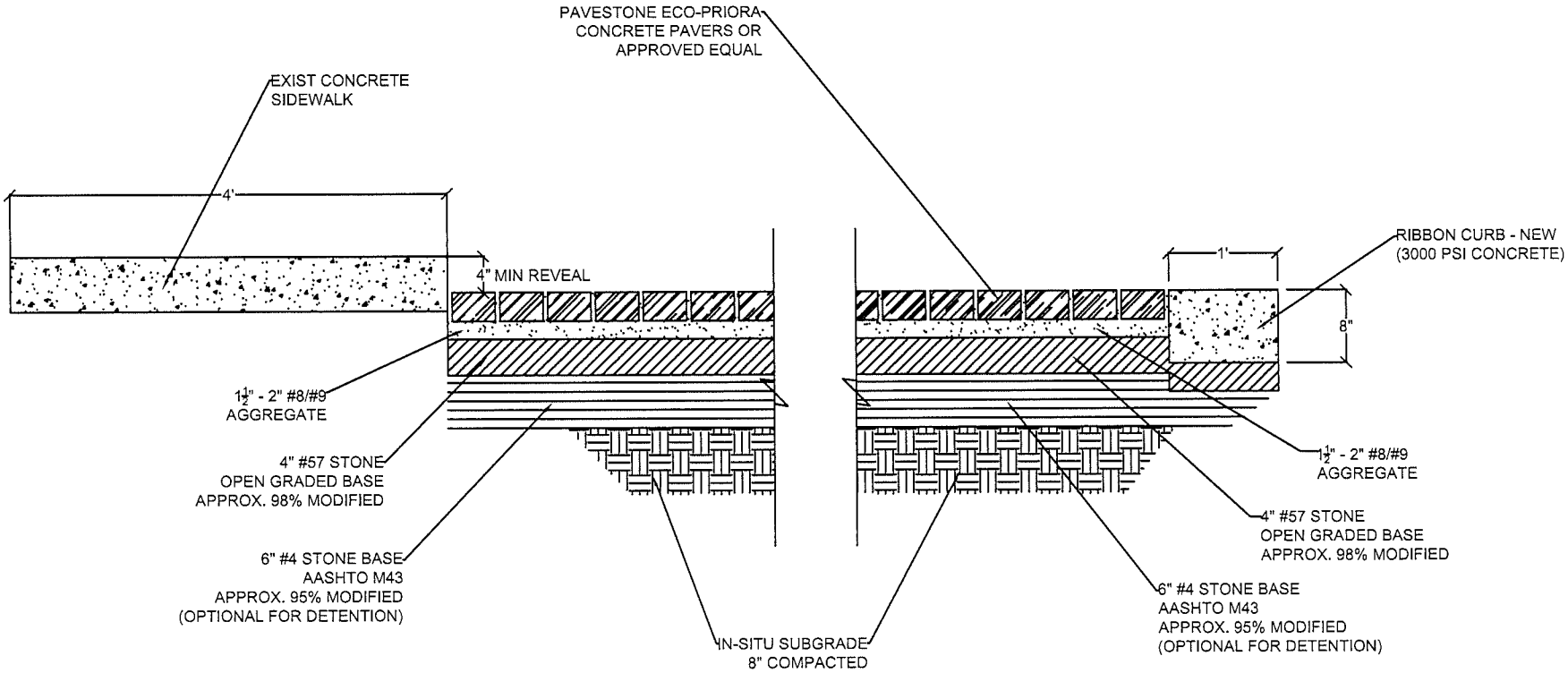
ALLIGATOR ALLEY

MOBILE BAY NATIONAL ESTUARY PROGRAM

JOB NO: MBNEP 1249.20
SCALE: 1" = 30'
DATE: MAR 2013
DRAFTER: PWM/JMW
SHEET:

C5
Grading and Drainage

Attachment #8



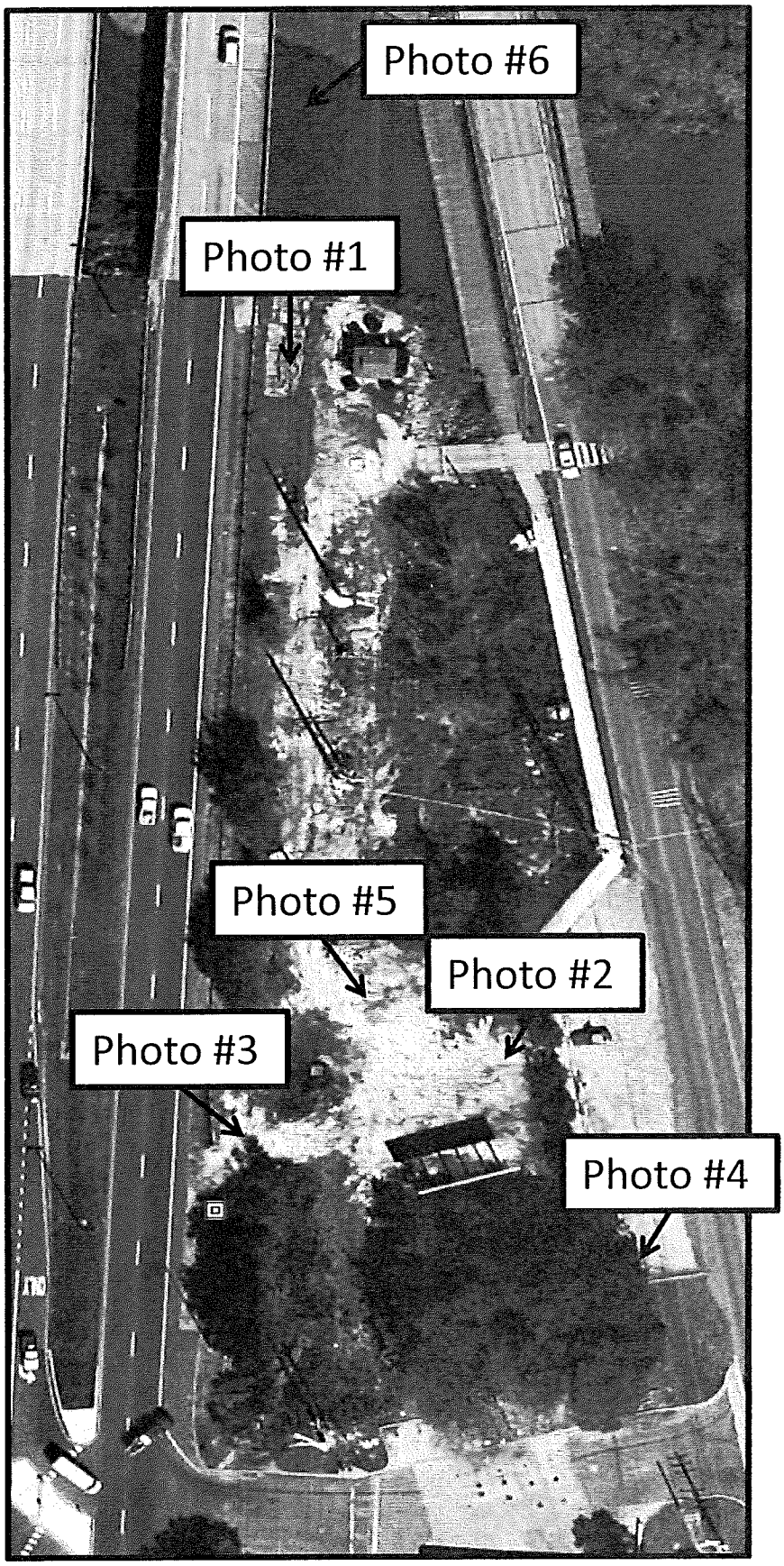
CONCRETE PAVERS AND RIBBON CURB DETAIL

N.T.S.

NOTE: PAVER COLOR SHALL BE OLD TOWN BLEND (HERITAGE SERIES) OR APPROVED EQUAL

GATOR ALLEY - PARKING IMPROVEMENTS		
City of Daphne - Public Works Department		
Dwg: RDJ	Date:04/04/2013	Sheet # : 1 of 1

Current Site Conditions



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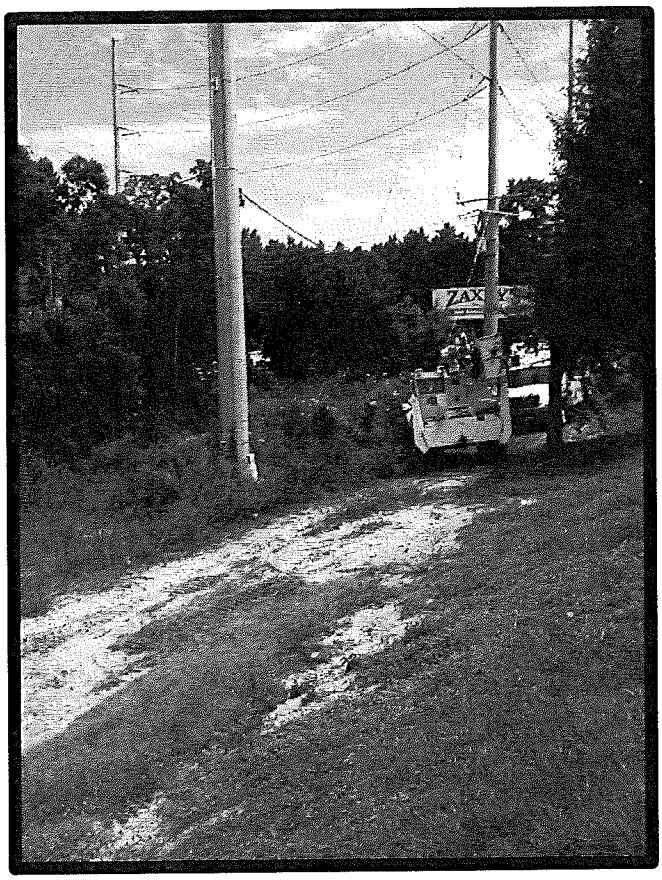


Photo 1: Site View North to South

Photo 2: Site View East-West

Photo 3: Site View West-East

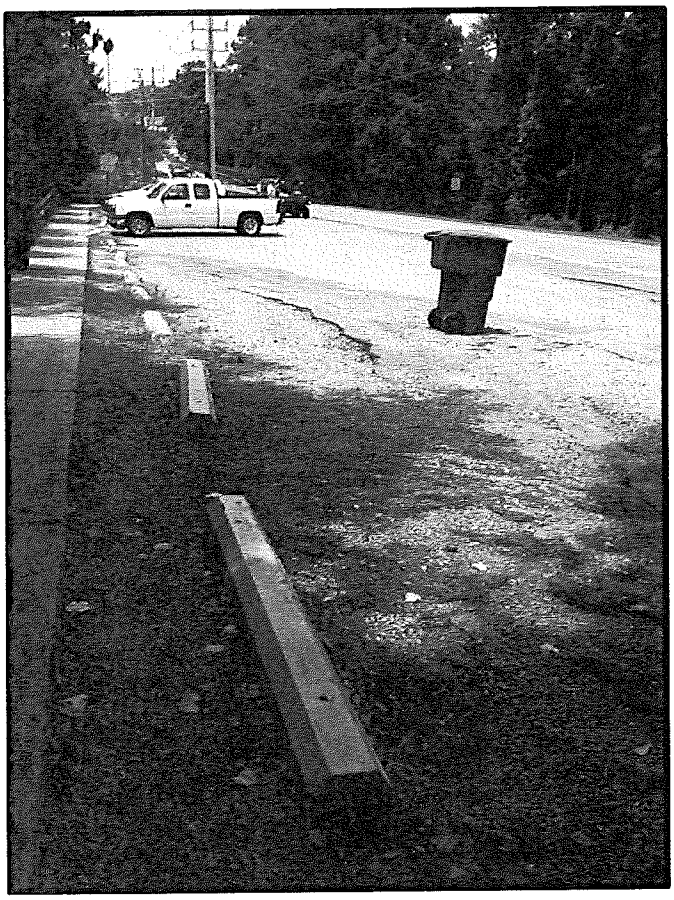


Photo 4: Site View – Current Parking Area

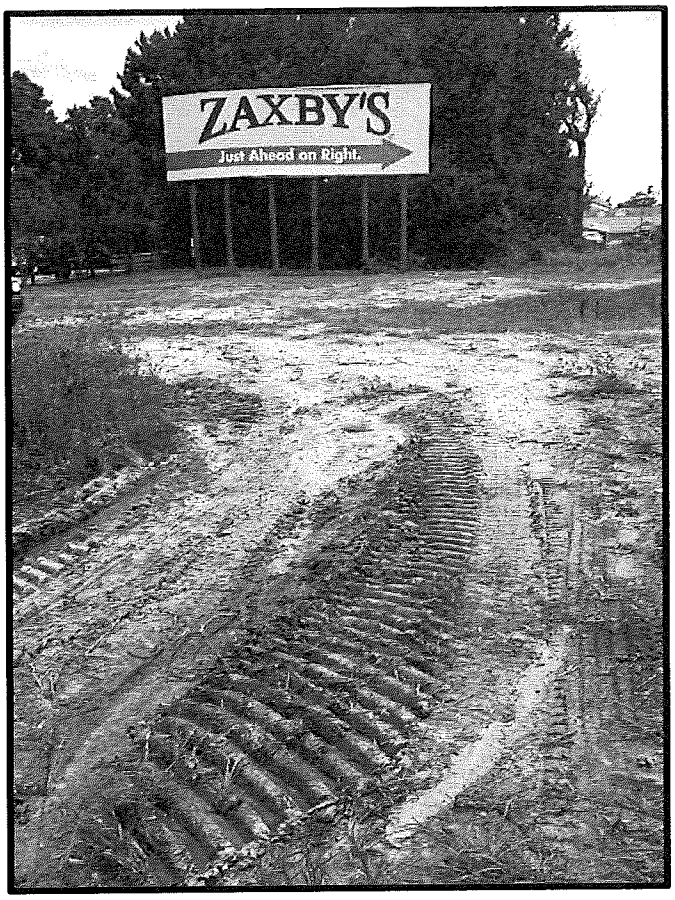
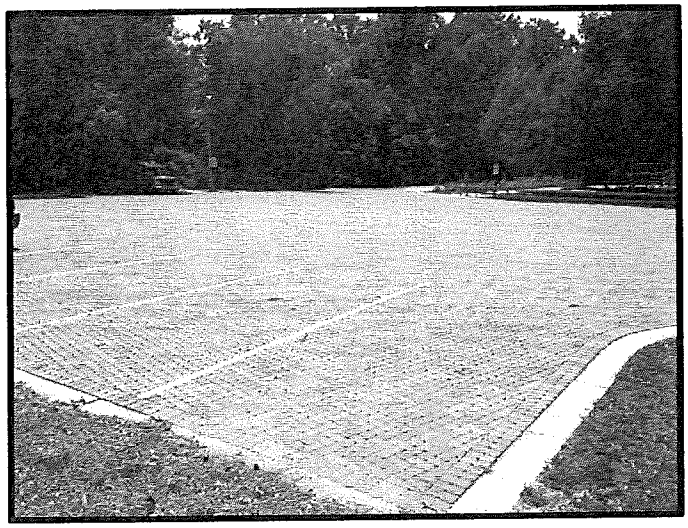
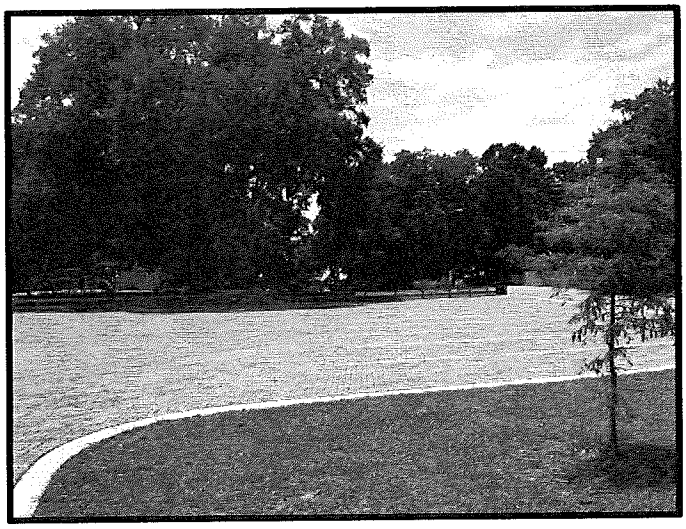


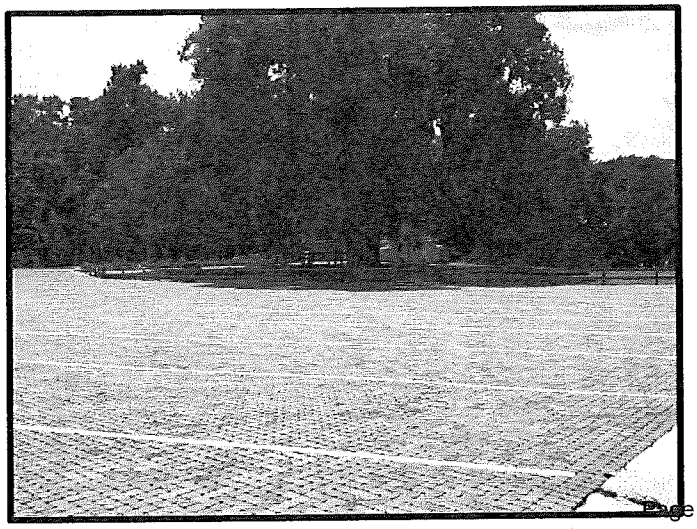
Photo 5: Site View – North –South Close Up

Photo 6: Local Area Attraction associated with Improvement Area

Example of Proposed Design





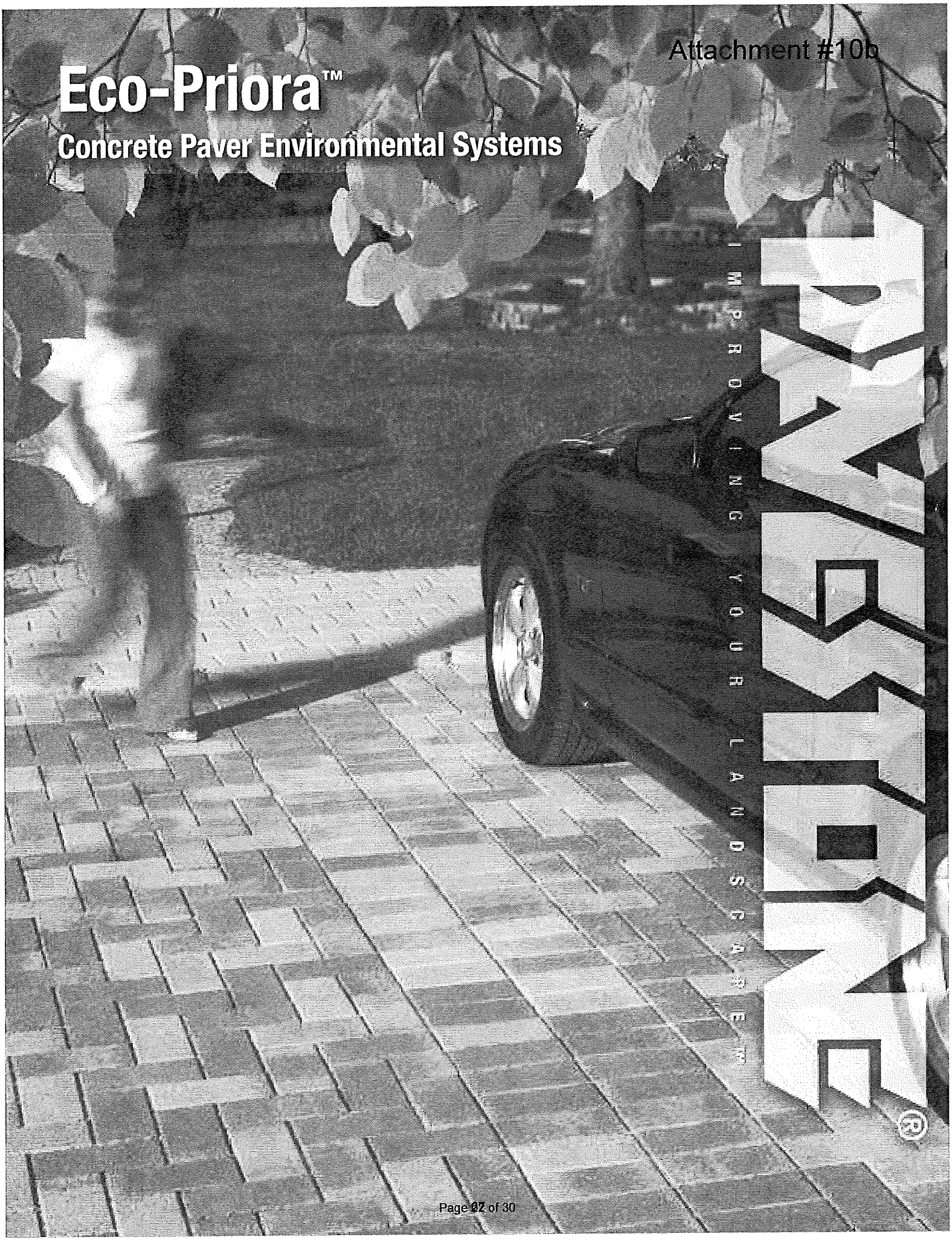


Pervious Pavers Parking Lot – Mayday Park, Daphne, AL

Attachment #10b

Eco-Priora™

Concrete Paver Environmental Systems



Eco-Priora™

Attachment #10c

Pavestone Eco-Priora™ is the sustainable solution for permeable pavements. Eco-Priora™ is produced in a 120mm x 240mm rectangular module that is 80mm in thickness with a patented interlocking joint and a micro-chamfered top edge profile. This ingenuity is singular to the Pavestone Eco-Priora™ product and insures optimum pavement performance unequaled in the permeable paver industry. The unique Eco-Priora™ joint profile allows surface water to infiltrate into the pavement and its sub-layers. With initial permeability average flow rates of over 100 inches per hour, the Eco-Priora™ product, even with a clogging factor, will still meet the majority of current storm water management plans (SWMP). The structural interlocking capability is achieved by the paving unit having interlocking joints with a minimum of two vertically aligned horizontal interlocking spacer bars on each of its sides. These spacer bars interlock throughout the depth of the block and nest adjacently with neighboring paving units. This interlocking function resists lateral and vertical displacement when the unit is exposed to load. The dynamics of pavement stress are better distributed providing a structurally superior permeable paving system.

The micro-chamfered top edge profile produces a horizontal edge to edge dimension that is nominally 7mm including installation gapping. This small joint complies dimensionally with current ADA requirements for walking surfaces with spaces no greater than 1/2 inch. This narrow jointed surface diminishes vibration for wheelchairs and shopping carts when compared to all other permeable paving products. Eco-Priora™ can assist in meeting current EPA storm water regulations and LEED certification. The Eco-Priora™ product best achieves the balance of aesthetic segmental paving and the function of permeable pavement.

APPLICATIONS

Parking Lots • Driveways • Patios • Entrance Areas • Sidewalks
Terraces Garden Pathways • Pool Decks • Pedestrian Malls • Roof Gardens • Streets

COMPOSITION AND MANUFACTURE

Eco-Priora™ is available in one size. Height = 80mm. Eco-Priora™ is made from a "no slump" concrete mix made under extreme pressure and high frequency vibrations. Eco-Priora™ has a compressive strength greater than 8000 psi, a water absorption maximum of 5% and will meet or exceed ASTM C-936. Note: Requires modifying the ASTM C 140 - Paver Annex A4 - "The test specimen shall be 60 ± 3 mm thick and, if necessary, cut to a specimen size having a Height/Thickness (width) [H/T] aspect ratio of 0.6 ± 0.1

INSTALLATION

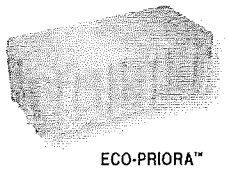
1. Excavate unsuitable, unstable or unconsolidated subgrade material. Compact the area, which has been cleared as per the engineer's of record (EOR) requirements. Backfill and level with open graded aggregates as per the EOR's structural and hydraulic design.
2. Place bedding course of hard and angular material conforming to the grading requirements of ASTM No. 8 or No. 9 to a uniform minimum depth of 1 1/2" -2". (38mm) screeded to the grade and profile required.
3. Install Eco-Priora™ with joints approximately 1/4". (7mm).
4. Where required, cut pave stones with an approved cutting device to fit accurately, neatly and without damaged edges.
5. Tamp pave stones with a plate compactor, uniformly level, true to grade and free of movement.
6. Spread a thin layer of hard angular material conforming to the grading requirements of ASTM No. 8 or No. 9 aggregate over entire paving area.
7. Make one more pass with plate compactor to nest the aggregate and fill joints to the top.
8. Sweep and remove surplus joint material.

Complete installation & specification details are available by contacting your Pavestone Sales Representative.

Note: ✔ Permeable pavements require both civil and hydraulic engineering. All final pavements design shall be approved by a licensed engineer familiar with local site conditions, building codes and storm water management plans.

PRODUCT INFORMATION

Eco-Priora™ is available in one size. Height = 80mm



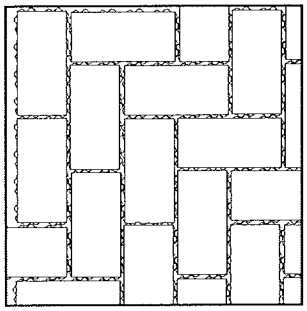
ECO-PRIORA™
(120mm x 240mm)

Eco-Priora™

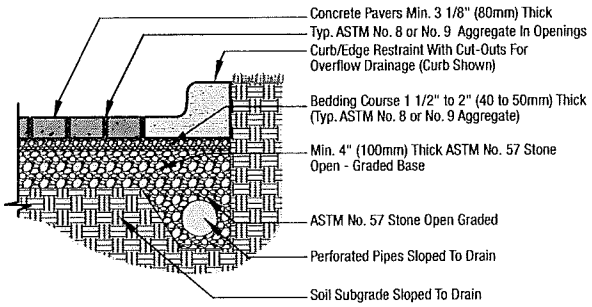
Dimensions: 4 3/4" W x 9 7/16" L x 3 1/8" H

Wt./Stone:	11.5 lbs.
Stones/Pallet:	280
Approx. Wt./Pallet:	3,255 lbs.
Sq. Ft./Pallet:	88
Product Number:	699

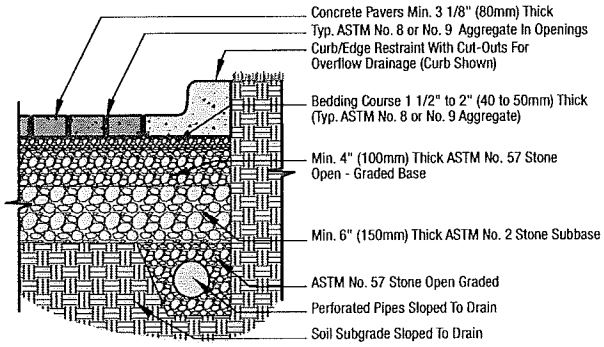
INSTALLATION PATTERN



PERMEABLE PAVERS TREATMENT



PERMEABLE PAVERS TREATMENT AND DETENTION



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Improving Your Landscape™
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- Cincinnati, OH: (513) 474-3783
- Colorado Springs, CO: (719) 322-0101
- Dallas/Ft. Worth, TX: (817) 481-5802
- Denver, CO: (303) 287-3700
- Hagerstown, MD: (240) 420-3780
- Houston, TX: (281) 391-7283
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- Phoenix, AZ: (602) 257-4588
- St. Louis/ Cape Girardeau, MO: (573) 332-8312
- Sacramento/ Winters, CA: (530) 795-4400

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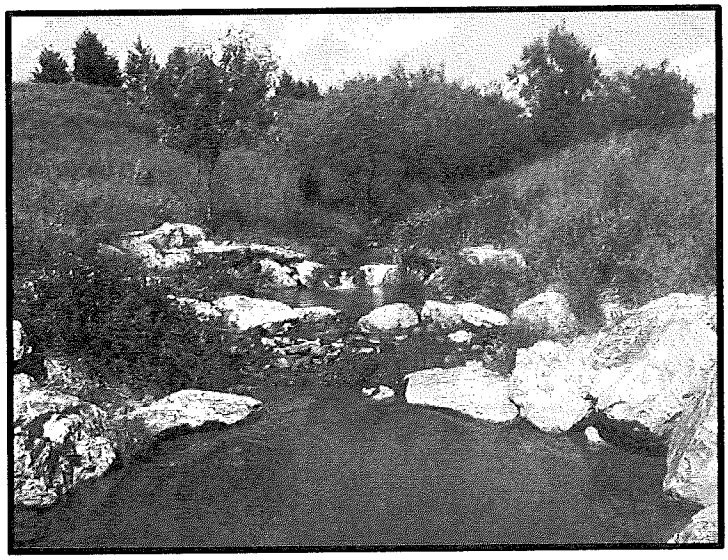
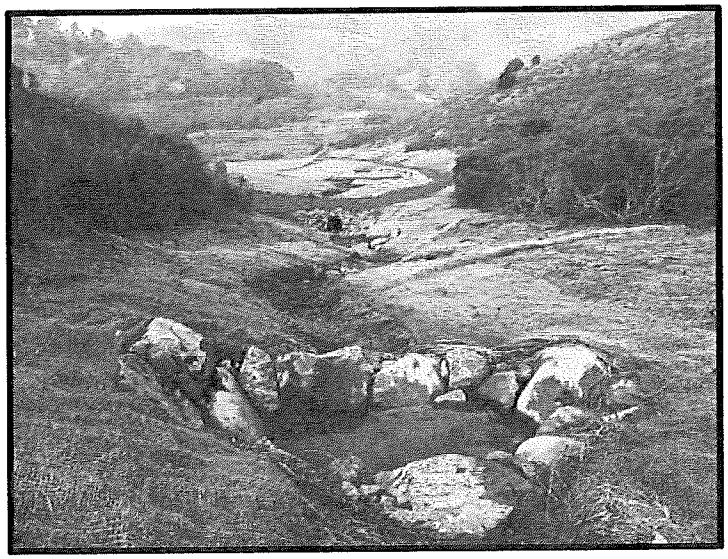
Member of ASLA and NCMA ICPI Charter Member World Wide Pavers

SKU# CDC 266V4 5/10

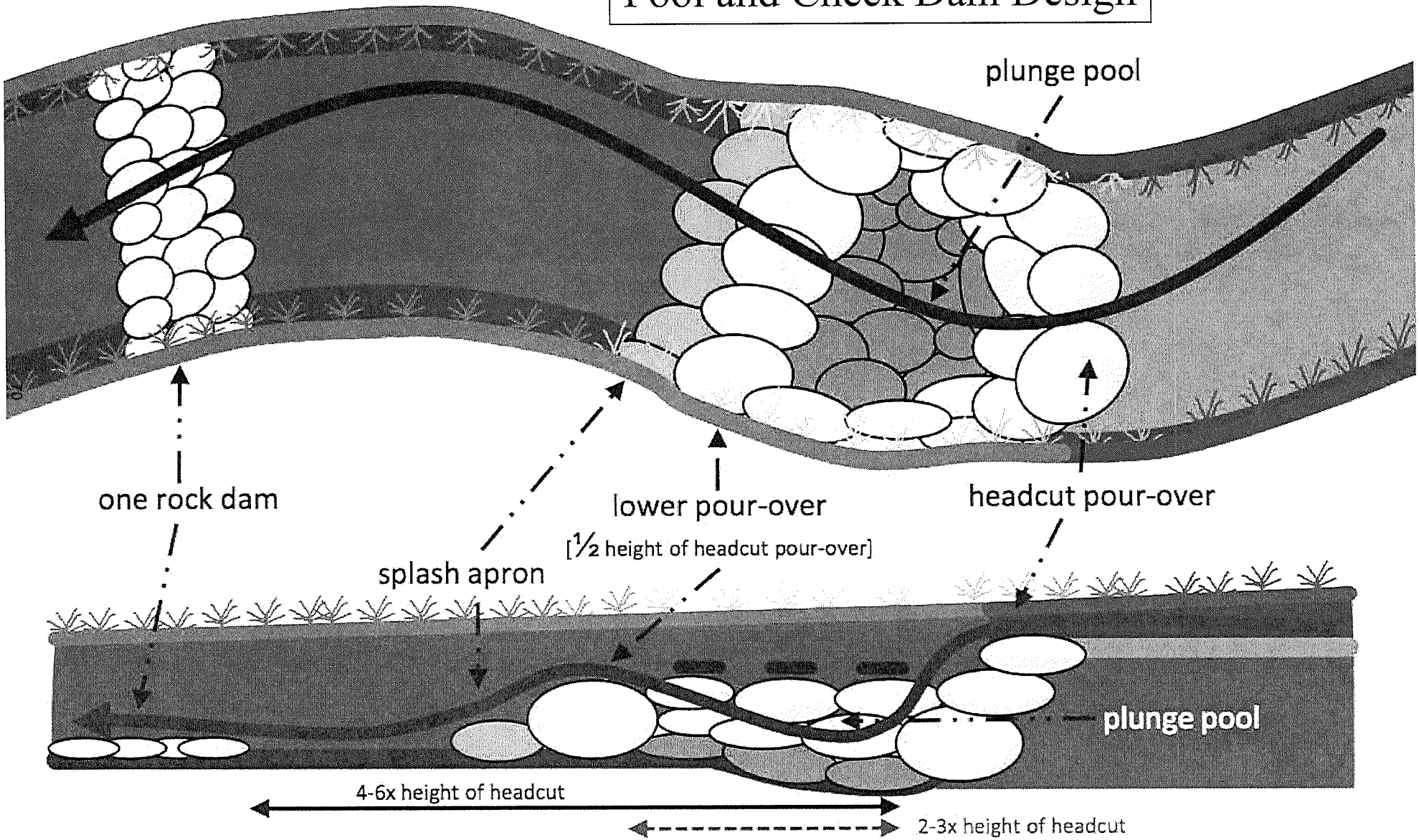
Example of Proposed Design





Rock Ledge Step Pool Conveyance System (SPCS)

Example of Stepped Plunge Pool and Check Dam Design



DAPHNE BEAUTIFICATION COMMITTEE

CITY OF DAPHNE
PO BOX 400
DAPHNE, AL 36526

District 1

Dorothy Morrison, Chair
Debbie Strahley

District 4

Selena Vaughn

District 5

David Dueitt
Rebecca Trosclair
Linda Williams

District 6

Elaine Maxime
Hollie LeJeuune

City Liaisons

Margorie Bellue
Richard Johnson
Dwayne Coley
David McKelroy
Denise Penry

Daphne Beautification Minutes
May 1, 2013

Daphne Beautification Committee Minutes May 1, 2013

Present: Elaine Maxime, Rebecca Trosclair, Tomasina Werner, Pat Rudicell, Debbie Strahley, Selena Vaughn, Margorie Bellue, Dorothy Morrison, Dwayne Coley, Mayor Haygood, Denise Penry, Richard Johnson

A. Gator Alley: Selena reported that we are looking at a Grant from Forever Wild to purchase the land behind the parking lot at Gator Alley Boardwalk. Fence will get fixed.
B. Banners: We have 30 Blue Banners. Jubilee Square is interested in producing 30 more and hanging them in the parking lot. The Mayor had some question and we are holding off on this for a month.
C. Treasurers Report: We have $4,173.68
D. Top Ten list: Approved $300 to $500 for Clerya to fill in on HWY 98 as the Mayor requested.
E. PW Report: Sports Complex finished. Main Street at punch list stage. Phase 2 finished. Phase 3 should finish 45 after start. PW will try to finish Patriot's Point plantings if we have a service or not. The Mayor is getting feedback from Veteran's about having a service on Memorial Day. Richard requested that PW have more lead time on projects suggested by DBC.
F. Joe Louis Park: Completed
G. I-10 Exit Ramps: Dead branches at I-10 /98 Exit to Mobile need cleaning up. Have been down for a month Remove weeds from of the pavement holding up overpass at I-10 /98
H. SR181: Montgomery has said no again to the 181 Crape Myrtles but has left the door open for small plants, perhaps Liorope or Hawthorns (a fall planting possibility).
I. Liorope across from hotels is wonderful. Many thanks to the Grounds team.
J. Main Street Southern entrance. Looking at grass or grasses. May need to wait until fall to plant.
K. Patriot's Point: Selena offered to find some people to help with the planting.
L. Martin Houses: Map in planning stages
M. Christmas committee meeting May 10th in the Mayor's Conference Room.
N. Work on plan for Malfunction Junction over the summer. Elaine suggested we find a sculpture to create statues for the city. She will bring back information.

Daphne
ALABAMA
The Jubilee City

DAPHNE BEAUTIFICATION COMMITTEE

CITY OF DAPHNE
PO Box 400
DAPHNE, AL 36526

District 1

Dorothy Morrison, Chair
Debbie Strahley

District 4

Selena Vaughn

District 5

David Dueitt
Rebecca Trosclair
Linda Williams

District 6

Elaine Maxime
Hollie LeJeuune

City Liaisons

Margorie Bellue
Richard Johnson
Dwayne Coley
David McKelroy
Denise Penry

Daphne Beautification Minutes
June 5, 2013

Present: Mayor Haygood, Dorothy Morrison, Debbie Strahley, Selena Vaughn, Rebecca Trosclair, Elaine Maximee, Hollie LeJeune, Richard Johnson, Dwayne Coley, Denise Penry

A. Ashley Campbell's project for Gator Alley is moving forward.

B. Blue Banners will be stored. We will look for a new design to include City Crest. The Mayor will bring design ideas to the Committee.

C. Treasurer's Report: $2,939.43

D. Top Ten List: New design for the Wall at Patriot's Point, Library, Civic Center approved. The Mayor will find funding. Plantings in fall using original design, clean up Gator Alley for Ribbon Cutting Ceremony, Yellow stripes around turtles-Safety issue, Sidewalk at Uncorked, More info on "New Grass", Master plan for Malfunction Junction, I-10 Interchange exits, Hwy 98, Redesign City Entrance signs plus appropriate plantings, Map for Martin Houses pending. North Main Street Curve planting near Gator Alley when other projects are completed. Plan for Citywide American Flags for July 4th 2014

E. Committee to organize Ribbon Cutting Ceremony for July 3 at 10:30 at Hampton Inn for the New Walk to connect to Gator Alley *[date changed to July 10th]*

F. Discussion of the mess that Gator Alley Entrance is in and Board replacement

G. Hwy 181 Crape Myrtles: No plans at this time.

H. Main Street South: Plans for new sign and planting in planning stage.

I. Martin House Maps in planning stage.

J. Rebecca asked for help finding Beautification Award Nominees for District 3, 4, 5

K. Rebecca and Dorothy will work on update of by-laws this summer. Anyone else interested pleas call Dorothy at 621-0831.

M. Mayor's comments

N. New Business- American Flags to be place at City entrances. Hollie and Richard will move ahead to have flags up for July 4th at City Hall, Civic Center, I-10 exits and South Main Street.

O. Adjourn

Daphne
ALABAMA
The Jubilee City

Attachment #12c

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MINUTES
Time: 5:00 PM on June 17, 2013
Location: City Hall

Mayor Dane Haygood
Councilwoman Tommie Conaway, District 1
Councilman John Lake, District 3
Councilman Ron Scott, District 5
Chairman - Councilman Robin LeJeune, District 6

I. CALL TO ORDER

The June meeting of the Public Works Committee was called to order at 5:02 PM

Present:

Councilwoman Tommie Conaway, Councilman John Lake, Robin LeJeune (Chairman), Councilman John Lake, Councilman Ron Scott, Councilman Pat Rudicell, Richard D. Johnson-Director Public Works, Sandra Cushway-Administrative Assistant Public Works, Dorothy Morrison-Daphne Beautification Committee, Randy Davis-Volkert, Tim Lawley-HMR Engineers

II. PUBLIC PARTICIPATION & CORRESPONDENCE

A. Work Request Report for May 2013 was reviewed. No Comments.

B. Vehicle/Equipment Maintenance Reports for May 2013 and 2012 were reviewed. Duke has started adding comments to his report when a large repair has been performed. Richard reported that this year's repairs are up by $80K vs. 2012. Approximately $50K is Fire and about $25K from Solid Waste.

C. Public Participation – None

D. Correspondence – Mayhan E-mail. Citizen's request for sidewalk noted. Richard reported that the plan is to start on the Wilson end of Locke. Then Pollard to Randall Avenue. Richard will contact Mr. Mayhan to let him know. Councilman Lake commented that he would like to see the sidewalks in Park City extended. Councilman Scott commented that the city is getting close to having all schools joined by sidewalks. He stated that he would like to see sidewalks from Whispering Pines to the High School and on Lawson. This is the route that the DHS track team runs and it would keep them off the street.

III. OLD BUSINESS

A. Minutes from April 15, 2013 **Meeting were reviewed and accepted as written. Motion by Councilwoman Conaway to accept minutes. Motion seconded by Councilwoman Lake.**

B. Mosquito Report – Richard reported that citizen's calls are down for this time of the year. Councilman Scott reported that this is the first time that we have seen reports tracking the number of miles treated.

C. Street Sweeper Reports for May 2013 were reviewed. Councilman Lake commented that he liked the changes to the report so that you can better differentiate the traveling time versus sweeping time.

D. US 98 Service Road – Enclosed in the packet was a copy of the "Two-Step" agreement with Dr. Booth, Final Layout, Proposal for Engineering services (Volkert) and the ALDOT agreement. In the "Two-Step" agreement, the City will share costs equally. There was discussion regarding the Owner Consultant Agreement for Hwy 98 West Service Road extension to west Van Buren. Richard requested that the committee recommend that this project go before the Finance Committee for appropriation of funds for Engineering and Geotechnical services. There was concern expressed that citizens would attempt to make a right turn from Van Buren onto the service road extension. Randy Davis explained that this would be a right turn onto Hwy 98 only and that there would be a barrier in place to prevent drivers from attempting to turn right onto the service road. Richard stated that eventually ALDOT would come in and replace the current traffic signals with LED lights. **A motion was made by Councilwoman Conaway to advance the documents related to the US 98 Service Road Extension to the Finance Committee for consideration. Motion was seconded by Councilman Lake. Motion Carried.**

IV. NEW BUSINESS

A. Councilman Scott asked if we could get an MPO quarterly for this committee. He feels that a BRATS terminal would be beneficial to the City.

V. DIRECTOR'S REPORT

A. Gator Alley – Richard reported that the parking lot at Gator Alley is one of the highest used parking lots in the City. It is currently a gravel parking lot and is in bad shape. Jade consulting put together a plan for more aesthetic parking. The copy of the plan showed the expanded area which includes the Breeland property. The city is applying for a $400K grant that has an 80/20 match. Councilman Scott stated that he wouldn't be opposed if a portion of Lodging Tax was used in this project. The council has already passed a resolution regarding this parking lot.

VI. DAPHNE SOLID WASTE DISPOSAL AUTHORITY

A. Monthly Equipment Use Report for May 2013 was reviewed. Richard reported that the two rear loading Solid Waste trucks are almost exhausted. We will replace them with automated trucks which will eliminate the need for hoppers.

B. Monthly Recycle Tonnage Report (Tonnage Comparison) for May 2013 was reviewed. Recycling had a good month. 141 tons for the month. That is 20+ more tons than last year. Prior to going single stream, costs were a lot higher. Currently, the trucks go directly to the buyer (Tarpon). At our current population level, single stream is more cost efficient.

C. Solid Waste New Customer Report for May 2013 was reviewed. Ten (10) new residential customers and one (1) Commercial customer in the City this past month.

VII. MUSEUM COMMITTEE

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

VIII. BEAUTIFICATION COMMITTEE

A. Minutes from June 5, 2013 Meeting were reviewed.

B. Dorothy reported that the boards have been replaced at Gator Alley.

C. Hwy 98 looks great. All of the Crape Myrtles have pine straw.

D. The committee wanted to get the flags out by Memorial Day, but that didn't happen. She is hoping that they will be up in time for July 4th.

E. Richard reported that there will be a flag at each of the City entrances, the Civic Center complex, KFC triangle, etc. He is hoping that once the City starts putting up flags, that businesses will participate.

F. The Church on Hwy 98 removed their old fence which was in bad shape. Dorothy inquired as to who owns the Eastern Star building next to the church. It is in serious disrepair and an eye sore.

G. Councilman Scott noted that the Committee requested volunteers from several districts, but doesn't have anyone representing District 7.

H. The dedication of the new walkway at Gator Alley will be held on Wednesday – July 10th at 10:30 AM. At this time we have no minister to bless the new walkway.

IX. ENVIRONMENTAL ADVISORY COMMITTEE

A. No meeting in May – Richard reported that the EAC committee is drafting changes to the existing Tree Ordinance. One issue that has been identified is identifying species that are desirable and environmentally beneficial. If a tree is in someone's back yard and they wish to remove it, do we want to regulate whether a person can cut down that tree on their own private property? Several local municipalities such as Fairhope and Foley have protected species. Councilman Lake stated that if a tree presents a potential hazard to a person or property, they should be allowed to remove it. Councilman LeJeune questioned how it was worded in the other municipality's ordinances. Richard clarified that if an insurance provider deems that a

tree is a hazard, that they are exempt. The other city's ordinances have designated protected species and guidelines where a certain number of trees must be planted for every tree removed when building a residence. Councilman LeJeune stated that he wouldn't feel comfortable telling a homeowner that they cannot cut down a tree that is on their private property. Councilman Scott asked if they needed to get some type of direction for the committee. He agrees with Councilman LeJeune. Richard reported that there is no fee to obtain a tree permit. It is simply a tracking method. Councilman Lake suggested that the City educate the public on the value of trees. Dorothy reported that this type of information is provided each year at the Arbor Day tree give-a-way.

X. ENGINEER'S REPORT

A. HMR: Lake Forest Phase II under construction. Expected July 12 completion. Sports complex striping and stabilization underway. Gator Alley walkway close to completion. Lake Forest Phase III sent to ALDOT. Bid will open June 28th. Will see contracts in July. Usually about 60 days before project will start. Resurfacing of N. Main, CR 13, and Johnson Road all submitted for ATRIP.

B. Volkert: No current projects

XI. FUTURE BUSINESS

A. Next Meeting for July 15, 2013 was announced

XII. ADJOURNMENT

Meeting adjourned at 6:13 PM **Motion made by Councilwomman Conaway to adjourn the meeting. Motion seconded by Councilman Lake**.

Date: October 3, 2013

To: Finance Committee

From: Chief White

Subject: Search & Rescue Carolina Skiff Bid

After reviewing the submitted bids for a Carolina Skiff boat for the Daphne Search and Rescue they have chosen Dixie Sporting Goods bid as the vendor. The winning bid was for a Carolina Skiff 218DLV with a Yamaha F115xa and a Magic Tilt Aluminum tandem axle trailer, costing $23,557.00

CITY OF DAPHNE
2014-A-S&R / BOAT, MOTOR & TRAILER
OCTOBER 2, 2013
11:30AM

Those present were as follows:

Ken Lassiter	S&R Secretary
Suzanne Henson	Senior Accountant

_3_ bid invitations were mailed/picked up, 2 sealed bids were received.
Sergeant Lassiter opened the bids presented and the bids were read aloud as follows:

VENDOR		AMOUNT
Dixie Sporting Goods, Inc	**Carolina Skiff 218DLV**	**$12,397.00**
	Motor-Yamaha F115XA	**$ 8,260.00**
	Trailer-Magic Tilt-Alum (Double Axle/Tandem) *(Single Axle-$2,600.00)*	**$ 2,900.00**
		$23,557.00
The Boat Mart of Mobile, Inc.	**Carolina Skiff 218DLV**	**$11,800.00**
	Motor-Yamaha F115LA	**$10,500.00**
	Trailer-F-2 Loader (Single Axle)	**$ 2,500.00**
		$24,800.00

Warranty for both bidders: Boat-5 years / Trailer-2 years / Motor – 3 years

Suzanne Henson, Senior Accountant

Suzanne Henson

From: Suzanne Henson <financeseniorаccountant@daphneal.com>
Sent: Thursday, October 03, 2013 4:59 PM
To: Mike Hinson, financedirector@daphneal.com
Cc: Chief White (jwhite@daphnefire.org); wkenlas@bellsouth.net
Subject: Search & Rescue Boat Bal of funds-FY13

The bid for the S&R Boat was opened on 10-2-13 and will go to Finance Committee on 10-14-13 and Council for approval of award on 10-21-13.

The monies for the purchase of the boat ($25,000) were approved in FY13 (Ord#2013-25 - Capital Budget Amendment). The low bid came in at $23,557. S&R planned to spend any budgeted monies over the bid amount on equipment to outfit the boat. So therefore, $23,557 will need to be encumbered for the boat and $1,443 needs to be encumbered for equipment. There will be additional equipment purchased for the boat but S&R will fund that independent of the City's budget (which is common).

If you will advise Chief White / Ken Lassiter (S&R Secretary/ also PD Sergeant) what they need to do to make sure the $25,000 is encumbered.

Thanks

Suzânne Henson
Senior Accountant

City of Daphne
1705 Main Street / P. O. Box 400
Daphne, AL 36526
Phone: 251-621-9000 X121 / Fax: 251-626-3008
Web Site: DaphneAl.com

Suzanne Henson

From: Mike Hinson <mhinson@daphneal.com>
Sent: Wednesday, October 09, 2013 1:07 PM
To: Suzanne
Subject: FW: Proposal and Contract for review
Attachments: 2013-09-30 DOlive Creek Watershed Study.pdf; Trimble-Agreement DOliveWatershedStudy.pdf

See Ashley's request re Finance Committee.

Mike Hinson CPA
Finance Director

From: Ashley Campbell [mailto:epm@daphneal.com]
Sent: Thursday, October 03, 2013 1:39 PM
To: Mike Hinson
Subject: Fwd: Proposal and Contract for review

Mike,

Can you please review the attached contract and comment. Can it be presented in ordinance form to the finance committee for approval this month.
---------- Forwarded message ----------
From: **John Curry** <jcurry@hydro-engineering.net>
Date: Mon, Sep 30, 2013 at 1:46 PM
Subject: Proposal and Contract for review
To: Ashley Campbell <epm@daphneal.com>

Ashley

Please find attached the proposal and contract for review. If you have any questions or need anything else please do not hesitate to call or email.

Thanks

John

--
Ashley Campbell
Environmental Programs Manager
City of Daphne
epm@daphneal.com
Office:251-621-3080
Cell: 251-234-7122
Fax:251-621-3719

STATEMENT OF WORK
to
TRIMBLE PROFESSIONAL SERVICES AGREEMENT
With
City of Daphne
Date: September 30, 2013

DESCRIPTION OF PROJECT:
DOlive Creek Watershed Model Study

See Attached September 30, 2013 - City of Daphne
D'Olive Creek Watershed Study Proposal

CUSTOMER MAY USE DELIVERABLES AS FOLLOWS:

FOR STORMWATER PLANNING AND DESIGN

TERM: PROJECT DURATION ESTIMATED TO BE 6 MONTHS

PAYMENT AND PAYMENT TIMING:

LUMP SUM $50,000.00 TO BE BILLED MONTHLY BASED ON PERCENTAGE COMPLETED.

City of Daphne ("**Customer**")
PO Box 400
Daphne, Alabama 36526

Print Name: Richard Johnson, P.E.

Title: Public Works Director

Signature:

TRIMBLE NAVIGATION LIMITED ("**Trimble**")
2124 Moores Mill Road
Auburn, AL 36830

Print Name: John E. Curry, P.E.

Title: Director of Engineering

Signature:

HYDRO ENGINEERING SOLUTIONS

A DIVISION OF TRIMBLE

30 September 2013

Mr. Richard Johnson, P.E.
Public Works Director
City of Daphne
P.O. Box 400
Daphne, Alabama 36526

Re: City of Daphne
D'Olive Creek Watershed Study Proposal

Dear Mr. Johnson,

We are pleased to provide this proposal to assist the City of Daphne in developing a watershed model for the D'Olive Creek Watershed. The D'Olive drainage basin is located in the northern part of the City of Daphne and occupies just over 12 square miles at its outlet. The basins that make up the D'Olive Creek watershed are summarized in Table 1 and Figure 1.

Table 1
D'Olive Creek Basins

Basin Description	Drainage Area (mi^2)
Upper D'Olive Creek	4.87
Lower D'Olive Creek	1.48
Joes Branch	0.87
Tiawasee Creek	4.82
Total	12.04

Based on information available from the Alabama Department of Environmental Management (ADEM), D'Olive Creek and some of its tributaries have water quality impairments and are listed on the State's 303(d) list of impaired waters. Stream segments that are listed on the State's 303(d) list are summarized in Table 2 and shown in red on Figure 1.

Auburn Location
P.O. Box 2889 Office: (334) 466-0894
Auburn, Alabama 36831-2889 Fax: (334) 466-0989
Principal Engineer: John E. Curry, PE

Montgomery Location
8345 Mobile Highway Office: (334) 284-6343
Hope Hull, Alabama 36043 Fax: (334) 284-6093
Principal Engineer: B. Dewayne Smith, PE

Table 2
303(d) Listed Streams

Stream	Impairment
D'Olive Creek	Siltation
UT to D'Olive Creek	Siltation
Joes Branch	Siltation
Tiawasee Creek	Siltation
UT to Tiawasee Creek	Siltation

Due to the past development within the D'Olive Creek drainage basin and the existing water quality impairments, Daphne is seeking options for stormwater management that will decrease the runoff on lower events to minimize the in stream siltation and improve the overall watershed. This study will help in planning for future development on a watershed level to improve the water quality of D'Olive Creek and its tributaries. Our approach to help the City solve these complex issues is discussed below.

SCOPE OF SERVICES

We propose to perform a comprehensive watershed study of the D'Olive Creek watershed. The study will be used for stormwater management and planning for the basin as a whole. The study will identify which regions of the watershed may be beneficial for stormwater management facilities and which may not. We will do this by concentrating on timing using the Army Corps of Engineers (ACOE) Gridded Surface Subsurface Hydrologic Analysis (GSSHA) system. Regional detention will also be modeled based on estimated future development using the storage indicator routing method. The models will be calibrated at various locations throughout the watershed using stream gauge data provided by Daphne and supplemented by field placed pressure gauges. A report will be generated based on the findings. The report may be used as a planning tool for future development and for water quality improvements for the City of Daphne.

SCHEDULE

Trimble Navigation Limited is prepared to initiate work within one week upon receipt of written authorization to proceed. The initial modeling can be developed up front within the first few months from authorization, but we will need to have a rain event to calibrate the models too. Calibration may be possible with existing stream data depending on the stream and rainfall data available. We will deploy gauges also. Calibration from these will depend on the weather, it may require several months for a storm event suitable for calibration to occur. The report will be submitted to the City within 90 days of collection of the calibration event.

FEES

Trimble Navigation Limited will provide the services described herein for a Lump Sum Fee of $50,000. Our fee is based on the following assumptions.

- The City will provide background GIS information for the development of the models including zoning.
- The City will provide stream historic stream gauge information at various locations throughout the watershed.
- The City will help obtain access to locations where stream gauges may need to be installed.
- The City will provide surveying as needed in support of the watershed study.

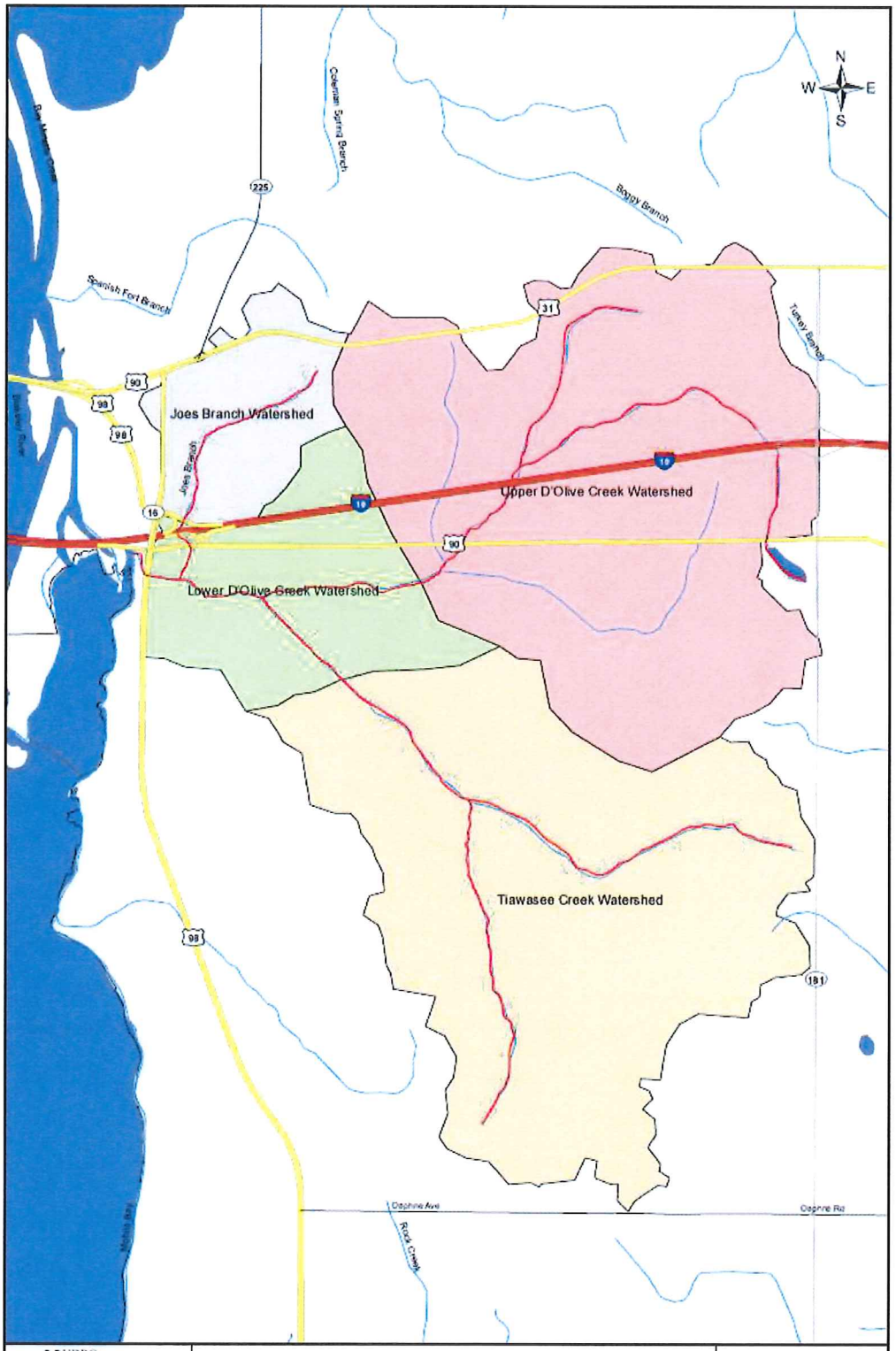
Summary

You may authorize Trimble Navigation Limited to proceed with this work by signing and returning a copy of the attached contract.

We appreciate the opportunity to assist the City. If you have any questions or require any additional information, please contact me at (334) 466-0894.

Sincerely,

John Curry, P.E.
Director of Engineering



HYDRO ENGINEERING SOLUTIONS
A DIVISION OF TROMBLE

CITY OF DAPHNE

D'Olive Creek Watershed

Figure 1

September 2013

TRIMBLE NAVIGATION LIMITED

PROFESSIONAL SERVICES AGREEMENT
(for Services to be Rendered by Trimble)

This Professional Services Agreement (the "**Agreement**") sets forth terms under which Trimble shall provide the customer identified below with certain services described on Statement(s) of Work and is effective as of the following date: September 18, 2013 (the "**Effective Date**").

City of Daphne ("**Customer**")	**TRIMBLE NAVIGATION LIMITED** ("**Trimble**")
PO Box 400	2124 Moores Mill Road
Daphne, Alabama 36526	Auburn, AL 36830
Print Name: Richard Johnson, P.E.	Print Name: John E. Curry, P.E.
Title: Public Works Director	Title: Director of Engineering
Signature:	Signature:

1. Services. Trimble agrees to use diligent efforts to render the services described on the Statement(s) of Work which reference this Agreement ("**Services**") by the delivery dates specified therein, if any. Any deliverables provided to Customer as part of the Services shall be deemed "**Deliverables**". The parties may execute additional Statements of Work describing Services, which will become part of this Agreement upon execution. Customer agrees to provide Trimble with reasonable access to Customer materials, resources, personnel, equipment or facilities to the extent such access is necessary for the performance of Services. To the extent that Customer does not timely provide the foregoing access required for Trimble to perform the Services or deliver the Deliverables, Trimble shall be excused from performance until such items are provided.

2. Changes to Scope of Services. If Customer desires to change a Statement of Work, Customer will submit a written request to Trimble detailing the proposed changes. If Trimble has the resources available to accommodate such changes, Trimble shall prepare an amendment to the Statement of Work detailing the changes, any fee adjustments required as a result of such changes, any adjustments to the delivery schedule required as a result of such changes, and any other necessary adjustments. If the Statement of Work amendment is agreeable to Customer, both parties will execute the amendment. If Customer and Trimble are not able to agree to an adjustment to the Statement of Work, it will remain unchanged.

3. Payment. Customer will pay Trimble the amounts and at the times set forth on the applicable Statement of Work. If not specified, Customer will pay Trimble its customary rates for Services monthly. Customer agrees to reimburse Trimble for pre-approved travel, lodging and meal expenses incurred in the course of performing the Services at any location other than Trimble's site. Trimble will invoice Customer for expenses incurred and at Customer's request and expense, Trimble will provide copies of receipts for which charges are incurred. All payments are non-refundable and unless otherwise specifically stated in the Statement of Work shall be made in U.S. dollars within thirty (30) days from the date of Trimble's invoice in U.S. Dollars. Customer will be responsible for all taxes, withholdings, duties and levies in connection with the Services (excluding taxes based on the net income of Trimble). Any late payments shall be subject to a service charge equal to 1.5% per month of the amount due or the maximum amount allowed by law, whichever is less.

4. Term and Termination. This Agreement remains in effect until terminated in accordance with this Section 4. Either party may terminate this Agreement at any time when there is no Statement of Work then in effect by giving the other party thirty (30) days written notice. Either party may terminate this Agreement or

any Statement of Work if the other party: (a) fails to cure any material breach of this Agreement within thirty (30) days after written notice of such breach; (b) ceases operation without a successor; or (c) seeks protection under any bankruptcy, receivership, trust deed, creditors arrangement, composition or comparable proceeding, or if any such proceeding is instituted against such part (and not dismissed within sixty (60) days thereafter). Following termination, Sections 5 (License and Ownership), 7 (Limitation of Liability), 8 (Confidential Information), 9 (Customer Reference), 10 (Export Compliance) and 11 (Miscellaneous) will survive. Section 3 (Payment) will survive with respect to payments earned prior to termination.

5. License and Ownership.

5.1. Customer Materials. Customer hereby grants Trimble a limited right to use any Customer materials provided to Trimble in connection with the Services (the "**Customer Materials**") solely for the purpose of performing the Services for Customer. Customer owns and will retain ownership (including all intellectual property rights) in the Customer Materials.

5.2. Deliverables. Trimble hereby grants Customer a perpetual, worldwide, royalty-free, non-exclusive license to use, copy, modify, develop derivative works of, the Deliverables in accordance with the description of Customer's use and any restrictions set forth in the applicable Statement of Work. If not specified in the Statement of Work, such use is limited to internal use by Customer for its own business purposes only.

5.3. Other Agreements. For the avoidance of doubt, Trimble and Customer may have entered into a separate agreement under which Trimble supplies certain products or licenses certain software, including updates and enhancements to that software (collectively, "**Trimble Products**"), to Customer. The delivery and use of any Trimble Products is governed by the terms of such other agreement and not the terms of this Agreement, and even if listed in a Statement of Work such Trimble Products shall not be considered a Deliverable hereunder. Trimble owns and will retain ownership (including all intellectual property rights) in and to Trimble Products and Deliverables (excluding any Customer Materials) and any modifications, improvements and derivative works thereof (including any such materials to the extent incorporating any ideas, feedback or suggestions of Customer).

6. Limited Warranty. Trimble will perform the Services and deliver the Deliverables in a professional and workmanlike manner. Trimble will, as its sole liability for failure to provide Services or Deliverables meeting this warranty, (a) re-perform the non-conforming Services or (b) re-deliver the non-conforming Deliverables at no additional cost to Customer if notified of the non-conformity within thirty (30) days of delivery of the applicable Service or Deliverable, or if Trimble determines such remedies to be impracticable within a reasonable period of time, (c) terminate the applicable Statement of Work and refund the portion of fees attributable to such non-conforming Services or Deliverables. EXCEPT FOR THE FOREGOING WARRANTY, ALL SERVICES AND DELIVERABLES ARE PROVIDED "AS IS" AND TRIMBLE EXPRESSLY DISCLAIMS ANY AND ALL OTHER WARRANTIES OF ANY KIND OR NATURE, WHETHER EXPRESS, IMPLIED OR STATUTORY, INCLUDING WITHOUT LIMITATION THE IMPLIED WARRANTIES OF TITLE, NON-INFRINGEMENT, MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

7. Limitation of Liability. NEITHER PARTY WILL BE LIABLE FOR ANY LOSS OF USE, INTERRUPTION OF BUSINESS, LOST PROFITS, OR ANY INDIRECT, SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES OF ANY KIND REGARDLESS OF THE FORM OF ACTION WHETHER IN CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT PRODUCT LIABILITY, OR OTHERWISE, EVEN IF IT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. IN NO EVENT SHALL TRIMBLE'S LIABILITY TO CUSTOMER EXCEED THE AMOUNT PAID BY CUSTOMER TO TRIMBLE IN THE LAST TWELVE MONTHS UNDER THE APPLICABLE STATEMENT OF WORK. THE EXISTENCE OF ONE OR MORE CLAIMS WILL NOT ENLARGE THIS LIMIT. THIS SECTION 7 SHALL NOT APPLY TO CUSTOMER WITH RESPECT TO ANY CLAIM ARISING UNDER SECTION 5.2 (DELIVERABLES) OR SECTION 8 (CONFIDENTIAL INFORMATION). THE PARTIES AGREE THAT THE LIMITATIONS SPECIFIED IN THIS SECTION 7 WILL SURVIVE AND APPLY EVEN IF ANY LIMITED REMEDY SPECIFIED IN THIS AGREEMENT IS FOUND TO HAVE FAILED OF ITS ESSENTIAL PURPOSE.

8. Confidential Information. Each party agrees that all code, inventions, know-how, business, technical and financial information it obtains (**"Receiving Party"**) from the disclosing party (**"Disclosing Party"**) constitute the confidential property of the Disclosing Party (**"Confidential Information"**), provided that it is identified as confidential at the time of disclosure or should be reasonably known by the Receiving Party to be Confidential Information due to the nature of the information disclosed and the circumstances surrounding the disclosure. The Deliverables and any software, documentation or technical information provided by Trimble (or its agents) shall be deemed Confidential Information of Trimble without any marking or further designation. Except as expressly authorized herein, the Receiving Party will hold in confidence and not use or disclose any Confidential Information. The Receiving Party's nondisclosure obligation shall not apply to information which the Receiving Party can document: (i) was rightfully in its possession or known to it prior to receipt of the Confidential Information; (ii) is or has become public knowledge through no fault of the Receiving Party; (iii) is rightfully obtained by the Receiving Party from a third party without breach of any confidentiality obligation; (iv) is independently developed by employees of the Receiving Party who had no access to such information; or (v) is required to be disclosed pursuant to a regulation, law or court order (but only to the minimum extent required to comply with such regulation or order and with advance notice to the Disclosing Party). The Receiving Party acknowledges that disclosure of Confidential Information would cause substantial harm for which damages alone may not be a sufficient remedy, and therefore that upon any such disclosure by the Receiving Party the Disclosing Party shall be entitled to seek appropriate equitable relief in addition to whatever other remedies it might have at law.

9. Customer Reference. Customer agrees that upon execution of this Agreement, Trimble may add Customer to Trimble's publicly disclosed customer list.

10. Export Compliance. Customer acknowledges that the Deliverables are subject to export restrictions by the United States government and import restrictions by certain foreign governments. Customer shall not and shall not allow any third-party to remove or export from the United States or allow the export or re-export of any part of the Deliverables or any direct product thereof: (a) into (or to a national or resident of) any embargoed or terrorist-supporting country; (b) to anyone on the U.S. Commerce Department's Table of Denial Orders or U.S. Treasury Department's list of Specially Designated Nationals; (c) to any country to which such export or re-export is restricted or prohibited, or as to which the United States government or any agency thereof requires an export license or other governmental approval at the time of export or re-export without first obtaining such license or approval; or (d) otherwise in violation of any export or import restrictions, laws or regulations of any United States or foreign agency or authority. Customer agrees to the foregoing and warrants that it is not located in, under the control of, or a national or resident of any such prohibited country or on any such prohibited party list. The Deliverables are further restricted from being used for the design or development of nuclear, chemical, or biological weapons or missile technology, or for terrorist activity, without the prior permission of the United States government.

11. Miscellaneous. Each party is an independent contractor of the other and neither is an employee, agent, partner or joint venturer of the other. This Agreement will bind and inure to the benefit of each party's permitted successors and assigns. Neither party shall assign this Agreement without the advance written consent of the other party, except that Trimble may assign this Agreement to an affiliate or in connection with a merger, reorganization, acquisition or other transfer of all or substantially all of Trimble's assets or voting securities. Neither party shall make any commitment, by contract or otherwise, binding upon the other or represent that it has any authority to do so. Any notice, report, approval or consent required or permitted under this Agreement will be in writing to the address specified above. Any waiver by either party of any breach of this Agreement, whether express or implied, will not constitute a waiver of any other or subsequent breach. No provision of the Agreement will be waived by any act, omission or knowledge of a party or its agents or employees except by an instrument in writing expressly waiving such provision and signed by a duly authorized officer of the waiving party. If any provision of this Agreement is adjudged by any court of competent jurisdiction to be unenforceable or invalid, that provision shall be limited or eliminated to the minimum extent

necessary so that this Agreement will otherwise remain in full force and effect. The headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement. Neither party shall be liable to the other for any delay of failure to perform any obligation under this Agreement (except for a failure to pay fees) if the delay or failure is due to events which are beyond the reasonable control of such party, including but not limited to any strike, blockade, war, act of terrorism, riot, natural disaster, failure or diminishment of power or of telecommunications or data networks or services, or refusal of approval or a license by a government agency. This Agreement will be deemed to have been made in, and shall be construed pursuant to the laws of the State of California and the United States without regard to conflicts of laws provisions thereof. Any suit or proceeding arising out of or relating to this Agreement shall be commenced in a federal court in the [Northern District of California] or in state court in Santa Clara County, California, and each party irrevocably submits to the jurisdiction and venue of such courts. Any waivers or amendments shall be effective only if made in writing signed by a representative of the respective parties authorized to bind the parties. No provision of any purchase order or other business form employed by Customer will supersede the terms and conditions of this Agreement, and any such document relating to this Agreement shall be for administrative purposes only and shall have no legal effect. Both parties agree that this Agreement is the complete and exclusive statement of the mutual understanding of the parties, and supersedes and cancels all previous written and oral agreements and communications relating to the subject matter of this Agreement.

RESOLUTION 2012-75

RESOLUTION IN SUPPORT OF THE CITY OF DAPHNE'S COASTAL IMPACT ASSISTANCE PROGRAM'S (CIAP) TIER 1- WATERSHED HYDROLOGIC MODEL DEVELOPMENT & UN-NAMED TRIBUTARY TO D'OLIVE CREEK STREAM RESTORATION GRANT APPLICATION

Whereas the City of Daphne applied for CIAP assistance from the County in 2010 and was awarded Tier 1 grant plan status in 2011, and

Whereas, the restoration site on the un-named tributary to D'Olive Creek is located in the unincorporated area of Baldwin County which flows to Daphne, and

Whereas the landscape of this Watershed includes steep and rugged terrain with 23 miles of streams running through highly erodible soil types receiving, on average, five and a half feet of precipitation, annually, and

Whereas of the 23 miles of streams in this Watershed, two miles (including the stream segment to be restored) have been currently substantially degraded , four miles are currently undergoing degradation, and six face potential degradation, and

Whereas five streams in this Watershed, including the un-named tributary to D'Olive , are listed on the 2010 Alabama 303(d) list for impairment by siltation caused by changing land uses, and

Whereas, *The Comprehensive Watershed Management Plan for D'Olive Creek, Tiawasee Creek and Joe's Branch Watersheds of Baldwin County, Alabama* (D'Olive Watershed) recommends the development of a comprehensive watershed hydrologic model that will provide watershed managers a useful tool(s) to implement projects in the watershed and the restoration of severely impaired stream segments, and

Now, therefore be it resolved by the legislative body of the City of Daphne that it endorses the City's County CIAP grant application , and

Be it Further resolved that the City of Daphne willingly and in full support, agrees to allow City staff, including City Engineer and Environmental Programs Manager, to manage the grant, and

Be it Further resolved that the City of Daphne will assist in any additional engineering cost needed to develop the model and/or implement the stream restoration.

ADOPTED AND APPROVED THIS 1ST DAY OF OCTOBER, 2012.

CITY OF DAPHNE, ALABAMA
AN ALABAMA MUNICIPAL CORPORATION

CATHY S. BARNETTE, COUNCIL PRESIDENT

BAILEY YELDING, JR., MAYOR

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

DAPHNE POLICE DEPARTMENT
1502 Highway 98
Daphne, Alabama 36526
251/621-9100 • FAX 251/621-2826

David B. Carpenter, II
Chief of Police

August 27, 2013

To: Chief David Carpenter

From: Lt. Ric Yelding, Support Services

Proposed Date Modification: September 10, 2013

REQUEST AND JUSTIFICATION FOR RECLASSIFICATION

Previous Employee: Amelia Alawine
Department: Daphne Animal Shelter
Current Position: Animal Shelter Technician – Grade 7(Description attached)
Current Salary: $16.34/hr
Proposed Position: Administrative Technician- Grade 9 (Description attached)
Proposed Salary: $11.68/hr-$15.23/hr DOE

This is a request for reclassification of the Animal Shelter Technician position to an Administrative Technician. The objectives and nature of work to be performed at the Daphne Animal Shelter has significantly and permanently changed in the duties and responsibilities that are currently needed. We need someone to support the department and staff with customer service, perform reception work functions, heavy clerical work and Records Management duties. In addition, this position will manage online and offsite pet adoptions. Due to the changing needs and the advancement of technology at the shelter, our current position is obsolete. The position has become more of an administrative position with strong computer and internet skills.

The additional cost of reclassifying this position at this time is zero. The current employee earns more than the starting salary range available to the proposed step. Reclassifying this position prior to the hiring process gives us the ability to gain an employee with the upgraded skills and qualifications needed for our department.

This position will become vacant on August 30, 2013.

Alan B Yelding

Lt. Ric Yelding,
Daphne Police Department

To: H.R.
From: Chief Carpenter
I concur with Lt. Yelding

Suzanne Henson

From: Jane Ellis <mayorassist@daphneal.com>
Sent: Friday, September 13, 2013 1:06 PM
To: Tommie Conaway; Kim Briley; Suzanne Henson
Cc: Dane Haygood ; Vickie Hinman; Ric Yelding
Subject: Agenda Item for the next Finance Committee Meeting
Attachments: 20130913132145934.pdf

The Mayor is requesting that this item be placed on the agenda for the next Finance Committee Meeting. If you have any questions, or need additional information please let us know.

Jane Ellis
ExecutiveAssistant to Mayor Dane Haygood City of Daphne P. O. Box 400 Daphne, AL 36526
251.621.9000
www.daphneal.com

-----Original Message-----
From: Jane [mailto:mayorassist@daphneal.com]
Sent: Friday, September 13, 2013 12:22 PM
To: Jane
Subject:

This E-mail was sent from "RNPFB43F6" (Aficio MP C2050).

Scan Date: 09.13.2013 13:21:45 (-0400)
Queries to: daphneit@daphneal.com

Animal Shelter - Administrative Technician

Job Title	Location Description	Status	Grade	Step	Periods Per Year	Hours Per Year	Hours Per Period	Hourly Rate	Wages & Benefits Combined Total
ADMINISTRATIVE TECH	PD-AMINAL	FT	9	12	26.000	2,080.00	80.00	15.2383	47,215
1									47,215

FY 2014 BUDGETED AMOUNT (includes the 2% C.O.L.A. Adjustment)

ANIMAL SHELTER TECH	PD-AMINAL	FT	7	20	26.000	2,080.00	80.00	16.3363	50,480
1									50,480

VARIANCE : **(3,265)**

No budget adjusmtent necessary

Buildings & Property Committee Meeting

Monday, October 7, 2013

5:30 PM

Daphne City Hall- Mayor's Conference Room

Committee Minutes

Present: Councilman Joe Davis, Councilman Randy Fry, Councilman Pat Rudicell, Frank Barnett, Margaret Thigpen, Richard Johnson, Richard Merchant, Mike Hinson, Suzanne Henson, Sarah Toulson (Recording Secretary), Thomas McLendon. Councilman John Lake, David McKelroy, Mayor Dane Haygood

Absent: Rick Whitehead

The meeting brought to order at 5:31 pm by Chairman Joe Davis

1. **Approval of the Minutes:**

   Motion by Mr. Fry to adopt the September 3, 2013 minutes as written. Seconded by Mr. Rudicell. Motion carried unanimously.

6. **Building Inspection Monthly Reports:**

   Richard Merchant reported that 24 new construction projects had been started, with 141 permits filed during September. Total job cost was $5,537,806.20 with permit fees totaling $38,539.82.

7. **Lighting Outside City Hall**

   Ms. Rebecca Hayes informed the committee that the door leading out the north side of City hall led to an unlit sidewalk which, at night, posed a safety risk.

Motion: To appropriate and spend up to $250 to install a photocell wall-mounted light outside the north door of City Hall. **Moved by Mr. Fry, second by Mr. Rudicell. Carried unanimously.**

With no further business to discuss, the meeting was adjourned at 6:28, motion by Mr. Fry and seconded by Mr. Rudicell.

FY 2014 OPERATING & CAPITAL BUDGET

FOR 2014 01

ACCOUNTS FOR: 1000 GENERAL FUND	ORIGINAL APPROP	REVISED BUDGET	YTD ACTUAL	MTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
126231 561812 COMPUTER LABOR	1,000	1,000	.00	.00	.00	1,000.00	.0%
126231 56182 EQUIPMENT MAINTENANCE	25,500	25,500	.00	.00	2,784.40	22,715.60	10.9%
126231 56290 BUILDING MAINTENANCE	22,000	22,000	.00	.00	.00	22,000.00	.0%
126231 562925 Grounds Maintenance	1,300	1,300	.00	.00	.00	1,300.00	.0%
TOTAL MAINTENANCE	52,300	52,300	.00	.00	2,784.40	49,515.60	5.3%
63 UTILITIES							
126231 533100 Energy Savings Contr	52,500	52,500	.00	.00	.00	52,500.00	.0%
126231 57110 TELEPHONE	19,500	19,500	.00	.00	205.44	19,294.56	1.1%
126231 571210 INTERNET CONNECTIVIT	1,200	1,200	.00	.00	.00	1,200.00	.0%
126231 571211 FIBER	10,000	10,000	.00	.00	.00	10,000.00	.0%
126231 57210 WATER/GAS/SEWER	3,780	3,780	.00	.00	.00	3,780.00	.0%
126231 57215 ELECTRIC	144,750	144,750	.00	.00	.00	144,750.00	.0%
TOTAL UTILITIES	231,730	231,730	.00	.00	205.44	231,524.56	.1%
70 CAPITAL EQUIPMENT							
126231 591105 COMPUTER EQUIPMENT	0	0	.00	.00	4,034.25	-4,034.25	100.0%
TOTAL CAPITAL EQUIPMENT	0	0	.00	.00	4,034.25	-4,034.25	100.0%
TOTAL CITY HALL FACILITIES SUPPOR	297,830	297,830	.00	.00	7,024.09	290,805.91	2.4%

Buildings & Property Committee Meeting

Monday, October 7, 2013

5:30 PM

Daphne City Hall- Mayor's Conference Room

Committee Minutes

Present: Councilman Joe Davis, Councilman Randy Fry, Councilman Pat Rudicell, Frank Barnett, Margaret Thigpen, Richard Johnson, Richard Merchant, Mike Hinson, Suzanne Henson, Sarah Toulson (Recording Secretary), Thomas McLendon. Councilman John Lake, David McKelroy, Mayor Dane Haygood

Absent: Rick Whitehead

The meeting brought to order at 5:31 pm by Chairman Joe Davis

1. **Approval of the Minutes:**

   Motion by Mr. Fry to adopt the September 3, 2013 minutes as written. Seconded by Mr. Rudicell. Motion carried unanimously.

2. **Mobile Bay Football Club Field Fee Waiver**

   Mr. Thomas McLendon, president of the Mobile Bay Football Club, spoke to the committee concerning his request to have the City waive the fees his group would be charged to use the City soccer fields for an upcoming tournament at Trione Park. McLendon described the history of the MBFC and provided information about the tournament.

   Director David McKelroy also addressed the committee, providing information about the fees that would be charged, including the costs of the fees, services the fees covered, and the resources the Recreation Department would have to expend to prepare for the tournament.

   Furthermore, Chairman Davis explained that the fees existed, not as a revenue generator, but to assist City departments in "maintaining a stable budget."

   Chairman Davis thanked Mr. McLendon for his time.

   The Committee took no action pertaining to the field fees, citing a need for further information.

3. **Resolution for Surplus Property**

   Suzanne Henson addressed the committee, first giving an update of items preveiously approved for surplus at the September 3 committee meeting. She noted that most of the donated items had been picked up, or would be soon. She and her staff have requested letters from the receiving entities noting the donations.

Ms. Henson also presented one resolution to the committee declaring certain personal property surplus and authorizing disposition:

a. 2010 John Deere Mower
b. 2000 Chevrolet 3500 Crew Cab

Ms. Henson additionally noted that the above items were surplus under the fiscal year 2014 budget, whereas the previous items were a part of fiscal year 2013.

Motion: Mr. Rudicell moved to forward the Resolution to Declare Certain Personal Property Surplus and Authorize the Mayor to Dispose of Such Property to the City Council for approval, and was seconded by Mr. Fry. **The Motion carried unanimously.**

4. Civic Center & Bayfront Report (October)

Margaret Thigpen distributed and discussed her reports. September 2013 revenue totaled $13,177.00, slightly under September 2012 levels due to a lack of weddings that were booked during September 2012. Year to Date revenues stood at $186,683.00, above figures listed for FY2012. Figures shown indicated that revenues to date are ahead of pace from the previous fiscal year.

Ms. Thigpen listed a number of upcoming events scheduled at the Civic Center, including a number of consignment sales scheduled during the month of October. Additionally, she mentioned that the Civic Center was projected to end the fiscal year with 161 days booked and 1554.48 hours booked.

Ms. Thigpen then turned to Bayfront Pavilion, reporting revenues for September totaling $6,285, with year-to-date revenues totaling $66,893.50; both figures are an increase from 2012 numbers. For the 2012 fiscal year, it was reported that the Bayfront Pavilion was booked for 103 days out of the year, for a total of 814.75 hours booked.

5. Town Hall Energy Program:

Mr. Frank Barnett informed the committee about the Town Hall Energy Program through Syntergy. The City currently has an agreement with Syntergy to assist in the management of the City Hall HVAC system. Mr. Barnett and Ms. Thigpen would like to engage with Syntergy for a similar agreement for the Civic Center. Mr. Barnett noted that unlike similar companies, Syntergy did not charge an up-front fee, instead asking for a percentage of the utility cost savings their company would provide. It was also noted that the City had a strong track record with Syntergy.

The Committee requested further information, including the amount of money that has been paid to Syntergy and a copy of the proposed agreement.

Motion: To enter into an agreement with Syntergy for HVAC regulation in the Civic Center similar to the City's current agreement for HVAC regulation at City Hall. **Moved by Mr. Fry, second by Mr. Rudicell. Carried unanimously.**

6. **Building Inspection Monthly Reports:**

   Richard Merchant reported that 24 new construction projects had been started, with 141 permits filed during September. Total job cost was $5,537,806.20 with permit fees totaling $38,539.82.

7. **Lighting Outside City Hall**

   Ms. Rebecca Hayes informed the committee that the door leading out the north side of City hall led to an unlit sidewalk which, at night, posed a safety risk.

Motion: To appropriate and spend up to $250 to install a photocell wall-mounted light outside the north door of City Hall. **Moved by Mr. Fry, second by Mr. Rudicell. Carried unanimously.**

With no further business to discuss, the meeting was adjourned at 6:28, motion by Mr. Fry and seconded by Mr. Rudicell.

Public Safety Committee

Wednesday, October 9, 2013

Councilman Pat Rudicell Councilman Randy Fry Councilman Robin LeJeune Councilman Ron Scott Fire Chief James White Public Works, Melvin McCarley	Police Chief David Carpenter Captain Scott Taylor Captain Daniel Bell Tracy Bishop - Secretary

Committee Members Attending:
Councilman Pat Rudicell, Councilman Randy Fry, Councilman Robin LeJeune, Councilman Joe Davis, Chief White, Melvin McCarley, Lt. Yelding.

CALL TO ORDER

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

PUBLIC PARTICIPATION – None

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from September 11, 2013. Councilman Fry made a motion to accept the minutes with a second by Councilman LeJeune. Motion passed.

POLICE DEPARTMENT

A. **New Business** – Lt. Yelding went over the August stats and D-Runs. He stated that the PD had hired Officer Brad Chandler to replace Garret Roebuck who resigned. He mentioned that in March 2014 we would be starting the hiring process for the two officers allotted in the 2014 budget. Yelding also mentioned that he had a jailer resign and one retiring and that it will probably be January before he fills those positions due to the hiring process.

B. **FIRE DEPARTMENT**

A: New Business – Chief White went over the stats. Crews started visiting the Elementary Schools teaching fire safety. Chief stated they have many requests for them to visit. He stated he was losing Firefighter Newman. On their grant money all firefighters had just been outfitted in new turnout gear. ThyssenKrupp agreed to reimburse DFD the $1790 that it cost to outfit Newman. Chief talked with the finance director and asked that this $1790 be put back into their line item to be used on next hire.

The ladder Truck is back and all trucks are back on the road at this time. Councilman Rudicell asked if the Ladder Truck was the only purchase needed in 2015 budget. Chief stated yes. Rudicell asked White if he could send him the fire truck replacement schedule that he had presented a few months ago. Councilman Fry inquired about what was done with the 1979 truck? Chief White stated that it had been surplused.

Councilman Rudicell asked how many med calls were responded to during Jubilee Festival. White stated he could run a report but didn't have the numbers with him.

Rudicell thanked Melvin for the sign at the entrance of Potters Mill. He said it looked great and he had received no complaints. He asked about Search and Rescue needing a facility. They told Chief White

about a month ago that they were looking into getting the volunteer station and renting it. Melvin talked to Tommy Bozeman and decided they would share the station. Melvin stated they could eventually build a stall to house the S&R boat and assured that they would work together.

B. Old Business-

OTHER BUSINESS :

ADJOURN

There being no further business to discuss, Mr. Fry made a motion to adjourn the meeting at 4:50 p.m. Mr. LeJeune seconded. The next meeting will be Wednesday, November 13, 2013 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,
Daphne Public Safety Committee

Tony Bishop

Daphne Police Department

Monthly Report August 2013

Patrol Division		Detective Division:		JAIL:			Animal Control		Crimes Reported This Month:	
(Capt.Bell/Lt.Hempfleng)		(Capt. Bell/Lt. Beedy)		(Capt. Taylor/Lt. Yelding)			(Capt. Taylor/ Lt.Yelding)			
						YTD				
# Complaints	1,087	# New Cases Received:	67	Total Arrestees Received & Processed:	233	2,115			Arson	0
Accidents, Private Property	28	# Previous Unsolved Cases:	83	Arrestees by Agency:			#Complaints	71	Burglary – Commercial	1
Accidents, Roadway	79	# Cases Solved:	38	Daphne PD	154	1,263	#Follow-ups	139	Burglary – Residence	7
Accidents, Traffic Homicide	0	Resulting in Total Arrests:	8	BCSO	10	162	#Citations	19	Burglary - Vehicle	7
Arrest, Controlled Substance	2	Felonies:	6	Spanish Fort PD	54	530	# Warnings	37	Criminal Mischief	6
Arrest, Drug Paraphernalia	3	Misdemeanors:	2	Silverhill PD	15	141	#Felines Captured	23	Disorderly Conduct	0
Arrest, Felony Marijuana	0	Houses Searched	0	Troopers	0	0	#Canines Captured	53	Domestic Disturbance	28
Arrest, Misdemeanor Marijuana	4			Other Agencies	0	0	#Other Captured	13	False Info to Police	2
Arrest, Alias Warrant	34						#Returned to Owner	23	Felony Assault	1
Arrest, DUI	21	**Warrants:**					#Adopted Out	15	Felony Theft	16
Arrest, Felony	10	Served	55				#Euthanized	21	Harassment	4
Arrest, Misdemeanor	77	Agency Assists	6	Highest	50				Identity Theft	6
Assists, Motorist/Citizen	169	Recalls (Pd Fines)	8	Lowest	27				Indecent Exposure	0
Citations	454	Total Warrants Served	69						Kidnapping	0
Searches, Vehicle	44			Meals Served	3,312	24,091			Menacing	0
Security Checks	165	**Sex Offender:**		Medical Cost	$1,301.00	$17,463.00			Misdemeanor Assault	0
Warnings	207	New Registration:	0	Worker Inmate Hours	200	1,570			Misdemeanor Theft	20
		Contact Verification	10						Murder	0
		Total # registered in Daphne	4						Other Death Investigations	2
CMV Inspections/CMV OOS	30	**DARE:**							Public Intoxication	0
		# Hours Report Writing:	0						Public Lewdness	0
		# Students Instructed SRO	0						Receiving Stolen Property	1
		# Students Instructed DARE	625						Reckless Endangerment	0
		# Police Reports by SRO	0						Resisting Arrest	2
		# Arrest by SRO	0						Robbery	1
									Sex Crime Investigations	1
		CODE ENFORCEMENT:							Suicide	0
		Warnings:	2						Suicide, attempted	0
		Citations	3						Theft of Services	0
		Warning Compliance	16						Unauthorized Use of Services	0
		Follow – Up	22						Weapon Offenses	1
									White Collar Crimes	3

David Carpenter

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

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	0	7
11-Structure Fire/Commercial	0	1
11-Structure Fire/Residential	0	16
12-Fire in Mobile Property used as fixed structure	0	1
13-Mobile Property (vehicle) Fire	2	12
14-Natural Vegetation Fire	0	6
15-Outside Rubbish Fire	1	7
16-Special Outside Fire	1	1
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	1
3-Rescue Call and Emergency Medical Service Incidents:	165	1329
4-Hazardous Conditions (No fire):	4	25
5-Service Call:	21	134
6-Good Intent Call:	23	145
7-False Alarm & False Call:	18	221
8-Severe Weather & Natural Disaster:	0	2
9-Other Situation:	0	2
Total Emergency Calls:	231	1795
Monthly Total Calls:	*235*	*1832*
Highest:	10:00	10:00
Lowest:	<1.00	<1.00
Average (Minutes/Seconds) :	5:07	5:07
Miscellaneous Reports:		
Training Hours	156.75	1571.37
Property Loss - $	13,500.00	138,145.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	130	956
Number of Patients Treated	150	1945
Child Passenger Safety Seat Inspections/Installations	13	74
Pre-Plans	86	262
Classes	3	3
Persons Attending	54	54
Plan Reviews	2	20
Final/Certificate of Occupancy	1	5
General/Annual Inspections	74	326
General/Re-Inspections (Violation Follow-up - Annual)	5	24
Business Licenses	16	54
All Other/Misc. Activities	25	20
Total Activities:	*123*	*549*

Authorized by:

James White

Code Enforcement / Ordinance Committee

Wednesday, October 9, 2013
1705 Main Street
Daphne, AL
5:30 p.m.

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

I. CALL TO ORDER / ROLL CALL:

Chairman Fry called the meeting to order at 5:05 p.m.

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

Also present: Rebecca Hayes, recording secretary; Ashley Campbell, Environmental Programs Manager; Kyle Navarro, Attorney; Richard Johnson, Public Works Director; Mike Hinson, Finance Director; Councilman Davis; Vickie Hinman, HR Director; Adrienne Jones, Community Development Director; Scott Hetrick, Attorney

II. APPROVE MINUTES / September 11, 2013

Councilman Fry stated that he called the meeting to order at the September 11th meeting.

Motion by Councilman Rudicell to approve the September 11, 2013 minutes as amended. Seconded by Councilman LeJeune.

Motion Carried Unanimously

III. PUBLIC PARTICIPATION

No one spoke.

IV. ORDINANCE REVIEW

a.) Revisions to Employee Handbook / Chapters Two - Six

Vickie Hinman and Scott Hetrick gave the presentation on the revisions to these chapters. The revisions were to make the handbook more user friendly and to make sure the city is legally compliant, sufficient and consistent with state and federal law governing the city's relationships with its employees.

MOTION BY Councilman LeJeune to send the ordinance regarding revisions to the employee handbook chapters two - six to council for consideration at the October 21, 2013 council meeting. Seconded by Councilman Rudicell.

Motion Carried Unanimously

b.) Illicit Discharge Ordinance

Ashley said that everyone had signed off on the ordinance.

MOTION BY Councilman Rudicell to send the ordinance regarding Illicit Discharge to council for consideration at the October 21, 2013 meeting. Seconded by Councilman LeJeune.

Motion Carried Unanimously.

c.) Land Disturbance Ordinance

Ashley said she consulted with some engineering companies and they had no revisions to make to the ordinance.

MOTION BY Councilman Rudicell to send the ordinance regarding Land Disturbance to council for consideration at the October 21, 2013 meeting. Seconded by Councilman LeJeune.

Motion Carried Unanimously.

d.) PROPOSED TREE PROTECTION ORDINANCE

Adrienne Jones and Richard Johnson gave a presentation regarding the proposed Tree Protection Ordinance. The purpose of the ordinance is to have a solid protocol for giving permits to cut protected trees, and to define what trees will be protected.

Adrienne will draft an ordinance to present to the committee.

e.) CONSOLODATION OF BUSINESS LICENSE ORDINANCES

Angie Phillips could not be present at the meeting, but wanted to relay that she had a considerable amount of changes to the ordinance and will be getting with Kyle regarding the revisions.

f.) Update Ordinance 1991-12 / Permitting of Massage Parlors in the City Limits of Daphne

Kyle said that is was the recommendation of Chief Carpenter that this be governed by state regulations. Kyle will prepare an ordinance repealing Ordinance 1991-12, and bring it forth at the next meeting.

V. OTHER BUSINESS

No other business to consider.

VIII. NEXT MEETING

The next meeting will be November 13, 2013

IX. ADJOURN

MOTION BY Councilman Rudicell to adjourn. Seconded by Councilman LeJeune

Motion Carried Unanimously.

There being no further business to discuss the meeting adjourned at 6:05 p.m.

Respectfully submitted

Rebecca A. Hayes, Recording Secretary

Code Enforcement / Ordinance Committee

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MINUTES
Time: 5:00 PM on September 16, 2013
Location: City Hall

Mayor Dane Haygood
Councilwoman Tommie Conaway, District 1
Councilman John Lake, District 3
Councilman Ron Scott, District 5
Chairman - Councilman Robin LeJeune, District 6

I. CALL TO ORDER

The September meeting of the Public Works Committee was called to order at 5:01 PM

Present:

Robin LeJeune (Chairman), Councilman John Lake, Richard D. Johnson-Director Public Works, Sandra Cushway-Administrative Assistant Public Works, Dorothy Morrison-Daphne Beautification Committee

II. PUBLIC PARTICIPATION & CORRESPONDENCE

A. Work Request Report for August 2013 was reviewed. No Comments.
B. Vehicle/Equipment Maintenance Reports for August 2013 and 2012 were reviewed. Richard noted that of the $9,746 shown , $9,200 in Solid Waste will be reimbursed. The other big expense was the last round of Tahoe's for the PD.
C. Public Participation – None
D. Correspondence – Memo from resident Connie Champion requesting consideration of sidewalks in Dauphine Acres. Richard responded that it would be a good idea to add this to the plan for FY15.

III. OLD BUSINESS

A. Minutes from August 19, 2013 **Meeting were reviewed and accepted as written. Motion by Councilwoman Lake to accept minutes. Motion seconded by Councilwoman Conaway.**
B. Mosquito Report – Richard reported that we have been very aggressive with the mosquito program this year. Have implemented the usage of mosquito fish to alleviate the mosquito population. This is inexpensive and environmentally safe. Hoping to expand this program next year.
C. Street Sweeper Reports for July 2013 were reviewed. The Street Sweeper is back in service. Councilman Lake asked where the city dispose of the debris that is swept up. Richard responded that a majority of the debris is organic and/or inert and is disposed of at the Tallent Facility.

IV. NEW BUSINESS

A. Councilwoman Conaway asked about the resurfacing of Randall Avenue. Richard responded that it is first on the list. Project will be awarded to the lowest bidder per unit price on asphalt for the year. Eliminating all dirt and/or gravel roads this year.

V. DIRECTOR'S REPORT

A. Councilman Lake asked if someone from Public Works is planning to attend the Parks and Recreation Board meetings. Richard responded that someone will be assigned to attend the meetings.
B. Starting October 1st, two PSW and one PSW Sr. will transfer to Public Works to maintain "Passive" parks. They will unlock restrooms and provide routine maintenance. The Parks and Recreation department will still oversee Parks business.

VI. DAPHNE SOLID WASTE DISPOSAL AUTHORITY

A. Monthly Equipment Use Report for August 2013 was reviewed.
B. Monthly Recycle Tonnage Report (Tonnage Comparison) for July 2013 was reviewed. Tonnage was equal to same month last year. Richard stated that he was pleased with the

Recycling activities that Tracey Miller has been involved with. We should start to see the impact of the ADEM grants soon.

C. Solid Waste New Customer Report for August 2013 was reviewed. This month we added 15 residential customers. Starting an outreach program for apartment complexes. It was noted that the reserve automated garbage truck could be cleaned out and repurposed for recycling usage.

VII. MUSEUM COMMITTEE

A. Minutes from August 26, 2013 Meeting. Minutes reviewed. The museum committee has requested that wi-fi access be added to their sign.

VIII. BEAUTIFICATION COMMITTEE

A. Minutes from September 4, 2013 Meeting were reviewed. Dorothy reported that the number of flags will be increased to 300 next year. There will be a Veteran's Day event at Veteran's Point on Monday, November 11th. The new statue will be in place by then. The statue is the "battle cross" and was purchased with funds from Dr. Booth and the City. A plan will be developed in FY14 for statues and scultures.

IX. ENVIRONMENTAL ADVISORY COMMITTEE

A. Minutes not submitted

X. ENGINEER'S REPORT

A. HMR: Phase III of Lake Forest. Laying curb Dunbar to West. 1000 ft. of drainage at bridge on Greenwood. Meeting with ALDOT regarding Phase IV. Meeting on Monday regarding North Main Street. Curbing on Windsor will be replaced.

B. Volkert: NTR

XI. FUTURE BUSINESS

A. Next Meeting for October 21, 2013 announced

XII. ADJOURNMENT

Meeting adjourned at 5:43 PM **Motion made by Councilman Lake to adjourn the meeting. Motion seconded by Councilwoman Conaway**.

DAPHNE BEAUTIFICATION COMMITTEE

CITY OF DAPHNE
PO BOX 400
DAPHNE, AL 36526

District 1

Dorothy Morrison, Chair
Debbie Strahley

District 4

Selena Vaughn
Tomasina Werner

District 5

David Dueitt
Rebecca Trosclair
Linda Williams

District 6

Elaine Maxime
Hollie LeJeuune

City Liaisons

Marjorie Bellue
Richard Johnson
Dwayne Coley
David McKelroy
Denise Penry

Daphne Beautification Minutes
September 4, 2013

Present: Denise Penry, Elaine Maxime, Rebecca Trosclair, Tomasina Werner, Mayor Haygood, Debbie Strahley, Dwayne Coolie, Marjorie Bellue, Dorothy Morrison

A. Ashley Campbell sent a report that we are still waiting for grants and details to complete the new Gator Alley Projects
B. Veterans' Day plan are being completed for a 10AM service at Patriot's Point on Nov 11th. More details are coming. We will have a tent, chairs, small American Flags, water bottles, cookies (getting prices and Numbers of Cookie required)
C. Denise reported that we have $1,187.78 in Encumbered Funds. These we get to keep. Our FY2013 Balance is $2,251.55. There are questions if we may roll this over as we have done in the past. New Finance Director and the Mayor will make this decision . We requested that at least for this 2013 budget we be allowed to roll over these funds . Next year if necessary we can have a plan to use our funds earlier Some expenses (i.e. Flags, cookies, water may be needed for Veterans Day 2013 maybe needed). Also, Jane Ellis is coordinating the inside Christmas Tree Decorations. The Beautification Committee has traditionally covered the approximate $500 cost for supplies for the children's project of making the decorations.
D. Top Ten List
Chain Length fence pole at No Main St curve fixed + orange netting in bushes removed. Highway 98 underpass north side look vastly improved. The grass near the roadway still needs weed eating. Suggestion remains that we do not use chemical that could hurt the Bay for weed control. New wall design at the Library Complex. The Mayor likes the design that was suggested several months ago and has asked Richard to move ahead with plan to complete this new phase. Flowers to follow. Sidewalk by former Uncorked. Master plan for Malfunction Junction, I-10 interchanges, 98 Crape Myrtles (we were told 2 of the dead trees had been removed). Redesign signs City entrances. Map for Martin Birds. Plan need for American Flags for Veterans' Day. Areas, spacing, etc. Hwy 64 between Main Street and Hwy 98 on the north side of the street do almost anything to improve. Main way to Post office and City Hall. Christmas decoration remember we have request for more decoration on the east side of Hwy 98. South Main Street by entrance to Daphne-we were told it was seeded it needs more seeds.
E. PW Report- Christmas Tree lighting Nov 22nd, Fri before Thanksgiving Mark calendars now. Dwayne says his project list for next year is already full . Most of the Christmas lighting is already done. From our list #8, 78, 85, 86 still looks bald, & 90 completed. .#87 waiting for ALDOT not completed. #79 we will need a new plan. #82 need to plant this area in Oct.
F. Parks Report – suggestion made for Parks Department to use the large stone that fit into each other to make a wall to replace railroad ties. Then work on plantings , possibly to use Gator Alley Crape Myrtles when they need to be moved or we could buy some.
G. Crape Myrtles on 98. Create a plan for reworking this prime real estate. 1st thing visitor/ new residents see of Daphne.
H. Hwy181-we need to stake our claim that is the future. Waiting to see what we can plant. What is possibility of someone from ALDOT coming to our meeting or going to one of theirs?
I. DRA report Debbie reported that DRA is working with business to try to offer them free ads for Jubilee Festival. She got lots of interesting feedback for DRA. Boy Scout Planter Boxes for Main Street project almost complete. Will plant in October.
J. Martin Map-still waiting to hear from Karen.
K. Adopted new By-Laws. Thanks to all the proof readers.
L. Endowments-the Mayor said he is interested in a Tree/Flower Endowment Fund. Money is needed to help the ailing trees on Hwy 98. This is a good time to start a Fund that could impact all of Daphne with money to purchase trees and flowers to make the City more Beautiful. Our City Attorney has started with a donation. We are sure there will be many more people who will add to the Fund.

Daphne
ALABAMA
The Jubilee City

L. Mayor's Comments- The Mayor reported that our budget will remain the same as last year)($15,000) His plan is to create an Endowment Fund of $25,000 for trees and flowers there would be a separate $2,000 Flag Fund to keep our flags looking at their best. The trip to Paris was an important time for Daphne to connect with other city and State leaders……..

N. New Business-Oct 2 meeting to be at Market by the Bay. Councilman LeJeune works in Fairhope and can never come to our meeting so we are going to him. We always talk about how great Fairhope looks, so we are off stealing ideas. The Mayor offered to contact Mayor Kant and Jennifer Fiddler, Public Works Director of Fairhope. Both are delighted to be invited to share ideas. Both Mayors and Jennifer and our PW People are all involved and plan to attend the meeting and take us on a tour of Fairhope. Our schedule will be to meet at 10:00AM at Market by the Bay. Parking is limited so carpooling would be great. Followed by the Tour and then lunch for those who can stay.

O. Please make this a priority on your schedule. Plan on 2 hours. It will be worth your time. Denise is working on a bus for our group. Rain will not slow us down get you umbrellas and boots. Thank you for your support.

REPORT

OF

SPECIAL BOARDS

To: Ron Scott, Council President
From: Adrienne Jones, Director
Community Development
Subject: BZA Reappointment
Date: October 7, 2013

MEMO

Listed below are the current BZA members and their term end dates. In researching term expirations I request Council's consideration of either reappointing Mr. Robison a regular board member or consider making a new appointment.

Regular Board Members

Chairman Willie Robison	Term Ends November, 2013 / Term Nov. 2013 - Nov 2016
Vice Chairman Frank Lamb	March, 2014
Secretary Larry Cooke	May, 2016
Billy Mayhand	March, 2014
Philip Durant	July, 2015

Alternates

William Scully	May 2016
Thomas Warner III	May 2016

Thank you for your cooperation in this matter!

cc: Becky Hayes, City Clerk's Office

Daphne Public Library Board

Library Board - Meeting Minutes

September, 2013

In Attendance:

Library Director Tonja Young; Board Chair Andre LaPalme; Library Board Members Windrila Longmire, Jim Morris, Nancy Volovecky; Friends President Karen Kyzar; Council Liaison Pat Rudicell; Human Resources Director Vickie Hinman; City Attorney Scott Hetrick.

1) Call to Order:

Meeting called to order at 4:10 pm.

2) Old Business:

Motion was made by Jim to approve the August minutes. Motion was seconded by Windrila. Motion passed.

3) Library Report:

Library Report:

- The Library has adopted an improved Dress Code
- Library received two grants:
  Target $2,000 (max allowed) – Children's Activities
  LSTA $25,000 (max allowed) – Community Services, concentrating on Health Issues

4) Board Discussion:

Board discussed employee issue.

5) Citizen Participation:

Karen announced Book Sale from 10:00 am to 2:00 pm on Saturday September 28. Tonja was able to get Karen a radio interview to provide more publicity for the sale.

6) New Business:

Jim discussed recent Foundation meetings with the Mayor and with the Foundation members. He discussed the desired auditorium and ideas for proceeding.

7) Adjourn:

Motion was made by Windrila to adjourn at 5:00 pm.

Reminder: Next Meeting Nov. 8 @ 4:00 pm

Respectfully submitted by T. Young, Oct. 10, 2013

SIGN REGULATIONS
RED-LINE VERSION OF PROPOSED CHANGES
PRESENTED BY THE SIGN COMMITTEE

DANE HAYGOOD, MAYOR

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

PLANNING COMMISSION

Ron Scott

Chief Bo White

Hudson Sandefur

Ed Kirby

Larry Chason

Don Terry
Charles Smith

PUBLISHED BY:

ADRIENNE JONES,
COMMUNITY DEVELOPMENT DIRECTOR

10/16/13

CITY OF DAPHNE SIGN REGULATIONS

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ARTICLE 8 - DEFINITION OF TERMS (Excerpt)

8-1 Usage.

a. Except as otherwise provided herein, all words shall have the customary dictionary meaning.
b. The present tense includes the future tense and the future tense includes the present tense.
c. The singular number includes the plural and the plural includes the singular.
d. The word "herein" means "in these regulations".
e. The terms "this Ordinance", "regulations", or "these regulations" mean the "Land Use and Development Ordinance of the City of Daphne, Alabama".
f. The word "person" includes an individual, as well as a firm, corporation, association, incorporated association of persons such as a club, company, organization, trust, partnership or other legal entity.
g. The word "lot" includes "plot" or "parcel".
h. The word "structure" shall include the word "building", and "building" shall include "structure"; and, the words "building" or "structure" includes any part thereof.
i. The word "shall" is always mandatory.
j.The word "may" is always discretionary.
k. The word "used", "used for", or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used, designated to be used or occupied".
l. The words "zoning map" mean the official zoning district map of the City of Daphne.
m. The terms "council", "commission", and "board" shall mean the "Daphne City Council", "City of Daphne Planning Commission", and "City of Daphne Board of Zoning Adjustment," respectively, unless otherwise indicated.
n. "The New Illustrated Book of Development Definitions" latest addition by Harvey S. Moskowitz and Carl G. Lindbloom shall be adopted as a reference and shall become a part of the Land Use and Development Ordinance as an expansion of the definition of terms not contained in this article.

8-2 Words and terms defined.

As used in this Ordinance, the following words and terms shall have the meaning defined:

Abandoned sign. A sign advertising an activity, product, or business no longer conducted or located on the premises upon which the sign is located.

Accessory structure. A detached subordinate structure, the use of which is customarily incidental to that of the principal structure and which is located on the same parcel or lot as the principal structure.

Advertisement. The calling of a service, product, or activity to the attention of the public, including identifying such service, product, or activity.

Billboard. An off-premises or off-site sign advertising an establishment, merchandise, product, service, or entertainment which is not sold, provided, manufactured, or furnished on the property on which said sign is located.

Building. Any structure attached to the ground and intended for shelter, housing or enclosure for persons, animals, or chattels.

Building, accessory. A subordinate building, the use of which is incidental to that of the principal use of the main building.

Building face or wall. All window and wall area of a building in one plane or elevation.

Building line. The extreme overall dimensions of a building as staked on the ground, including porches, chimneys, and similar projections at grade level, whichever is nearest to the property line. The front building line shall refer to that portion of the building nearest the front lot line.

Building official. Individual or designee thereof appointed by the City of Daphne to carry out inspections required by the building code, latest edition.

Building permit. A permit issued by the building official which allows construction, moving, alteration or repair of a building or structure including accessory structures and the placement of temporary field offices.

Build-to line or setback line. A line parallel to the front lot line, which establishes the maximum setback allowed within the applicable district. Example: A build-to line of twenty (20) feet requires that the front building line can be no less than twenty (20) feet from the front lot line. A corner lot shall be considered to have two such build-to-lines in applicable districts.

Business/commercial center. A group of two (2) or more owners, occupants or tenants with common customer and employee parking provided onsite, and/or connected together by common walls, interior aisles or malls.

Business/office park. A planned development of one (1) or more office(s) and/or business(es) in a park-like setting.

Channel letters or open letter sign. A sign consisting of a logo or symbol, individual letters or connected lettering mounted on a building in a raceway or similar mounting or on the surface of an integral architectural element, which is a part of the building. Individual letters may be illuminated. The display area of an open letter sign shall not exceed the maximum permitted area for building signs on the property.

City. The City of Daphne.

City council. The chief legislative body of the City of Daphne.

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.

Commercial vehicle. Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private nonprofit transport of goods and boats.

Development. Any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

Development permit. A permit required for any development activity in the City of Daphne that requires a building permit, and/or land disturbance permit. (See also Permit.)

Establishment A commercial, industrial, institutional, educational, office, business, or financial entity.

Frontage, building. The outside wall surface of a building or of an enclosed porch on a building that is nearest to the front lot line, or, in the case of a wall surface not parallel to the front lot lines, the average of the longest and shortest distance of the wall from the front lot line.

Gas station. Any building, structure or land at which the sale of combustible and flammable fuels is conducted. Gas stations which also have motor vehicle repair services as a component of the business shall be considered "gas/service stations".

Grading. Excavation or fill of material, including the resulting conditions thereof.

Home owner's association (or property owner's association). An incorporated, nonprofit organization operating under recorded land agreements through which, (a) each lot and/or homeowner in a planned or other described land area is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and, (c) the charge if unpaid becomes a lien against the property.

Home occupation. Any occupation for gain or support customarily conducted entirely within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof.

Home owners association or *property owners association (HOA or POA).* A legal entity created by a real estate developer for the purpose of developing, managing and selling a development of homes. It allows the developer to exit financial and legal responsibility of the community, typically

by transferring ownership of the association to the homeowners or property owners after selling off a predetermined number of lots.

Logo. A recognizable and distinctive graphic design, stylized name, unique symbol, or any other device used for identifying any organization, commercial entity and/or business. A logo shall be construed as a sign and shall count towards the number of signs allowed and the maximum applicable square footage requirements. In this Ordinance, a logo does not refer to brand-identification of products or goods.

Mall. Any concentration of two (2) or more retail stores and/or service establishments which share customer parking areas and is located within an enclosure having public walkways whereby a customer in one (1) store or establishment may walk to another store or establishment without leaving the enclosure.

Open letter sign. A sign consisting of a logo or symbol, individual letters or connected lettering mounted on a building in a raceway or similar mounting or on the surface of an integral architectural element, which is a part of the building. Individual letters may be illuminated. The display area of an open letter sign shall not exceed the maximum permitted area for building signs on the property.

Planned unit development. A tract of land under single corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a defined programmed series of development operations in accordance with an approved development plan.

Planning commission. The City of Daphne planning commission as authorized by state statute to be responsible for reviewing and approving site plan and subdivision applications and for making recommendations to the city council regarding annexations, zoning, vacation of easement and/or right-of-way, street acceptances and other duties as specifically provided by the state enabling act.

Public land uses. Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, county buildings and activities, state highway offices and similar land uses; and federal uses such as post offices, bureau of public roads, internal revenue offices, military installations, etc.

Residential identification sign. A sign that identifies the name of a residential subdivision, condominium development, townhouse or apartment complex.

Right-of-way (ROW). A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Setback line. A line established by the subdivision regulations and/or zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure, may be located above ground, except as may be provided in said Ordinance.

Sidewalk area. That portion of a street not included in the roadway, and devoted in whole or in part to pedestrian traffic.

Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.

(a) *Banner.* Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one (1) or more edges.

(b) *Billboard.* A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

(c) *Changeable copy sign/reader board.* A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance.

A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

(d) *Construction sign.* Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the premises during the time actual construction work is in progress.

(e) *Flashing, electronic and/or intermittent illuminating signs.* Signs which contain intermittent illumination and the changes occur more than twelve (12) times per hour.

(f) *Legal nonconforming sign.* (See Article XXXIII, Sign Provisions, for definition).

(g) *Marquee sign.* Any sign mounted to extend vertically below a marquee or canopy.

(h) *Nonconforming sign.* (See Article XXXIII, Sign Provisions, for definition).

(i) *Off-premises sign.* A billboard or other sign relating its subject matter or any portion thereof to premises other than the premises on which said sign is located.

(j) *On-premises sign.* A sign relating its subject matter to the premises on which said sign is located.

(k) *Permanent sign.* A sign permanently affixed to a building or the ground.

(l) *Political sign.* A sign identifying and urging voter support for or in opposition to a particular issue, political party, or candidate for public office.

(m) *Portable sign.* Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another.

(n) *Premises.* An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

(o) *Real estate sign.* A sign which advertises the sale, rental or development of the premises upon which it is located.

(p) *Sandwich sign.* Any sign, double or single faced, which is portable and may readily be moved from place to place.

(q) *Temporary sign.* A sign or advertising display intended to be displayed for a short period of time, not to exceed thirty (30) calendar days (See temporary use).

(r) *Wall sign.* A sign attached to or erected against the wall of a building with the face parallel to the plane of the building wall.

(s) *Window sign.* Any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

Sign height. The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, its frame, or supporting structure, whichever is higher. Such grade shall not be altered from the natural ground elevation.

Sign surface area. The surface area of a sign shall be computed for the area within the periphery of regular geometric forms, comprising all of the display area of the sign and including all the elements of the matter displayed, but not including structural elements of the sign bearing no advertising matter or other supporting structure. The surface area of a sign shall also be referred to as the "sign face."

ARTICLE 33 SIGN PROVISIONS

33-1 Purpose.

The intent of this article is to further the purpose stated in Article I and is designed to govern the effective use of signs as a means of communications; to protect and promote the public health, safety and welfare by governing the type, number, location, physical dimensions, setback and other standards to signs in each of the use districts established in this Ordinance; to prevent the disruptions, obstructions and hazards to vehicular and pedestrian traffic that signs may cause; to minimize the possible adverse effect of signs on nearby public and private property; and to encourage a positive visual environment in harmony with the natural beauty of the City of Daphne.

33-2 General provisions.

The following apply:

(a) *General prohibition:*

(1) *Signs prohibited:* No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the code enforcement officer. Before any permit shall be issued an application prescribed forms, which shall indemnify and hold harmless the City of Daphne of all damages, all demands or expenses of every character which may in any manner be caused by the erection and use of said sign or sign structure, shall be filed together with drawings and specifications maybe necessary to fully advise and acquaint the code enforcement officer with location, size, construction, materials, manner of illuminating, and securing or fastening, and number of size applied for in the wording of the sign or advertisement to be carried on the sign. A decision by the code enforcement officer shall be made within thirty (30) calendar days from the date of when the application is received. Further, an application for a business license shall be a prerequisite for applying for a sign permit.

(2) *Electrical permit requirement:* All signs which are electrically illuminated by neon or by any other means shall require a separate electrical permit and inspection. Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises. The absence of a proper ID tag shall be prima facie evidence that the sign or advertising structure is being operated in violation of this Ordinance.

(3) *Size restrictions applicable:* Any permitted sign shall be subject to the size and height limitations imposed by this Ordinance for the district in which said sign is located, except as otherwise provided herein.

(4) *Right-of-way placement prohibited:* No outdoor advertising sign or sign structure shall be placed upon any street or highway right-of-way, except as otherwise provided herein.

(5) *View obstruction prohibited:* No outdoor advertising sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection.

(6) *Ingress/egress impediment prohibited:* No outdoor advertising sign shall be erected, relocated or maintained so as to prevent free ingress/egress from any door, window, or fire escape.

33-3 Special provisions.

The following apply:

(a) *Minimum height requirements:* No portion of any outdoor advertising sign shall be less than nine (9) feet above the level of a sidewalk or other pedestrian thoroughfare, nor shall be less than fifteen (15) feet above the level of a public driveway, alley or street.

(b) *Aesthetic standard:* Signs shall be harmonious with the environment and with the nature of our special local characteristics of site, aesthetic tradition, and development potential. Signs made of natural woods and materials, featuring earth tones and indirect external lighting are encouraged to reflect the natural beauty of our mostly residential and recreational area.

(c) *Time requirements:* A sign permit shall be null and void if the sign for which the permit was issued has not been completed and erected within a period of six (6) months from the date of issuance of the permit.

33-4 Nonconforming signs.

Any sign in existence on the date of adoption of this Ordinance that is not in conformance shall be considered a nonconforming sign and shall be permitted to continue to exist subject to the following conditions and this section shall also apply to the prohibitions set forth in section 33-6, Signs prohibited in all districts.

(a) *Grandfather clause, legal nonconforming signs:*

(1) *Existing off-premises signs and billboards:* At such time as any existing off-premises sign or billboard is removed or destroyed the replacement sign or

billboard shall be in conformance with the provisions of this Ordinance. No new off-premises signs or billboards will be permitted in any zone. A permit shall not be issued for any on-premises sign for any premises on which there exists a grandfathered off-premises sign or billboard until the off-premises sign or billboard is permanently removed.

(2) *Legal nonconforming sign status:* Any sign located within the corporate limits prior to the enactment of the Land Use and Development Ordinance, September 21, 1987, or located on property prior to its annexation, which does not conform to the provisions as set forth by this Ordinance, is eligible for characterization as a "legal nonconforming" sign and is permitted, provided there is only one (1) ground-mounted, on-premises sign, and all other signage is in conformance with these regulations. A permit for a legal nonconforming sign shall be obtained prior to the date when the next business license is due.

(b) *Loss of legal nonconforming status:* A legal nonconforming sign shall immediately lose its legal nonconforming status and must come into conformance upon the following:

(1) *Amortization schedule:* Legally nonconforming signs shall be either removed, replaced with a conforming sign by January 1, 2005, or a date three (3) years from the date in which the property is annexed into the corporate limits.

It is intended that this provision shall ensure that those who hold legally nonconforming status will recoup initial investment costs and remaining useful life of such signs. It is further intended that this provision shall not deprive any owners of property rights without just compensation so as to avoid the occurrence of a taking.

It is envisioned that the time period allotted herein shall allow for amortization and depreciation of such signs based upon the following factors:

Initial investment costs, remaining useful life, length of time of ownership of the premises, the sign thereon, maintenance expenditures, cost of removal, and replacement.

(2) *Structural alteration, abandonment, discontinuation, relocation or replacement:* If such sign is, after the date of adoption of this Ordinance, structurally altered, abandoned, discontinued, relocated or replaced, including the result of an act of God.

(c) *Additional permits prohibited:* No permits for additional signs shall be issued for any premises on which there are nonconforming signs.

(d) *Building permit provision:* Wherever a building permit is required for any kind of improvement to a building, structure or land attached to which or on which there exists any nonconforming sign(s), then all signs attached to the building or structure or on the land, shall be replaced with a sign or signs that conform to the requirements of this Ordinance.

(e) *Destruction/structural deterioration:* If any nonconforming sign is removed or destroyed or becomes fifty (50) percent or more structurally deteriorated as determined by the code enforcement officer, then the replacement sign shall conform to the requirements of this Ordinance.

(f) *Mandatory compliance:* Any nonconforming sign which is neither grandfathered nor permitted as a "legally nonconforming sign" according to subsection (a) of this section and which is prohibited under section 33-6, Signs prohibited in all districts of this Ordinance shall be removed or made to conform to this Ordinance within ninety (90) days of the date of adoption of this Ordinance.

(g) *Variance:* The board of zoning adjustment may, in special cases and for good reason, and where owing to conditions peculiar to the property and not the result of the actions of the applicant, permit the erection of a sign not in conformance with the requirements of this article.

The board, at its discretion, may require the posting of a bond in sufficient amount to protect the City of Daphne against all liabilities that may result from the erection and use of such sign.

33-5 Signs for which no permit is required.

The following signs may be erected or constructed without a sign permit from the Code Enforcement Officer but shall comply with the structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

(a) *Traffic signs:* Official traffic signs or sign structures, or municipal information signs and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency.

(b) *Vehicle signs:* Any sign on a truck, bus, or other vehicle that is used in the normal course of a business for transportation and not for the sole purpose of advertising, except where a vehicle is offered for sale.

(c) *Weather flags:* Weather flags for providing information on weather conditions: one (1) set for each premises.

(d) ***Commercial Real Estate Signs:***

1) *On Undeveloped Property*

a. 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 square feet (32 sq. ft.), ten feet (10 ft.) 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.

b. 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 square feet (64 sq. ft.), ten feet (10 ft.) in height, is non-illuminated, and is within the confines of the development.

2) *On 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:

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

b. **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.

c. **Wall sign:** A ~~temporary~~ commercial real estate wall sign advertising developed real property for sale, lease, or rent will be permitted not to exceed three hundred and fifty square feet (350 sq. ft). or thirty percent (30%) of the frontal area of the building or portion of the building.

(e) *Residential real estate signs:*

(1) ***General provisions:*** **Real estate signs, temporary in nature, non-illuminated, not** exceeding six-and-one-half (6½) square feet in area, advertising real estate for sale or lease or rent, or announcing contemplated improvements of real estate; one (1) sign for each street frontage will be allowed on the site and shall be removed within ten (10) days, upon closing.

(2) *Directional signs:* Directional signs will not be allowed, except as provided below:

"Open House" signs, which identify homes/houses when a selling agent is on the site that are open for the general public to view. Said sign(s) size shall not exceed one and one-half (1½) feet in width and three (3) feet in height.

Such signs may be placed at intersections in a manner such that they do not constitute a traffic hazard for a period of one (1) day before the open house and removed the day of the open house, upon closing.

No more than four (4) directional open house signs may be placed in the corporate limits for any one (1) open house and only one (1) route designated by signs to a particular open house and only one (1) sign per company at any one (1) intersection.

(3) *Violations:* Any person who fails to remove the sign (s) within the prescribed time period outlined above shall be fined upon conviction, not less than fifty dollars ($50.00) per sign remaining. Chronic violations may result in the enforcement of Article XXXXV, section 45-7, entitled Penalties and remedies.

(f) *New construction signs:*

(1) *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 signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during

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Page 1

such time as the actual construction work is in progress. One (1) such sign, which shall not exceed ten (10) feet in height, either single or double faced, is allowed for each street frontage.

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, ten feet (10) feet in height, is non-illuminated, and is within the confines of the development.

(2) **~~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.

(3) ~~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.

(4) Additional Provisions for ~~Temporary~~ Advertising Signs,

A temporary advertising sign will 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, provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, and is within the confines of the development.

(5) 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

Deleted: ¶

Deleted: Such signs shall be removed upon completion of the project.

Deleted: *Temporary advertising sign:*

Deleted: A temporary sign advertising property for sale in 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 sixteen (16) square feet, is non-illuminated and is within the confines of the development. ¶

be removed upon issuance of a certificate of occupancy, no later than the grand opening.

(g) *Political Signs:*

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

1. **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.

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

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

4. **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.

5. **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.

6. **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.

7. **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.

8. **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.

9. **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.

Deleted: These signs shall be the height no greater than ten (10) feet mounted from the ground, for no more than one (1) sign, either single or double faced, per street frontage. ¶

Deleted: Permits shall be issued for a period of one (1) year. An additional one-year permit may be issued if the code enforcement officer has determined the promotion of the development is active and the temporary sign meets the maintenance requirements in section 33-7. The temporary sign will be removed when a permitted permanent sign is erected. ¶

¶

(3) *Time limitations and size requirements:* A temporary sign will be permitted on each premises 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, whichever occurs first, provided the temporary sign does not exceed thirty-two (32) square feet, is non-illuminated, mounted from a ground to a height not to exceed ten (10) feet. Said sign may be single or double faced. ¶

Deleted: *Temporary promotional sign allowance for commercial and retail establishments:* The following signage shall be permitted. That which is not specifically provided herein is expressly prohibited: ¶

(1)¶

Council authorization required: Temporary signs and banners not exceeding fifty (50) square feet in area, temporary decorative flags, tethered inflatable items, bunting, pennants and streamers for recognizing holidays and other occasions authorized by the city council. ¶

(2) ¶

Promotional weekend and nationally recognized holidays: On the last Friday of each month, commencing no earlier than 6:00 a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a national holiday (Labor Day, Memorial Day, or the Fourth of July) and/or any other state recognized holiday, retail and commercial establishments duly licensed to do business within the corporate limits shall be permitted to display a reasonable ...

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Deleted: *Political signs: Political signs shall 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 entity administering the election. Such signage shall be subject to the requirements of Ordinance 1989-04, Establishing Sign Control during Political Campaigns. Signs located within residential districts shall not exceed four (4) square feet in area.* ¶

~~10. 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.~~

11. **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.

12. **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.

13. **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.

14. **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.

(h) *Flags:* National flags and flags of political subdivision of the United States and flags of bona fide civic, charitable, fraternal, and welfare organizations when displayed from one (1) flag staff per premises in accord with United States Public Law 623 (Flag Display Practice).

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(i) *Directional signs and symbols:*

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(1) Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property, not to exceed two (2) square feet and forty-two (42) inches in height. Such directional signs may have the name of the business, but may not contain advertisements for sales, specials, and the like.

(2) *Property owners associations (POAs).* Property owners associations will be allowed to place interior directional signs along city right-of-ways in neighborhoods. Said signs shall be no greater than six (6) square feet and not to exceed forty-two (42) inches in height, constructed of wood material, and sand blasted, carved or other similar lettering, aesthetically designed to harmoniously blend with the surrounding neighborhood.

(j) *Memorial signs and historical markers:* Memorial signs and historical markers constructed of bronze, stone or other incombustible material after historical authentication and location is approved by the city council.

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(k) *Professional, announcement or occupational signs:* One (1) each professional, announcement or occupational sign non-directly illuminated and flat wall mounted, and/or one (1) each outdoor advertising sign for privately-owned premises or business location, provided the area of the sign or the combined areas of both signs, if two (2) signs are erected, does not exceed five (5) square feet, and provided the premises or business location is without a permitted sign. (See Home occupations, as defined in Article XXXI.)

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(l) *Non-commercial yard or garage sale temporary signs:* Noncommercial yard or garage sale temporary signs not exceeding one and one-half (1½) square feet, which display the date(s) and the address of the sale. No more than four (4) directional yard sale signs may be placed. Said signs shall be removed as soon as the sale is concluded.

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(m) *Signs incorporated on machinery or equipment:* Signs incorporated on machinery or equipment which advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps, provided the combined area of such signs does not exceed two (2) square feet. This shall include signs commonly referred to as "Pump Toppers" on top of gasoline pumps and shall be limited to two and one-half (2½) square feet in dimensions. In recognition that parent oil companies often provide said signs to the subsidiary stations, minor deviations in size shall be allowed, subject to the approval of the code enforcement officer.

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(n) *Indoor signage or window signs:* Indoor signage or window signs which identify or advertise activities, services, goods, or products available within the building, and which collectively cover no more than twenty (20) percent of the window glass surface area.

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(o) *Marquee or canopy signs:* One (1) each business or professional identification sign mounted to extend vertically below a marquee or canopy, provided its area does not exceed six (6) square feet nor exceed the width of the marquee or canopy nor provide less than nine (9) feet of clearance above the sidewalk or pedestrian thoroughfare.

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(p) *Temporary promotional signs:* 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.

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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.

1. Placement

(i) Must be ~~at least five feet (5-ft) from the edge of a public street,~~ **located on premise on private property** ~~except for tethered inflatables.~~

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

(iii) Shall not be located on accessory structures or buildings.

2. Prohibitions

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

(ii) Signs in a state of disrepair and poorly maintained.

3. A-Frame Sandwich Board Signs

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

i. One a-frame sandwich board may be allowed per primary entrance unless in multi-tenant establishment with common entry way. Only one (1) per building per entrance per street frontage

ii. Said sign placement should not obstruct view or flow of pedestrian or vehicular traffic.

iii. One such sign allowed within twenty feet (20-ft) of the front entrance of single tenant establishment

iv. For a multi-tenant establishment with one common entry way, a-frame sandwich boards are disallowed.

v. A multi-tenant establishment with individual exterior entry may be allowed within five feet (5-ft) of that entrance.

vi. Sign faces added together shall be no greater than twenty-five square feet (25 sq. ft.) in area.

vii. Each a-frame sign as permitted herein shall be moved and properly stored out of sight during non-business hours and/or inclement weather and shall be used during hours of business only.

4. 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.

5. Advertising Package for Retail and Commercial Establishments

Advertising Package for Retail and Commercial Establishments may only be displayed in accordance with the provisions listed herein.

i. A weekend advertising package may be displayed as follows:

a) No earlier than six (6) a.m. on Friday, 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.

b) 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.

c) Advertising package may include no more than three (3) of the following items:

1. Balloons;
2. Yard signs - 3 yard signs count as 1 item;
3. Pennants - 3 sets count as 1 item;
4. Streamers - 3 sets count as 1 item;
5. Bunting - 3 sets count as 1 item;
6. Flags - (Flags used for this purpose shall be separated by a minimum distance of twenty feet (20-ft)); or
7. ~~tethered inflatable 3-d object setback at least 100-ft from the road frontage may be located at each street frontage; or~~ One tethered inflatable three dimensional (3-D) object , **the maximum height shall be no more than fifty feet (50-ft)**, and shall be setback at least one hundred (100-ft) from the property line; or,
8. One promotional banner not to exceed ~~20~~ **16** sq. ft. in size may be located at each street frontage

ii. A holiday advertising package for retail and commercial establishments may only be displayed as follows:

a) May commence display no earlier than six (6) a.m. on a National holiday and/or any other State recognized holiday.

b) All items shall be removed from the premises at the close of the final business day of said holiday and in compliance with weekend holiday advertising as described above.

c) A holiday advertising package may include no more than three (3) of the following items:

1. Balloons;

2. Yard signs - 3 yard signs count as 1 item;

3. Pennants - 3 sets count as 1 item;

4. Streamers - 3 sets count as 1 item;

5. Bunting - 3 sets count as 1 item;

6. Flags (Flags used for this purpose shall be separated by a minimum distance of at least twenty feet (20-ft));

7. ~~Tethered inflatable 3-d object setback at least 100-ft from the road frontage may be located at each street frontage; or~~ One tethered inflatable three dimensional (3-D) object , **the maximum height shall be no more than fifty feet (50-ft)**, and shall be setback at least one hundred (100-ft) from the property line; or,

8. One promotional banner not to exceed ~~twenty feet (20)~~ sixteen square feet (**16** sq. ft.) in size may be located at each street frontage.

33-6 Signs prohibited in all districts.

The following signs are prohibited in all districts:

(a) *Prohibited placement:* Any sign erected or painted upon a sloped roof, fence, tree, stand pipe, fire escape, or utility pole, except the manufacturer's or installer's ID plate shall not exceed five (5) by eight (8) inches in size.

(b) *Prohibited wording:* Any sign which uses the word "Stop" or "Danger" prominently displayed and/or which is a copy or imitation of official traffic control signs.

(c) *Flashing signs prohibited:*

(1) *General prohibition:* Signs which contain intermittent illuminations are prohibited.

(2) *Exceptions:* This subsection does not prohibit the following:

(a) Signs required for traffic control.

(b) Signs which exhibit time, date, temperature, and other customary public information.

(c) Signs which contain intermittent illuminations provided the change is less than twelve (12) times per hour.

(d) *Prohibited sign types:* Portable signs, bench signs, snipe signs, sandwich signs, except as allowed in section 33-5, Subsections (d), (e) or ladder-type signs.

(e) *Prohibited sign effects:* Signs which produce sound, noise, cause interference with radio, telephone, television or other communication transmission, produce or reflect motion pictures; emit visible smoke, vapor, particles, odor, are animated, or produce any rotation, motion, or movement.

(f) *Billboards and off-premises signs:* Billboards and off-premises signs as defined in this Ordinance.

(g) *Vehicle advertisement:* Any sign attached to or painted on a vehicle parked adjacent to or on a public right-of-way, thoroughfare, or public parking lot dedicated for public use for the principal purpose of advertising.

(h) *Illuminated tubing:*

(1) *General prohibition:* Any illuminated tubing or strings of lights that outline property lines, sales area, roof lines, doors, windows, wall edges, similar areas or other architectural features of a building.

(2) *Exception:* This prohibition shall not apply to temporary displays erected in connection with holiday decorations and community decorations.

(3) *Grandfather clause:* Any illuminated tubing located within the corporate limits prior to the enactment of this Ordinance is hereby grandfathered, provided however, that a permit for which no charge will be made is obtained for the illuminated tubing prior to the date upon which the next City of Daphne business license is due. Upon obtaining such permit, the business shall be granted "legal nonconforming" status as described in section 33-4, subsection (a), and shall be

subject to the restrictions and provisions for loss of legal nonconforming status as set forth in section 33-4, subsection (b).

33-7 Maintenance and removal of signs.

(a) *General maintenance requirement:* All signs shall be maintained in good condition and appearance. The code enforcement officer, after due notice in writing to the owner, may remove, at the owner's expense, any sign which shows neglect or which appears abandoned, dilapidated, or dysfunctional, or an area of a distance ten (10) feet around such sign that is not kept free of weeds, rubbish, debris, or uncut grass, and maintained in compliance with city standards.

(b) *Vacation of premises:* Any sign associated with premises that have been vacated shall be either removed from the premises by the owner or lessee with three (3) months of the time of vacation, or said sign shall be altered or resurfaced by the owner or lessee within the same time period so that it does not display letters, numerals, symbols, figures, designs, or any other device for visual communication that would pertain to the activity formerly associated with the vacated premises.

(c) *Public right-of-way:* The code enforcement officer shall remove or cause to be removed any sign erected or maintained on any public right-of-way within the city, or which is in violation of any of the provisions of this Ordinance.

(d) *Penalty for violation:* The erection or maintenance of any sign in violation of this Ordinance is a misdemeanor and shall be subject to the penalties set forth in Article XXXXV, Penalties and Remedies.

33-8 Traffic control devices on private property.

When the owner of real property allows it to be used by the public for the purpose of vehicular traffic and/or as a public or quasi-public parking lot for the use of customers, tenants or employees of said property, the owner shall erect and maintain all traffic control signs and other devices in accordance with the Alabama Manual on Uniform Traffic Control Devices, and any revisions thereof. In addition, the owner shall meet the requirements of Code of Ala. 1975, § 32-5-31(a), with respect to local authorities in their respective jurisdictions.

33-9 Municipal identification or directional signage.

(a) *Criteria:* That in any business park, office park, commercial park, and/or municipal facility, as distinguished from retail shopping centers for which such shall be specifically prohibited information/directional signs may be permitted subject to the following:

(1) That information/directional signs shall be permitted at locations as more specifically referenced herein, subject to prior licensing approval by the code enforcement officer;

(2) That information/directional signs may be placed at a primary entrance to such business park, office park, commercial park, and/or municipal facility;

(3) That information/directional signs may be placed on public right-of-ways, on public places, and/or private property which private property may be common area servicing the business park, office park, or commercial park located within the park;

(4) That each information/directional sign may be single or double faced, and shall not exceed fifteen (15) feet in total height from ground level, which height shall include the city's identification logo with color to match to the existing logo at the top of the sign.

Such information/directional sign shall not have a total area in excess of fifty (50) square feet, excluding the city logo and shall not contain more than twelve (12) eight-inch panels, with each panel to be six (6) feet long. Each individual directional sign panel shall not include the city's identification logo. Each information/directional sign shall be appropriately landscaped with circumference of not less than three (3) feet around the base of the sign with bedding and appropriate seasonal planting.

(5) That each individual information/directional sign panel shall list only those users located within such business park, office park, commercial park, and/or municipal facility and shall be designed to provide directional assistance to travelers or otherwise only to identify users located within such business park, office park, and/or commercial park.

(6) That the city shall have final approval for the location, material, content, color, and design of the signs and individual panels, whether the information/directional sign is located on public or private property.

(7) That when the informational/direction sign is to be located on public property, the city shall be responsible for the erection, operation, content, and maintenance of each sign. The city may impose fees and enter into such written agreements for one-year intervals with interested businesses for the construction, installation and maintenance of such information/directional sign.

(8) That when the informational/direction sign is to be located on private property, all costs for construction, installation, design, and maintenance shall be incurred by the applicant.

(9) That information/directional signs shall not be considered a sign of any user, including users who own the land upon which the information/directional sign is located for purposes of determining the maximum number of signs, as otherwise

permitted under section 33-11, Schedule of permitted sign requirements, of this Ordinance.

(10) That such information/directional signs shall not be located in such a manner as to materially impede the view of any street or highway intersection, nor shall such sign be located so as to prevent free ingress or egress from any door or window for a fire escape route.

(b) *Issuance of permits and approval:*

(1) That the city clerk's office and/or code enforcement officer shall establish suitable forms and documentation to authenticate the issuance of such permit as approved by the city from time-to-time. Such permit for the placement of such sign shall be for a one-year interval subject to renewal annually from the initial issuance with the permitting to be re-approved by the city council.

The city may deny the re-issuance of the information/directional sign permit should the sign and surrounding landscaping not be maintained in a satisfactory fashion during the preceding year.

(2) That should a private owner of such sign allow the sign or landscaping to become in disrepair or to otherwise be unkempt, the code enforcement officer shall provide the permitted owner thirty (30) calendar days written notice to correct the deficiency to the satisfaction of the code enforcement officer. Should the permitted owner not complete the remedial work within thirty (30) calendar days, the city may upon thirty-day notice thereafter revoke the permit of the owner and order the removal of the sign. Should the owner fail and/or refuse to remove the sign after the thirty-day time period, the city may enter upon the real property where the sign is situated for the limited purposes to effectuate the removal of the sign, and the cost incurred by the city for removal shall be taxed against applicant.

(c) *Sign construction:* All signage utilized in accord with the provisions of this Ordinance, shall be constructed in accordance with the following:

That all upright posts shall be eight (8) inches by eight (8) inches treated wood, embedded in the ground a minimum of four (4) feet, surrounded by a minimum circumference of six (6) inches of three thousand (3,000) psi concrete.

(1) That all two (2) inches by twelve (12) inches treated wooded wooden cross supports shall be pinned together and routed into the eight (8) inches by eight (8) inches wooden posts, and then lag bolted into each post from the outside.

(2) That the city logo panel shall be constructed of sand blasted sign foam and painted pursuant to the standard color scheme of the logo.

(3) That all wooden posts and cross supports shall be painted black in color.

(4) That each individual sign panel shall be white plastic with appropriate colored lettering selected by the user.

33-10 Permitted signs.

The following signs may be erected or constructed upon the issuance of a sign permit from the Code Enforcement Officer and shall comply with any structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

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The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article VIII, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty (80) percent in lieu of the standard rate of one hundred (100) percent.

Unless otherwise specified herein, the schedule in section 33-11 contains requirements for signs permitted in each use district.

(a) *Property owners association:* Signs conveying information regarding association activities and/or the use of common areas and other amenities of an incorporated property owners association may be permitted subject to approval of the planning commission.

Such signs shall be of a material and design approved by the planning commission and shall not exceed thirty-five (35) square feet in area nor be greater than six (6) feet in height with changeable copy on no more than two (2) faces. Signs so permitted may be placed at up to a maximum of four (4) locations only within the subdivision on common property owned by the property owners association.

(b) *Name indication signs:* Signs indicating the name of any fixed dwelling or mobile home subdivision; mobile home park; apartment, townhouse, condominium or planned unit development; office park, shopping center, industrial park or other residential or business complex permitted in any district; and signs for any use permitted by right, with planning approval, or special exception in any residential district, are permitted.

Such signs shall not exceed fifty (50) square feet in area per face, two (2) faces, and a maximum of twenty-one (21) feet in height. One (1) such sign may be placed perpendicular to each city street frontage to be served.

Premises classified as "General Business (Shopping Center)" in section 33-11, Schedule of permitted sign requirements, shall be permitted one (1) sign, the area of which shall be determined according to the following formula: one (1) square foot of signage per thousand (1,000) square feet of the building; however, such sign shall not exceed one hundred fifty (150) square feet in area per face, two (2) faces, fifteen (15) feet in width, and a maximum of twenty-one (21) feet in height. Additionally, those so classified shall be permitted one sign not to exceed fifty (50) square feet in area per face, two (2) faces, maximum of twenty-one (21) feet in height. One (1) such sign may be placed perpendicular to each city street frontage to be served, of which is not supporting the larger sign.

Signs permitted under section 33-10 shall require a permit, except as otherwise provided herein.

(c) *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 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.

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(d) *Menu type signs:* One (1) menu type sign per drive-thru window service not to exceed forty (40) square feet in area or eight (8) feet in height.

(e) *Automobile dealerships:* Automobile dealerships in the sale of the new vehicles shall be subject to the following:

(1) *Numerical limitation:* In addition to the allowed one (1) sign per street frontage, one (1) secondary ground sign per street frontage shall permitted only if two (2) or more automotive product lines (automotive makers) are offered for sale on the premises.

(2) *Area limitation:* The maximum area of the face for a secondary ground sign shall not exceed twenty-four (24) square feet and not higher than ten (10) feet above ground level.

(f) *Gasoline and fuel signs:* Gasoline or other motor vehicle fuel pricing signs, in addition, to permitted name or identification signs, are permitted in any business or industrial district. Such signs shall not exceed twelve (12) square feet in area and must comply with the other sign requirements for the district in which they are located.

(g) **~~Temporary~~ Promotional Banners:** a ~~Temporary~~ promotional banner is 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.

1. The ~~temporary~~ promotional banner is not intended to replace a permanent business identification sign nor to circumvent the sign permit application process.

2. 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 (28) 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.

3. Said banner may be located as follows: attached, connected or tethered to the building façade; or, supported by stakes or other similar devices. No banner may 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:~~

~~**No more than 30 days but no less than promotional period**~~

Moved up [1]: (g) *New construction signs:*¶

¶

(1) *General provision:* Temporary non-illuminated signs not more than thirty-two (32) square feet in area, 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. ¶

¶

(2) *Temporary advertising sign:* A temporary advertising sign will 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, provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, and is within the confines of the development. A temporary sign advertising property for sale in 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 sixteen (16) square feet, is non-illuminated and is within the confines of the development. ¶

¶

These signs shall be the height no greater than ten (10) feet mounted from the ground, for no more than one (1) sign, either single or double faced, per street frontage. ¶

¶

Permits shall be issued for a period of one (1) year. An additional one-year permit may be issued if the code enforcement officer has determined the promotion of the development is active and the temporary sign meets the maintenance requirements in section 33-7. The temporary sign will be removed when a permitted permanent sign is erected. ¶

¶

(3) *Time limitations and size requirements:* A temporary sign will be permitted on each premises 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, whichever occurs first, provided the temporary sign does not exceed thirty-two (32) square feet, is non-illuminated, mounted from a ground to a height not to exceed ten (10) feet. Said sign may be single or double faced. ¶

(h) *Grand Openings, Grand Re-openings, and Conventions Marketing Packages*:

Deleted: *Conventions and grand openings*

(1) Upon obtaining a permit from the Code Enforcement Officer, one ~~temporary~~ marketing package as described herein is allowed per street frontage for each lot, business or residential development.

(2) In the event of a grand re-opening of an existing business, a ~~temporary~~ marketing package may be allowed for a duration of fourteen (14) days.

(3) In the event of a grand opening of a new business, a ~~temporary~~ marketing package may be allowed for a duration of thirty (30) days.

(4) Any convention marketing shall be on premise and may be on display for a time commensurate with and remain for the duration of the convention.

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

i. One promotional not to exceed thirty two (32 sq. ft.) square feet in size may be located at each street frontage;

ii. Promotional flags (shall be separated by at least 20-ft);

iii. One tethered inflatable three dimensional (3-D) object, **the maximum height shall be no more than fifty (50-ft) feet**, and shall be setback at least one hundred (100-ft) from the property line, ~~and may be located at each street frontage;~~ and,

iv. Three (3) other items from the following list:

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

(i) *Public interest directional signs:* A permanent or temporary sign, erected on private or public property, not exceeding six (6) square feet to denote the route to any city, town, village, historic or religious place, shrine, public building or facility, school, hospital, health care facility, public meeting, or public event when authorized by the city council.

(j) *Electronic signs:*

General prohibition: Electronic signs are prohibited within the corporate limits with the following exception(s):

(1) Electronic Signs For Business or Religious Establishments

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.

a. Sign Permit Required

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

b. 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 district and off premise.

c. Prohibited Effects

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

ii. 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.

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

Deleted: Temporary signs and banners not exceeding fifty (50) square feet in area and temporary decorative flags, bunting, pennants and streamers for recognizing conventions and grand openings. Said temporary decorations and signs shall be kept in good condition and shall be permitted no more than fourteen (14) days. ¶

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

d. On Premise digital and/or electronic sign provisions

The following provisions shall apply:

i. 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 thirty square feet (30 sq. ft). per sign **face** ~~and 15 sq. ft. per sign face; and shall be no more than 33% white or similar color.~~

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

e. Mode of Operation

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

i. 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 (5) 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.

f. 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.~~

i. 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 per foot candle in full daylight and 1,000 nits/foot candle between dusk and dawn.**

ii. 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.

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

iv. 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.

(2) Public entities, limited to the Daphne Civic Center, Recreation, and Library Complex and Schools of the Baldwin County School System shall be allowed to maintain electronic signs on the premises of such entities for the sole purpose of providing (1) information regarding onsite activities or (2) community information of general public interest (i.e.: city council meetings, public service announcements (P.S.A.s), provided, however that such signs comply with the following requirements:

(a) *Size:*

(1) Signs shall be of the monument style.

(2) Signs shall not exceed ten (10) feet in height.

(3) Sign area shall not exceed fifty (50) square feet.

(4) Electronic display area shall not exceed thirty (30) square feet.

(b) Electronic display method: Information shall be displayed via simple fade in/fade out manner.

(c) *Time:*

(1) Each message must be displayed for a minimum of twenty (20) seconds.

(2) Commercial advertising:

(a) *Prohibition:* In no case, however, is commercial advertising permissible within the electronic display area of any electronic sign facing a public road, in front of a school or public building, or on or around the supporting structure of the sign.

(k) *Interstate corridor signs:* One (1) "Name Indication" sign shall be allowed for any lot or parcel of property having a minimum of two hundred (200) feet of frontage space parallel, abutting to or otherwise sharing a common boundary line with Interstate 10 and/or interstate right-of-way, when a right-of-way that has no property other than a city, county, or state right-of-way between the subject real property and the interstate right-of-way. No sign shall be erected on any lot or parcel containing less than two hundred (200) feet of said frontage space. The sign shall be located at or very near the interstate right-of-way of the parcel, and shall contain no more than two hundred and fifty (250) square feet of signage.

Said sign shall be no greater than forty (40) feet in height, measured from the finished grade of the property and shall be no greater than twenty (20) feet in width. Any proposed sign to be erected shall be subject to the approval of the planning commission.

(l) *Commercial/retail development interior street signs:* Inasmuch as commercial developments continue to arise within the city limits which contain private interior streets with retail and/or business space being located on both sides of said private interior streets, advertising signs shall be allowed to be placed at each end of the private interior street. Said sign shall be either a monument, street lamp, or hanging sign style. Said signs shall be limited to thirty (30) square feet on each side of the sign, regardless of the number of businesses located on said private interior street.

Monument style signs shall be no higher than five (5) feet, and street lamp style signs shall be no higher than twenty (20) feet, both to be measured from the finished grade. Any proposed sign to be erected shall be subject to the approval of the planning commission.

(m) Real Estate Builder/Subdivision Directional Signage: Inasmuch as residential developments continue to arise within the city limits, real estate builder advertising signs shall be allowed to be placed at each entrance to the subdivision with a permit from the Code Enforcement Officer and in accordance with the following conditions:

1) Each real estate builder/subdivision directional sign shall be located on private property not in the right of way; and,

2) The permit for such sign is subject to annual renewal when maintained in good repair; however, all signs shall be removed by the permit holder when no additional lots are available for sale; and,

3) Said sign shall not exceed thirty two square feet (32 sq.ft.). No more than one such sign will be permitted per entrance, and the placement of any additional real estate builder/subdivision directional sign shall be separated by a minimum distance of five hundred feet (500-ft).

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33-11 Schedule of permitted sign requirements.

Zoning District	Type of Use	Max. Area/ Face	No. of Faces	Max. Height	Max. No. of Signs Permitted
R-1	SF Residential	6 sq. ft.	1	6 ft.	1 per premises
R-2	SF Residential	6 sq. ft.	1	6 ft.	1 per premises
R-3 & R-6(D,G)	SF Residential	6 sq. ft.	1	6 ft.	1 per premises
R-4 & R-7(A,M,T)	MF Residential	6 sq. ft.	1	6 ft.	1 per premises
R-5	MH Residential	6 sq. ft.	1	6 ft.	1 per premises
B-1	Local Business	50 sq. ft.	1 per premises	21 ft.	1 per street frontage
B-2	General Business	50 sq. ft.	2 per premises	21 ft.	1 per street frontage 2 if premises frontage is greater than 1,000 linear ft.
B-2	General Business (Shopping	—	2 per premises	21 ft.	1 sq. ft. of signage per 1,000 sq. ft. of floor space for facilities or commercial buildings over 50,000 sq. ft. of floor space. Max. signage of 150 sq. ft. and max. width of sign, 15 ft.

	Center)	50 sq. ft.	2 per premises	21 ft.	1 per street frontage, which is not supporting the larger sign.
B-3	Professional Business	30 sq. ft.	2 per premises	10 ft.	1 per street frontage
C/I	Commercial/ Industrial	50 sq. ft.	2 per premises	21 ft.	1 per street frontage

33-12 Fees.

Fees for each permitted sign under sections 33-10 and 33-11 shall be as specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

OLDE TOWNE DAPHNE DISTRICT SIGN PROVISIONS

14-11 Signage.

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article VIII, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty (80) percent in lieu of the standard rate of one hundred (100) percent.

(a) Nonconformance: Any sign in existence on the date of the adoption of this Ordinance that is not in conformance shall be considered a nonconforming sign and shall be permitted to continue to exist, subject to the conditions and prohibitions set forth in the provisions of Article XXXIII, Sign Provisions.

(b) Single-use building (A commercial building with one (1) commercial tenant): Signs indicating the name of a business or retail use permitted in this district with a single-use building shall have one (1) sign not to exceed fifteen (15) square feet in area per face, five (5) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this district with a single-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten (10) percent of the surface frontal area of its building or portion of the building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

(c) Multi-use building (A commercial building which houses more than one commercial tenant: Signs indicating the name of a business or retail use permitted in this district with a multi-use building shall have one (1) sign not to exceed thirty-two (32) square feet in area per face, ten (10) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this district within a multi-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten (10) percent of the surface frontal area of its building or portion of building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

(d) Fees: Signs permitted under this article shall require a permit as more specifically enumerated in Article XXXIII, Sign Provisions. Fees for each permitted sign are specifically enumerated in Article XXXIV, Schedule of Fees.

THE VILLAGE OVERLAY DISTRICT SIGN PROVISIONS

36-10 - Signage.

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article VIII, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty (80) percent in lieu of the standard rate of one hundred (100) percent.

(a) *Nonconformance:* Any sign in existence on the date of the adoption of this Ordinance that is not in conformance shall be considered a nonconforming sign and shall be permitted to continue to exist subject to the conditions and prohibitions set forth in the provisions of Article XXXIII, Sign Provisions.

(b) *Single-use building (A commercial building with one (1) tenant):* Signs indicating the name of a business or retail use permitted in this district with a single-use building shall have one (1) sign not to exceed fifteen (15) square feet in area per face, five (5) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this district with a single-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten (10) percent of the surface frontal area of its building or portion of the building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

(c) *Multi-use building (A commercial building which houses more than one (1) commercial tenant):* Signs indicating the name of a business or retail use permitted in this district with a multi-use building shall have one (1) sign not to exceed thirty-two (32) square feet in area per face, ten (10) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this district with a multi-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten (10) percent of the surface frontal area of its building or portion of building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

(d) *Fees:* Signs permitted under this article shall require a permit as more specifically enumerated in Article XXXIII, Sign Provisions. Fees for each permitted sign shall be as more specifically enumerated in Article XXXIV, Schedule of Fees.

ESTABLISHMENT OF EASTERN SHORE PARK SIGN PROVISIONS

37-15 - Sign provisions.

A. *Signs prohibited in this district.* The following signs are prohibited:

(a) *Prohibited placement:* Any sign erected or painted upon a sloped roof, fence, tree, stand pipe, fire escape, or utility pole is prohibited, except that a manufacturer's or installer's ID plate shall be permitted, provided that such plate does not exceed five (5) by eight (8) inches in size.

(b) *Prohibited wording:* Any sign which is not a traffic control sign and uses the word "Stop" or "Danger" prominently displayed and/or which is a copy or imitation of official traffic control signs is prohibited.

(c) *Flashing signs prohibited:*

(1) *General prohibition:* Except as otherwise provided below, flashing signs, signs which contain intermittent illuminations and digital LED signs/reader boards are prohibited.

(2) *Exceptions:* This subsection does not prohibit the following:

(a) Signs required for traffic control; and,

(b) Signs which exhibit time, date, temperature, and other customary public information.

(d) *Prohibited sign types:* Portable signs, bench signs, snipe signs, sandwich signs, except as allowed in Article XXXIII, Sign Provisions of the Land Use Ordinance, ladder-type signs, billboard signs or off-premises signs. "Billboard" is defined as "an off-premises or off-site sign advertising an establishment, merchandise, product, service, or entertainment which is not sold, provided, manufactured, or furnished on the property on which said sign is located." "Off-premises sign" is defined as "a billboard or other sign on which any portion thereof relates to a premises (or activities thereon) other than the property on which said sign is located."

(e) *Prohibited sign effects:* Signs which produce sound, noise, cause interference with radio, telephone, television or other communication transmission, produce or reflect motion pictures; emit visible smoke, vapor, particles, odor, are animated, or produce any rotation, motion, or movement.

(f) *Illuminated tubing:*

(1) *General prohibition:* Illuminated tubing or strings of lights that outline property lines, sales area, roof lines, doors, windows, wall edges, similar areas or other architectural features of a building are prohibited.

(2) *Exception:* This prohibition shall not apply to temporary displays erected in connection with holiday decorations and community decorations.

B. *Permitted signs.* The following signs are permitted, subject to review by the planning commission to determine compliance with the sign criteria provided below in this subsection B. and further subject to the requirement that permitted signs shall have internal illumination only.

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article VIII, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty (80) percent in lieu of the standard rate of one hundred (100) percent.

(a) *Monument and pylon signs:* Except as otherwise provided in these district regulations, the following monument and pylon signs are permitted in the district.

(b) *District interstate pylon sign:* The developer/owner is permitted to install and maintain one (1) pylon sign at or near the Northeastern boundary of the district. This sign is permitted to have panels for multiple businesses in the district, provided that the panel space on each side of the district interstate pylon sign shall not exceed one thousand two hundred (1,200) square feet in the aggregate and no individual panel shall have more than three hundred and fifty (350) square feet or less than one hundred and fifty (150) square feet per side. The height of the interstate pylon sign shall not exceed one hundred and twenty (120) feet and shall be determined based on a sight line study obtained by the developer/owner and approved by the planning commission.

The sight line study shall consider the topographical elevation of the location of the district interstate pylon sign, the obstruction to the sign panels by trees and the Interstate 10 overpass at the northeast corner of the district, so as to insure that the top panel on the sign is visible traveling in both directions on Interstate 10.

Each lot in the district which borders Interstate 10 and either (A) has at least five hundred (500) front feet on Interstate 10, or (B) is located at the intersection of Interstate 10 and Alabama Highway 181, shall be permitted one (1) pylon sign at or near said lot's common boundary with Interstate 10.

Permitted individual lot interstate signs are not to exceed fifteen (15) feet in width, or forty-five (45) feet in height, and shall have a maximum area of three hundred (300) square feet per face. Lots in the district which border Interstate 10, other than those described immediately above, may not have such an individual lot pylon sign without a variance from the board of zoning adjustments.

(c) *Development signs:* One (1) sign is permitted on Alabama Highway 181 and one (1) sign on U.S. Highway 90 identifying the development. Each side may also have panels beneath the development identification not exceeding one hundred and fifty (150) square feet each for multiple businesses within the district. Each sign shall not exceed thirty (30) feet in height.

(d) *Monument signs:* Each lot having frontage on Alabama Highway 181, U.S. Highway 90, or any other public road or right-of-way within or abutting the district shall be permitted to have one (1) monument sign for each public road right-of-way which the lot abuts. The sign shall be placed perpendicular to the said highways and/or boulevards. The permitted sign shall not exceed fifty (50) square feet per face if the lot's frontage on the public road right-of-way is three hundred (300) feet or less, and shall not exceed one hundred (100) square feet per face if the lot's frontage on the public road right-of-way exceeds three hundred (300) feet. All monument signs shall have a pedestal and shall not exceed twenty-one (21) feet in height (including the pedestal).

No sign which qualifies under this definition shall be construed to have any supportive structure and/or structural elements of the sign bearing no advertising matter that would be exempt from calculating the square footage dimensions of the sign. The entire dimensions of the monument itself shall be computed for the maximum square footage per face allotted.

(e) *Directional signs:* Directional signs shall be permitted at the intersection of all roads in the district. Directional Signs shall not exceed sixteen (16) square feet per face.

(f) *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 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.

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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.

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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.

(g) *Menu type signs:* One (1) menu type sign per drive-thru window service not to exceed forty (40) square feet in area or eight (8) feet in height.

(h) *Automobile dealerships:* Automobile dealerships in the sale of the new vehicles shall be subject to the following:

(1) *Numeric limitation:* Each lot on which an automobile dealership operates shall be permitted the following:

(a) One (1) monument sign for each new automobile manufacturer line of cars offered on the lot, together with one (1) monument sign for used cars, if the same are for sale on the lot; and,

(b) Lots operated as automobile dealerships and have a common boundary with Interstate 10 are permitted to have one (1) pylon sign as provided in section 37-15.B above of these district regulations.

(2) *Height limitation:*

(a) The monument signs shall not exceed twenty-one (21) feet in height; and,

(b) Any pylon sign for lots adjoining Interstate 10 North shall not exceed forty-five (45) feet in height.

(i) *Gasoline and fuel signs:* Gasoline or other motor vehicle fuel pricing signs, in addition to permitted name or identification signs, are permitted in any business or industrial district. Such signs shall not exceed twelve (12) square feet in area and must comply with the other applicable sign requirements for the district.

(j) *New construction signs:*

(1) *General provision:* Temporary non-illuminated signs not more than thirty-two (32) square feet in area, 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.

(2) *Temporary advertising sign:* A temporary advertising sign will 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, provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, and is within the confines of the development. These signs shall be the height no greater than ten (10) feet mounted from the ground, for no more than one (1) sign, either single or double faced, per street frontage.

(3) *Temporary promotional banners:* Two (2) temporary signs or banners not exceeding fifty (50) square feet each in area and temporary decorative flags, bunting, pennants and streamers for recognizing grand openings are permitted. Said temporary banners shall be kept in good condition and shall be permitted no more than fourteen (14) days. Furthermore, decorative seasonal banners are permitted on light standards at all times, provided that the same are maintained in good condition.

(k) No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the code enforcement officer. Before any permit shall be issued an application prescribed forms, which shall indemnify and hold harmless the City of Daphne of all damages, all demands or expenses of every character which may in any manner be caused by the erection and use of said sign or sign structure, shall be filed together with drawings and specifications may be necessary to fully advise and acquaint the code enforcement officer with location, size, construction, materials, manner of illuminating, and securing or fastening, and number of size applied for in the wording of the sign or advertisement to be carried on the sign. A decision by the code enforcement officer shall be made within thirty (30) calendar days from the date of when the application is received. Further an application for a business license shall be a prerequisite for applying for a sign permit.

THE RESIDENTIAL HIGH RISE CONDOMINIUM DISTRICT SIGN PROVISIONS

38-6 Sign provisions.

Signs shall be restricted to monument style signs. See Article XXXIII, Sign Provisions. The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article VIII, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty (80) percent in lieu of the standard rate of one hundred (100) percent.

JUBILEE RETAIL OVERLAY DISTRICT PROVISIONS

39-16 - Sign provisions.

(a) Signs prohibited in the Jubilee Retail Overlay District: The following signs are prohibited:

(1) Prohibited placement: Any sign erected or painted upon a sloped roof, fence, tree, stand pipe, fire escape, or utility pole is prohibited, except that a manufacturer's or installer's identification (ID) plate shall be permitted, provided that such plate does not exceed five (5) by eight (8) inches in size.

(2) Prohibited wording: Any sign which is not a traffic control sign and uses the word "Stop" or "Danger" prominently displayed and/or which is a copy or imitation of official traffic control signs is prohibited.

(3) Flashing signs prohibited:

(a) General prohibition: Except as otherwise provided in subsection (b) (1) below, flashing signs, signs which contain intermittent illuminations and digital LED signs/reader boards are prohibited.

(b) Exceptions: This subsection does not prohibit the following:

1. Signs required for traffic control; and,

2. Signs which exhibit time, date, temperature, and other customary public information.

(4) Prohibited sign types: Portable signs, bench signs, snipe signs, sandwich signs, except as allowed in Article XXXIII, Sign Provisions, ladder-type signs, billboard signs or off-premises signs. "Billboard" is defined as "an off-premises or off-site sign advertising an establishment, merchandise, product, service, or entertainment which is not sold, provided, manufactured, or furnished on the property on which said sign is located." "Off-premises sign" is defined as "a billboard or other sign on which any portion thereof relates to a premises (or activities thereon) other than the property on which said sign is located."

(5) Prohibited sign effects: Signs which produce sound, noise, cause interference with radio, telephone, television or other communication transmission, produce or reflect motion pictures; emit visible smoke, vapor, particles, odor, are animated, or produce any rotation, motion, or movement.

(6) Illuminated tubing:

(a) General prohibition: Illuminated tubing or strings of lights that outline property lines, sales area, roof lines, doors, windows, wall edges, similar areas or other architectural features of a building are prohibited.

(b) Exception: This prohibition shall not apply to temporary displays erected in connection with holiday decorations and community decorations.

(b) Permitted signs:

The following signs are permitted, subject to review by the planning commission to determine compliance with the sign criteria provided below in this and further subject to the requirement that permitted signs shall have internal illumination only.

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article VIII, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty (80) percent in lieu of the standard rate of one hundred (100) percent.

(1) Monument and pylon signs: Except as otherwise provided in these district regulations, the following monument and pylon signs are permitted in the district.

(2) Jubilee Retail Overlay District pylon sign:

(a) The developer/owner or designee thereof is permitted to install and maintain one (1) on-premises pylon sign on their development at a location approved by the planning commission. This sign is permitted to have panels for multiple businesses in the district, provided that the panel space on each side of the Jubilee Retail Overlay District Interstate pylon sign shall not exceed nine hundred (900) square feet in the aggregate and no individual panel shall have more than two hundred and fifty (250) square feet or less than one hundred and fifty (150) square feet per side.

(b) The height of the Jubilee Retail Overlay District Interstate pylon sign shall not exceed ninety (90) feet and shall be determined based on a sight line study obtained by the developer/owner and approved by the planning commission as justification for the proposed height and to insure that the top panel on the sign is visible while traveling in any direction on Interstate 10.

The sight line study shall consider the following:

a. The topographical elevation of the location of the Jubilee Retail Overlay District Interstate pylon sign;

b. Any obstruction to the sign panels by trees, other signs, structures or items along Interstate 10.

(c) Any lot in the district which abuts Interstate 10 and either has at least two hundred (200) feet along the right-of-way of Interstate 10, or is located at the intersection of the Interstate 10 ramp/right-of-way and Highway 90, shall be permitted one (1) individual lot interstate pylon sign at or near said lot's common boundary with Interstate 10.

(d) Permitted individual lot interstate signs shall not exceed fifteen (15) feet in width, or forty-five (45) feet in height, and shall have a maximum area of three hundred (300) square feet per face. Lots in the Jubilee Retail Overlay District which border Interstate 10, other than those described immediately above may not have an individual lot interstate pylon sign unless approved as a variance by the board of zoning adjustment.

(3) Shopping center or development signs: One (1) sign is permitted on U.S. Highway 90 identifying the development. Each side may also have panels beneath the development identification not exceeding one hundred and fifty (150) square feet each for multiple businesses within the district. No sign shall exceed twenty-one (21) feet in height or fifteen (15) feet in width.

(4) Monument signs: Each lot having frontage on U.S. Highway 90, or any other public road or right-of-way within or abutting the district shall be permitted to have one (1) monument sign for each public road right-of-way which the lot abuts. The sign shall be placed perpendicular to the said highways and/or right-of-way. If the lot's road frontage is three hundred (300) feet or less, then the permitted sign area shall not exceed fifty (50) square feet per face. If the lot's road frontage exceeds three hundred (300) feet then the permitted sign area shall not exceed one hundred (100) square foot per face. All monument signs shall have a pedestal. The sign shall not exceed fifteen (15) feet in height, pedestal included.

(5) Directional signs: Directional signs shall be permitted at the intersection of all roads in the Jubilee Retail Overlay District. Directional signs shall not exceed sixteen (16) square feet per face.

(6) 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 four hundred (400) square feet or 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.

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(a) Side surface area wall-mounted signage: A business establishment sixty-five thousand (65,000) square feet of building area or more may have two (2) additional wall-mounted signs of a size not to exceed five (5) percent of the surface area of the side of the building. Said signage shall be limited to one (1) side of the building, either the left or right side or the rear of the building.

(b) Accessory use advertisement wall-mounted sign: A business establishment between forty thousand (40,000) square feet of building area to one hundred thousand (100,000) square feet of building area may have one (1) additional

wall-mounted sign of a size not to exceed one hundred (100) square feet for the purpose of advertising an accessory use.

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. No business establishment may have more than three (3) wall-mounted signs.

(7) Menu type signs: One (1) menu type sign per drive-thru window service shall not exceed forty (40) square feet in area or eight (8) feet in height.

(8) Gasoline and fuel signs: Gasoline or other motor vehicle fuel pricing signs, in addition to permitted name or identification signs, are permitted in any business or industrial district. Such signs shall not exceed twelve (12) square feet in area and must comply with the other applicable sign requirements for the Jubilee Retail Overlay District.

(9) New construction signs:

(a) General provision: Temporary non-illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress may be permitted. One (1) such sign, no greater than ten (10) feet in height, is allowed for each street frontage. Such signs shall be removed upon completion of the project.

(b) Temporary advertising sign: A temporary advertising sign will be permitted to the owner for the development for each individual business premises, shopping center premises provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, and is within the confines of the development. These signs shall be the height no greater than ten (10) feet mounted from the ground, for no more than one (1) sign, either single or double faced, per street frontage.

(c) Temporary promotional banners: Two (2) temporary signs or banners not exceeding fifty (50) square feet each in area and temporary decorative flags, bunting, pennants and streamers for recognizing grand openings are permitted. Said temporary banners shall be kept in good condition and shall be permitted no more than fourteen (14) days. Furthermore, decorative seasonal banners are permitted on light standards at all times, provided that the same are maintained in good condition.

Repeal Ordinance 1989-04 in its entirety

Deleted: **CHAPTER 14 - OFFENSES AND MISCELLANEOUS PROVISIONS ARTICLE III. - POLITICAL SIGN CONTROL ¶**

Sec. 14-40. - Purpose.¶

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

(Ord. No. 1989-04, § 1, 3-20-89) ¶

Sec. 14-41. - 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. ¶

(Ord. No. 1989-04, § 2, 3-20-89) ¶

Sec. 14-42. - Authority.¶

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

(Ord. No. 1989-04, § 3, 3-20-89) ¶

Sec. 14-43. - Applicability.¶

Political signs are exempt from the permit requirements of the land use and development ordinance of the city, but are subject to the regulatory controls of this article. ¶

(Ord. No. 1989-04, § 4, 3-20-89) ¶

Sec. 14-44. - Painting on or attaching to public property, or utility property.¶

Political signs shall not be erected, constructed, posted or painted on any public 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. ¶

(Ord. No. 1989-04, § 4.1, 3-20-89) ¶

Sec. 14-45. - 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. ¶

(Ord. No. 1989-04, § 4.2, 3-20-89) ¶

Sec. 14-46. - 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. ¶

(Ord. No. 1989-04, § 4.3, 3-20-89) ¶

Sec. 14-47. - 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. ¶

(Ord. No. 1989-04, § 4.4, 3-20-89) ¶

Sec. 14-48. - 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. ¶

(Ord. No. 1989-04, § 4.41, 3-20-89) ¶

Sec. 14-49. - Maximum size in business, commercial and industrial districts.¶

...

REPORT

OF

OFFICERS

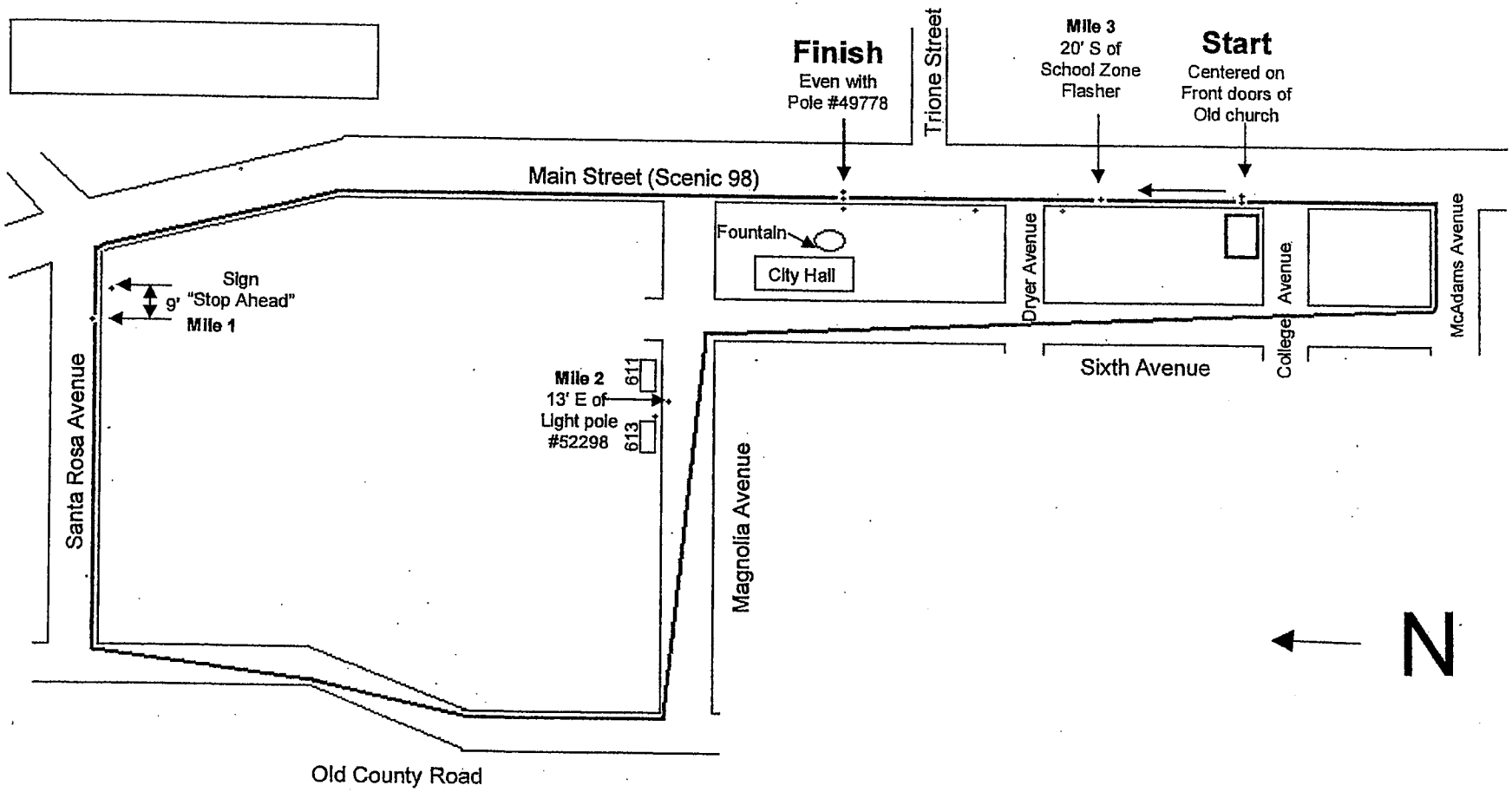
CITY OF DAPHNE
PARADE PERMIT

ORGANIZATION:	***Landscape Work Shop & Daphne Recycle***
CONTACT PERSON:	***Carrie Cox & Tracey Miller***
ADDRESS:	***9102 Parliament Circle Daphne, AL 36526***
PHONE NUMBER (HOME): ***PHONE NUMBER (BUSINESS):*** ***CELL NUMBER:*** ***E-MAIL ADDRESS:***	***251-367-8118*** ***ccox@landscapeworkshop.com***
TYPE OF PARADE:	***5K run + 1 mile fun run***
DATE OF PARADE:	***November 16, 2013***
ROUTE TO BE TRAVELED:	***See attached map***
APPROXIMATE # OF PEOPLE & CARS:	***200-300***
START TIME:	***9:00 am***
STOP TIME:	***11:00 am***
ASSEMBLY AREA/STREET:	***City Hall Front Lawn***
ASSEMBLY TIME:	***7:00 am***
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	***October 9, 2013***
APPROVAL	
POLICE: Chief David Carpenter	David Carpenter
FIRE: Chief James White	James White
PUBLIC WORKS: Richard Johnson	R D Johnson
RECREATION : David McKelroy	W D McKelroy
CITY COUNCIL APPROVAL: 10-21-13	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	***October 9, 2013***
NOTIFICATION	

Sam

SEEDS 5K II

Daphne, Alabama



No Diagrams to Scale

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

Start and Finish marked with green paint

Measured by Jon Bowie (Daphne, AL 251-209-0887)
jnbowie@gmail.com
17 January 2010
Calibrated on AL08007JD
Race contact: Denise D'Oliveira (251-605-8777)

NATIONAL LEAGUE of CITIES

CREDENTIALS FORM

NATIONAL LEAGUE OF CITIES · 2013 CONGRESS OF CITIES AND EXPOSITION· SEATTLE, WASHINGTON

At the Annual Business Meeting on Saturday, November 16, 2013, from 2:30 p.m. to 4:30 p.m., each direct member city of the National League of Cities (NLC) is entitled to cast from one to 20 votes based upon the city's population per the 2010 census, through its designated voting delegate. Please indicate below your city and state, your voting delegate and alternate(s), and sign and date the form. The form should be faxed to NLC at 202-626-3109, or mailed to National League of Cities, Attn: Mae Davis, 1301 Pennsylvania Ave., NW, Washington, DC 20004, by the October 31, 2013, deadline.

The official voting delegate and alternate(s) for the:

City of Daphne, AL

FOR OFFICE USE ONLY
(DO NOT WRITE IN THIS SPACE)
Voting card issued to:

_____
(signature)

Votes: (1)

VOTING DELEGATE:

1. NAME: _____

TITLE: _____

ALTERNATE VOTING DELEGATE(S):

2. NAME: _____ TITLE: _____

3. NAME: _____ TITLE: _____

PLEASE SIGN AND FAX THIS FORM TO NLC BY OCTOBER 31, 2013
ATTENTION: MAE DAVIS, MEMBER RELATIONS REPRESENTATIVE
FAX: 202-626-3109

Signature (city representative): _____

Title: _____ Date: _____

RESOLUTIONS

&

ORDINANCES

RESOLUTION NO. 2013-52
2014-A- S&R BOAT, MOTOR & TRAILER

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

WHEREAS, The City of Daphne acknowledges that the cost for the BOAT, MOTOR & TRAILER will exceed this amount; and

WHEREAS, monies were appropriated for the BOAT, MOTOR & TRAILER in the FY2013 Capital Budget amendment, Ordinance 2013-25 *($25,000);* and

WHEREAS, Staff has reviewed the bids for the BOAT, MOTOR, & TRAILER and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the S & R / BOAT, MOTOR, & TRAILER be awarded to Dixie Sporting Goods, Inc.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Dixie Sporting Goods, Inc. for unit cost of $23,557 as specified in BID SPECIFICATION NO:2014-A- S&R BOAT, MOTOR & TRAILER.

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

_____
Dane Haygood, Mayor

ATTEST:

_____
Rebecca A. Hayes, City Clerk

RESOLUTION 2013-53

RESOLUTION FOR ACCEPTANCE OF THE COASTAL IMPACT ASSISTANCE COASTAL IMPACT ASSISTANCE PROGRAM'S (CIAP) GRANT

Whereas, *The Comprehensive Watershed Management Plan for D'Olive Creek, Tiawasee Creek and Joe's Branch Watersheds of Baldwin County, Alabama* (D'Olive Watershed) recommends the development of a comprehensive watershed hydrologic model that will provide watershed managers a useful tool(s) to implement projects in the watershed and the restoration of severely impaired stream segments, and

Whereas the City of Daphne applied for CIAP assistance in the amount of $250,000.00 from the State of Alabama Department of Natural Resources and Conservation in 2010 for a hydrologic study, model, and a portion of the restoration of an Un-named Tributary to D'Olive Creek and was awarded Tier 2 grant plan status in 2011, and

Whereas the City of Daphne applied for CIAP assistance in the amount of $250,000.00 from the County in 2010 for a portion of the restoration of an Un-named Tributary to D'Olive Creek and was awarded Tier 1 grant plan status in 2011, and

Whereas, in 2013 the City of Daphne was awarded both grants totaling $500,000.00; ***requiring no monetary or in-kind labor match*** unless additional engineering cost are needed to develop the model and/or implement the stream restoration, and

Whereas, the CIAP grants are100% funded grants and the grantors will pay the project cost on a reimbursement basis, and

Whereas, the City of Daphne would like to enter into a contractual agreement with Hydro Engineering Solutions, a consulting firm with local hydrology modeling experience, to perform the hydrologic study for the amount of $50,000, and

Now, therefore be it resolved by the legislative body of the City of Daphne that:

1) The City of Daphne will immediately execute a contract with Hydro Engineering Solutions to perform the watershed hydrologic model; and

2) Upon completion of the hydrologic model, the City may proceed with the implementation of the stream restoration in accordance with both CIAP grants' requirements upon properties located within the municipal limits of the City of Daphne; and

3) The Mayor is hereby authorized to execute all agreements required for the completion of these projects; and

4) If any matching funds for engineering are required that it will be brought back to the Council for appropriation.

ADOPTED AND APPROVED THIS _____DAY OF _____, 2013.

CITY OF DAPHNE, ALABAMA

AN ALABAMA MUNICIPAL CORPORATION

_____

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 leased 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:

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

Failure to quarantine animal that has bitten	1st offense within a twelve month period	Court
	2nd offense within a twelve month period	Court
Failure to notify authorities of bite	1st offense within a twelve month period	Court
	2nd offense within a twelve month period	Court
Failure to obtain rabies vaccination	1st offense within a twelve month period	$15
	2nd offense within a twelve month period	$25
	3rd offense within a twelve month period	$50
Failure to attach rabies tag	1st offense within a twelve month period	$15
	2nd offense within a twelve month period	$25
	3rd offense within a twelve month period	$50
Failure to surrender Dangerous/Vicious animal	1st offense	Court
	2nd offense	Court
Failure to confine dog/cat in heat	1st offense within a twelve month period	$25
	2nd offense within a twelve month period	$50
	3rd 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	1st offense within a twelve month period	$25
	2nd offense within a twelve month period	$50
	3rd offense within a twelve month period	Court
Interfering/ opposing Animal Control Officer	1st offense within a twelve month period	Court
	2nd offense within a twelve month period	Court
	3rd offense within a twelve month period	Court
Keeping prohibited livestock in city limits	1st offense within a twelve month period	$25
	2nd offense within a twelve month period	$50
	3rd offense within a twelve month period	Court
Keeping prohibited fowl in city limits	1st offense within a twelve month period	$25
	2nd offense within a twelve month period	$50

	3rd offense within a twelve month period	Court
Livestock at large	1st offense within a twelve month period	$15
	2nd offense within a twelve month period	$25
	3rd offense within a twelve month period	$50
Noisy animals	1st offense within a twelve month period	$100
	2nd offense within a twelve month period	$250
	3rd offense within a twelve month period	$500 & Court
Operating illegal horse stable	1st offense within a twelve month period	Court
	2nd offense within a twelve month period	Court
Promoting animal fighting	1st offense	Court
	2nd offense	Court
Refusing to allow inspection	1st offense within a twelve month period	Court
	2nd offense within a twelve month period	Court
Tamper with animal trap/ removing animal from trap/interfering with ACO in setting/servicing trap	1st offense within a twelve month period	Court
	2nd offense within a twelve month period	Court
	3rd offense within a twelve month period	Court
Unsanitary living condition-fowl/livestock	1st offense within a twelve month period	$25
	2nd offense within a twelve month period	$50
	3rd offense within a twelve month period	Court
Unsanitary/inhumane living condition (any animal)	1st offense within a twelve month period	$50
	2nd offense within a twelve month period	$100
	3rd offense within a twelve month period	Court
Dangerous and vicious animal at large	1st offense	Court
	2nd offense	Court
	3rd 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 he 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:

1st Offense	Not less than $100.00 or more than $350.00 and/or not to exceed 6 months in jail;
2nd 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 harborer of an animal shall permit a vicious or dangerous dog to be kept on a chain, rope or other type of leash outside of its fence and/or pen unless it is under physical control of a leash. Such dogs may not be leashed or chained to inanimate objects such as trees, posts, buildings, etc. outside of the perimeter fence and/or pen. No vicious or dangerous dog may be kept on a porch, patio or in any other portion of the house or structure that would allow the dog to exit such building or structure on its own volition. In addition, no such animal may be kept in a house or structure where screen doors are the only obstacle preventing the dog from exiting the structure.

L. REGISTRATION OF VICIOUS DOGS

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

SECTION XXIV. DONATIONS TO ANIMAL SHELTERS

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

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

SECTION XXV. SEVERABILITY

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

SECTION XXVI. REPEALER

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

SECTION XXVII. EFFECTIVE DATE

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

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

CITY OF DAPHNE

_____

DANE HAYGOOD, MAYOR

ATTEST:

_____

REBECCA A. HAYES, CITY CLERK

CITY OF DAPHNE
ORDINANCE NO. 2013-58

AN ORDINANCE TO AMEND AND REORGANIZE CHAPTERS TWO, THREE, FOUR, FIVE, AND SIX OF THE CITY'S EMPLOYEE HANDBOOK

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to Chapters Two, Three, Four, Five, and Six of the City of Daphne Employee Handbook are necessary for the proper administration of said Handbook and the policies contained therein;

WHEREAS, revisions to Chapters Two, Three, Four, Five, and Six of the Employee Handbook will enable the City to more easily facilitate and administer policies in those chapters in order to benefit the health, safety, and welfare of its employees;

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

SECTION I: REVISION TO CHAPTER 2

That all Sections of Chapter Two of the Employee Handbook be and are hereby revised as follows:

CHAPTER 2

CONFLICTS OF INTEREST

2.1. PURPOSE AND COVERAGE

The purpose of this chapter is to identify those activities which are not consistent with the standards required of public employees and, thus, contrary to the best interests of the City of Daphne and the people it serves. All individuals employed by the city are subject to these provisions. When further guidance is needed, employees should consult with the human resources director.

2.2. TYPES OF ACTIONS AND ACTIVITIES PROHIBITED

The following types of actions and activities will be considered conflicts of interest and are prohibited by these policies and procedures.

1. Speculative Investments. Investments in real property or businesses in the immediate vicinity of a city project site which might appear to be speculative.

2 Improper Influence. The use of one's position, or influence with the city to promote business with any company in which he has financial interest.

3. Conflicting Moonlighting. Involvement in a non-city business activity ("moonlighting") which:
   (a) conflicts with or limits the city's demands on the employee with respect to his availability for work or his performance on the job; or
   (b) reflects adversely on the city.

4. Conflicting Contractual Activity. The use of one's position with the city to contract, or to influence contracting, with any business for personal gain or to benefit, friends, relatives, or associates.

5. Interfering Political Activities. Political activities which interfere, or might be construed as interfering, with an employee's ability to perform his duties, or are in violation of city, state, and/or federal laws.

6. Failure to Comply with Ethics Law. Failure to comply with the Alabama Ethics Law, to include filing of required annual statements of economics interests, and any activity which is considered to be a violation of the ethics law.

7. Solicitations. Solicitation of any type or distribution of any literature during the employee's working time. Posting of cards, literature, notices, or other material of any kind on city bulletin boards or distributing such in city work areas at any time unless approved in advance by the human resources director.

2.3. VIOLATIONS.

Violations of any part of this chapter, or its intent, may be grounds for disciplinary action, to include dismissal.

SECTION II: REVISION TO CHAPTER 3

That all Sections of Chapter Three of the Employee Handbook be and are hereby revised as follows:

CHAPTER 3

CATEGORIES OF SERVICE AND EMPLOYMENT STATUS

3.1. CATEGORIES OF SERVICE

Classified Service. "Classified Service" employees are those individuals who have completed the probationary period defined in this Chapter, who are normally scheduled to work at least thirty (30) hours in their established workweek, and who work in those positions approved by the city council paid from city controlled funds, regardless of the sources of the revenues making up such funds, which are not in the unclassified, temporary, or part-time services. Classified employees will be eligible to participate in all city provided benefits, including group insurance, retirement, vacation and sick leaves, and holiday pay. Classified service employees may challenge job-performance related demotions or dismissals as provided in Chapters 4 and 6 and are eligible to use the employment grievance and appeal rights provided in Chapter 8.

Part-time Service. "Part-Time Service" employees are those individuals who have completed the probationary period defined in this Chapter, who work in positions which are considered to be on-going in nature, and who are normally scheduled to work less than thirty (30) hours in their established workweek. The incumbents of positions assigned to the part-time service will normally be scheduled to

work in each pay period. Part-time employees will not be eligible to participate in any city provided employee benefits, except as required by applicable state or federal law, provided however, that any part-time employee who before 1996 was provided a city provided benefit will be allowed to continue such benefit. Part-time service employees may challenge job-performance related demotions or dismissals as provided in Chapters 4 and 6 and are eligible to use the employment grievance and appeal rights provided in Chapter 8.

Unclassified Service. "Unclassified service" employees are those who serve at the pleasure of the appointing authority and whose "at-will" employment relationship with the City may terminate at any time, with or without notice or cause. The unclassified service will include only those positions which are required by law, or approved by the city council, to be assigned to such service. Unclassified service employees have no continued expectation of employment for a definite term and are not eligible to use the employment grievance and appeal rights provided to classified employees in Chapter 8 and may not challenge job-performance related demotions or dismissals as provided in Chapters 4 and 6. Unclassified employees are eligible to participate in all city provided employee benefits, including group insurance, retirement, vacation and sick leave, and holiday pay.

Temporary Service. "Temporary service" employees are those employed on an "at-will" basis by the city, or contracted through a temporary services company, to perform special or emergency functions, temporary work, or to be substitutes or temporary replacements for unclassified, classified, or part-time service employees who are on approved leave. Employment in the temporary service will not normally exceed six (6) consecutive months in duration, although the mayor may in his discretion extend this period for up to six (6) additional months. Individuals hired for the temporary service may work either a full or part-time work day. Temporary individuals may not be transferred directly to the unclassified, classified, or part-time service, but may apply for vacancies in such categories of service as provided in Chapter 4. Temporary employees may be separated with or without cause or notice at the discretion of their appointing authority and are not eligible to use the employment grievance and appeal rights provided to classified employees in Chapter 8 and may not challenge job-performance related demotions or dismissals as provided in Chapters 4 and 6. Temporary service individuals generally will not be eligible to participate in any city provided employee benefits, except as provided by applicable federal or state law.

3.2. EMPLOYMENT STATUS (CLASSIFIED AND PART-TIME EMPLOYEES)

Probationary Status. Initially, each individual hired for the classified or part-time service will be placed in a probationary status, until he has successfully completed the city's established probationary period. A probationary status employee may be separated by his appointing authority without a hearing and without recourse at any time during his probationary period. A probationary status employee will not be eligible to file an appeal of his separation or any disciplinary action taken against him or to file a grievance as provided by the city's grievance procedure.

Regular Status. Upon completion of the probationary period, a probationary status employee who has demonstrated acceptable performance and who is approved for regular status by the appointing authority will be afforded regular status. A regular status employee may, subject to the provisions of these policies and procedures, remain in his position so long as there is a need for his position, the position is funded and his performance and conduct is acceptable.

3.3. PROBATIONARY PERIOD

Purpose. Every individual employed in the classified and part-time service must satisfactorily complete the city's established probationary period. The probationary period is considered an integral part of the training, evaluation, and discipline process for employees. The probationary period will be utilized for closely observing the employee's work, for providing detailed feedback on employee work behavior, obtaining the most effective employee performance, or separating an employee who is unable to acceptably perform their job.

Duration. The city's probationary period is generally established as six (6) months. However, this period will be extended as needed to ensure that those individuals who are required to complete minimum standards training or other certification for their jobs, serve at least six months in a probationary status after completion of the minimum standards requirements or other certification. For employees who are placed on probation due to performance or work behavior problems, the probationary period is generally three (3) months.

Evaluation. Normally, the performance of a probationary status employee will be evaluated two times during their six (6) month probationary period. Such evaluations will occur during the employee's third and sixth months of service. The performance of an employee who is placed on probation due to performance or work behavior problems will be evaluated every month of their three (3) month probationary period. Additional evaluations may occur if the probationary period is extended or if it is deemed necessary as determined by the department head, in coordination with the human resources director.

Procedure for Designation as a Regular Status Employee. During the final month of an employee's probationary period, the department head will complete a written evaluation of the employee's work. If the employee's service has been satisfactory, the department head's evaluation will include a statement that the employee should be retained as a regular status classified or part-time employee, as the case may be. If the employee receives an unacceptable evaluation, the evaluation will include a statement that the individual should not be retained. Normally, if an employee is to be terminated, he will be given at least seven (7) calendar days notice. However, when approved by the mayor, the employee may be given a shorter notice. All employees who successfully complete the probationary period will be notified in writing by the human resources director of their completion of the probationary period and designation as regular status employees in the classified or part-time service as the case may be.

3.4. CONTINUOUS SERVICE RULES

Non-Continuous Service – Temporary and Part-Time Employees. Employment in the Temporary Service and in the Part-Time Service will not count as continuous years of service with the city, if an individual is appointed at a later date to a position in the classified or unclassified service, regardless of the length of any break in service.

Continuous Service - Unclassified Employees. Employment in the unclassified service will count as continuous years of service, if an individual is later employed in the classified service and there is no more than a ninety (90) calendar day break in his service with the city.

Continuous Service - Classified Employees. Employment in the classified service will count as continuous years of service with the city, if an individual is later employed in the unclassified or part-time service and there is no more than a ninety (90) calendar day break in his service with the city.

3.5. CHANGE IN SERVICE CATEGORIES

Classified to Unclassified to Classified Service. If an individual was a regular status classified employee at the time of his appointment to the unclassified service, he may be reappointed as a regular status classified employee, if an available position for which he is qualified exists and he was not separated as a result of inadequate job performance or for disciplinary reasons.

Unclassified to Classified Service. If the individual was not a regular status classified employee at the time of his appointment to the unclassified service, he will not be automatically entitled to appointment to the classified service, but may apply for a vacant classified position along with other applicants, and, if selected, may be appointed.

SECTION III: REVISION TO CHAPTER 4

That all Sections of Chapter Four of the Employee Handbook be and are hereby revised as follows, and that the Transitional Duty Policy added by Ordinance 2012-1 be repealed and replaced with the Section 4.8. Transitional Duty After Occupational Injury set out below:

CHAPTER 4

STAFFING

4.1. GENERAL PROVISIONS

General. Staffing actions will be initiated only for vacant positions that have been authorized by the city council. Vacant positions will be filled by the appropriate appointing authority.
The city council or the mayor, as established by Alabama law or city ordinance, is designated as the appointing authority for all unclassified positions.
The mayor, or his designated representative, is the appointing authority for all vacancies in the classified, part-time and temporary service.

Contracted Service. At the discretion of the mayor, any vacant position may be filled through the services of a temporary service company.

Exceptions to these Guidelines. The mayor may make exceptions to these guidelines in those situations where a regular status classified employee's (a) position is being abolished and he would otherwise be laid off, or (b) performance, as demonstrated through performance evaluations and/or reports, indicates he is not qualified to render satisfactory service in his current position. In those cases, the mayor may, at his discretion, reassign him to any available position of equal or lower pay in the city's compensation plan, if such reassignment is considered to be in the best interest of the city. Such reassignment may be made without advertising the vacancy and complying with the staffing requirements of this chapter.

Employee Consideration. When a vacancy occurs in the unclassified classified or part-time service, any employee, regardless of his employment category or status of service, may apply for the vacancy along with other applicants from outside the city's employment. While the city will strive to give preference to qualified regular status classified and part-time employees, it reserves the right to select any individual

that is considered to be best for the position. No consideration will be given to whether the requested reassignment to a vacancy would result in a transfer, promotion, or demotion of the employee.

Fraud on Application. Any person who has fraudulently secured his appointment will be removed in accordance with these policies and procedures and will not thereafter be eligible for consideration for any position covered by the city's personnel system.

Non-Discrimination. All staffing actions will be made without regard to age, sex, national origin, religion, color, race, political affiliation, or disability, except when any such factor constitutes a bona fide occupational qualification. The city will provide requested reasonable accommodations for a qualified applicant with identified or reasonably identifiable substantially limiting physical or mental impairments during the staffing process.

4.2. RECRUITING GUIDELINES

Approved and Funded. Recruiting actions will be initiated only for vacancies that have been authorized and funded by the city council. If the position has not been authorized in the current year budget, the human resources director will submit the request to the mayor and the city council for approval and funding.

Acceptance of Applications. No applications will be accepted by the city, unless the city is actively seeking applications and it is filed with the human resources director in accordance with the requirements of the vacancy notice.

Recruiting Responsibilities. When a vacancy exists in the unclassified, classified, part-time, or temporary service, the appointing authority, or his designated representative, will notify the human resources director. The human resources director will initiate, or cause to be initiated, such actions as he deems necessary to adequately advertise the vacancy.

Current Job Description. The human resources director will ensure that the position has a current approved job description on file and has been assigned to the city's compensation plan. If the approved job description is not current and/or the job has not been assigned to the city compensation plan, the human resources director will initiate action to have a current job description written and a pay grade level assigned in accordance with chapter 10 of these policies and procedures.

Internal Notice of Vacancy. All vacant unclassified, classified and part-time service positions will be advertised in-house to allow interested employees an opportunity to apply for them.

External Advertisement. Employment opportunities, other than those which are to be filled through a temporary services company, will normally be advertised through appropriate media and employee notices to ensure adequate advertisement in the recruiting area.

Content of Advertisement. All advertisements and notices will provide a description of the employment opportunity to include: necessary qualifications, established pay level, deadline for applying, date and time of any qualifying test or examination that will be given, and where applications may be picked up and returned. All advertisements will contain the statement: "The City of Daphne is an Equal Opportunity Employer."

Duration of Advertisement. All advertisements and notices will remain open for receipt of applications for at least fourteen (14) calendar days from the date of the notice, unless a shorter time is approved by the mayor.

Application Forms. All applications will be made on forms provided by the city. Applications will be submitted to the human resources director in accordance with the job opportunity announcement.

4.3 ELIGIBILITY LISTS

Purpose. Eligibility lists of qualified applicants will be established by the human resources director as needed to ensure qualified individuals are available to fill vacancies in a timely manner. When an eligibility list is established, it will be used to fill subsequent vacancies in comparable jobs. A Police department and Fire department list may be used for a period up to twelve (12) months after effective date. For all other city departments and jobs, no eligibility list will be valid for more than six (6) months after its effective date.

Criteria for Testing and Ranking. Any criteria for testing or examining applicants to determine their job-related qualifications and subsequent ranking on an eligibility list will be established by the human resources director, in conjunction with the appointing authority and the appropriate department head.

Refusal to Examine or Place on List Permitted. The city may refuse to examine or, after examination, place on an eligibility list the name of any applicant who:

(a) is found to lack any of the established job-related requirements for the job for which he is applying;
(b) has been convicted of any crime involving moral turpitude or any infamous or disgraceful conduct;
(c) has been dismissed from employment for delinquency or misconduct, or has intentionally made a false statement of any material fact or attempted to practice any deception or fraud in his application or examination.

Ranking of Applications. After the closing date, as established in the vacancy or job opportunity announcement for receipt of applications from interested individuals, the human resources director will ensure that each applicant is evaluated and ranked based upon his possession of the job-related qualifications. The resulting rankings will be compiled as an eligibility list for that job and will be used by the human resources director to refer names of individuals to the appointing authority for further consideration. Each list will contain the names of all eligible individuals who have submitted applications and who have been determined to be qualified and eligible for the job.

4.4. SELECTIONS

Selections Tentative. All selections for the unclassified, classified, or part-time service will be tentative, subject to the individual meeting the following criteria for the position, as required:

(a) successfully undergoing a police records check;
(b) successfully undergoing a background investigation;
(c) successfully demonstrating, through a record check, that he will be accepted by the city's insurance carrier under preferred rates;
(d) successfully being issued a bond;
(e) successfully meeting any standards or certifications as required by law and/or the city;

(f) successfully meeting any other job related requirements established by the appointing authority at the time of selection; and

(g) determination that he will be able to perform the essential functions established for the position (or that reasonable accommodation can be made.)

Selection Process For Classified and Part-time Service Positions. Normally, selections to fill vacancies in the classified and part-time services will be made from the top five (5) names from the appropriate eligibility list that are referred to the appointing authority for consideration by the human resources director. The names will be listed alphabetically rather than in ranked order. If none of the referred individuals are acceptable to the appointing authority, he will notify the human resources director in writing as to the reason(s) for his rejection of the referred names and request additional names be forwarded for his consideration. Interviews will be held by the appointing authority, or his designated representative, with the top qualified individuals whose names are referred to him for consideration. An interview form, as prepared by the human resources director in coordination with the appointing authority, will be completed by the interviewing individual for each interview. Appropriate inquiries to the applicant's former employers and other references will be made by the appointing authority, or his designated representative, as required. If agreeable to the applicant, an inquiry may also be made to his present employer.

Notice of Non-Selection. After all interviews have been completed, the appointing authority will notify the human resources director of his selection. Any applicant who is interviewed and not selected will be notified in writing of his non-selection by the human resources director.

Selection Process For Unclassified Service Positions. After the closing date for receipt of applications, the human resources director will screen each application to determine if the applicant meets the qualifications established by the appointing authority for the position. The applications of all eligible and qualified applicants will be submitted to the appointing authority for further consideration. If none of the applicants are acceptable to the appointing authority, the human resources director will take action to re-advertise the vacancy.

Selection Process For Temporary Service Positions. Selections to fill positions in the temporary service will be made by the appointing authority, or his designated representative, from a list of names furnished by the human resources director. Interviews may be held, if determined by an appointing authority to be necessary.

4.5. EMPLOYMENT OFFERS

Written Notification. All employment offers to individuals who have been tentatively selected for vacant positions in the unclassified, classified and part-time service will be made in writing to the individuals by the human resources director. No individual may consider that an offer of any type has been made to him unless he has been so notified.

Notification Content. The human resources director's written notification of an offer will inform the applicant that the offer and his continued employment will be contingent upon his completion of a medical examination and meeting the following requirements in the time period established by the appointing authority, and that, if he does not satisfy such requirements within the time period, he may be separated. The notice must state the offer is contingent upon a determination that he:

(a) has successfully undergone a background investigation, when required;

(b) has successfully demonstrated through a driving record check that he will be accepted by the city's insurance carrier under preferred rates, when driving is required because of his duties;
(c) has successfully been issued a bond, when required because of his duties;
(d) has successfully met any standards or certifications as required by law and/or the city;
(e) has successfully met any other job related requirements established at the time of the offer; and
(f) is able to perform the essential functions established for this position.

Post-Offer Medical Exam. The selected individual will complete a medical exam prior to starting work. The human resources director will schedule a medical examination with a city designated physician for the individual, at the city's expense.

Starting Work (New Hire). Upon approval of the appointing authority, and following the medical examination, a newly-hired individual may be allowed to start work prior to meeting the requirements listed above for the period of time required for the above-requirements to be met.
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Effective Date of Internal Applicant Reassignment. If a city employee is selected for the position, the appointing authority, the human resources director, the employee's current department head, and the new department head will coordinate the effective date of the employee's reassignment.

4.6. PROBATIONARY PERIOD FOLLOWING EMPLOYEE REASSIGNMENTS

General. An employee who is reassigned to a new position will serve a probationary period of six (6) months in his new position similar to the probationary period for new employees described in Chapter 3. During the probationary period, the employee's performance will be evaluated in accordance with the provisions of Chapter 5.

Separation During Probationary Period For Unacceptable Performance. If the employee's performance during the probationary period is documented to be inadequate, he may be separated. If an individual is to be separated due to unacceptable performance during his probationary period, he will be given at least seven (7) calendar days notice prior to his separation. The appointing authority may give the employee less notice if he considers that it is in the best interest of the city to do so. A copy of the separation notice will be provided the human resources director.

Reassignment During Probationary Period For Unacceptable Performance. In lieu of separation, the appointing authority may in his discretion reassign the employee with unacceptable performance to another vacant position of the same or lower pay grade, if the appointing authority concludes that the employee is qualified to perform the required duties of the vacant position. However, an employee who was previously demoted to a lower position because his performance was not acceptable and whose performance is still unacceptable in his new position will not be considered for reassignment, but will be separated.

4.7. TEMPORARY ASSIGNMENTS

Purpose. Any employee may, at the discretion of his appointing authority, be placed on temporary assignment in another position for such purposes as training, accomplishing special projects, filling temporary vacancies, or other similar reasons.

Duration. Normally, a temporary assignment will not exceed ninety (90) continuous calendar days. However, the appointing authority may extend this period for up to ninety (90) additional calendar days at his discretion.

Pay. If an employee is temporarily assigned to a position that is equal or lower in pay level than his regular position, his pay will not change. If the employee is temporarily assigned to a position that is in a higher pay level than his regular position, his pay will not change during the first fifteen (15) working days of the temporary assignment. If the employee remains in the higher rated position for more than fifteen (15) continuously scheduled work days, his pay will be adjusted to the entry level of pay for the temporary job or paid at least two (2) steps higher than his regular pay for the remainder of the assignment. Upon completion of the temporary assignment, the employee's pay will revert back to his regular pay.

4.8. ALTERNATIVE DUTY AFTER INJURY

Under appropriate circumstances, the City may provide *temporary* alternative duty job assignments for employees who are temporarily unable to perform their regular job assignments as result of injuries incurred on or off the job. The City does not create alternative duty jobs for any other reason. The sole purpose of this policy is to provide temporary alternative duty jobs for employees who are recovering from injuries and to facilitate return to regular job assignments. An employee assigned to a transitional duty position is not presumed by the City to be handicapped or disabled for the purposes of any other law or statute.

No employee has a right to an alternative duty job assignment or to the continuation of any alternative duty job assignment. The City's decision to offer an alternative duty job assignment is within the City's discretion and will be made on a case-by-case basis. The City's decision will be made only when the City has sufficient specific information regarding the employee's functional abilities and work restrictions arising from the injury and the anticipated duration of any restrictions.

The City will consider the facts of each particular case, including but not limited to the following:

- The nature and duration of the employee's medical restrictions;
- The employee's qualifications; and
- The feasibility of creating a temporary light duty job that is within the employee's restrictions and that the employee is qualified to perform.

If requested, an employee must provide a written authorization for the City's Human Resources Department to contact the employee's treating doctor(s) to obtain complete information about the employee's functional abilities and work restrictions and the anticipated duration of any restrictions. If deemed necessary by the City, the employee may be required to undergo an independent medical examination and work capacity evaluation.

The time period for any alternative duty assignment will begin once an employee has been deemed eligible to return to modified and/or light duty by the employee's medical provider and an available alternative position has been located by the Human Resources Director and the employee's Department Head. The duration of any alternative duty job assignment will be in the sole discretion of the City, but no alternative duty assignment may last longer than 180 days (six months) from the date the employee begins the alternative duty assignment or Maximum Medical Improvement ("MMI"), whichever first occurs. As the only exception to this rule, any time spent on any leave of absence for any reason not related to the injury will not be counted toward the alternative duty assignment time period. An

employee's alternative duty assignment may be discontinued at any time with or without notice. No permanent or long-term alternative duty job will be created or otherwise made available to employees under this policy.

An employee's refusal to accept an alternative duty job assignment will be considered a "voluntarily quit" unless the employee is on an approved medical leave covered byt eh City's FMLA policy. If an employee is on approved FMLA medical leave, the employee's refusal to accept an alternative duty job after the expiration of FMLA leave will be considered a voluntary quit.

If the alternative position has the same or higher pay scale as the employee's pre-injury job, the employee's pay rate will not change, and he will be compensated at the normal rate of pay for the regular job. If the pay scale for the alternative position is less than the employee's pre-injury rate of pay, the employee will be paid the rate of pay for the alternative position plus 66 2/3% of the difference between the normal rate of pay for the alternative position and the employee's pre-injury wage.

An employee assigned to an alternative duty job must immediately notify his or her supervisor if the employee experiences any physical or mental difficulty performing the alternative duty job assignment. Upon notification, the supervisor must immediately relieve the employee from further duty and inform the Human Resources Director, who will arrange for further consultation with the treating physician.

If an employee is unable to return to work in the original position after 180 days (six months) working in the alternative duty assignment and has not yet reached MMI, the City may permit a leave of absence or implement an incapacity separation, depending on the circumstances. If an employee has reached MMI and is unable to return to work in the original position due to substantially limiting physical or mental impairments, the City will attempt to determine if there is a reasonable accommodation which would permit the employee to continue employment with the City in the employee's original job or in another vacant regular position.

4.9. DISCIPLINARY DEMOTION

Any employee may demoted to a lower position for violation of city rules or policies or for the good of the city as a disciplinary measure, either in the first instance of misconduct or following progressive discipline outlined in Chapter 7. Demotion for disciplinary reasons is distinguished from demotion for unacceptable job performance or due to abolition of position, as discussed in the following sections. Regular status classified or part-time employees may appeal disciplinary dismissals as provided in Chapter 8.

4.10. INVOLUNTARY DEMOTION – POSITION ABOLISHED

An employee may be demoted to a vacant position in the same category of service for which he is qualified in a lower pay level, if his position is being abolished and he would otherwise be laid off. If a vacancy is not available, the employee will be separated under the separation guidelines contained in Chapter 6. An employee demoted in lieu of layoff will not be required to serve a probationary period in the new position.

4.11. INVOLUNTARY DEMOTION – UNSATISFACTORY PERFORMANCE

Overview. An employee may be demoted in lieu of separation to a position in the same category of service for which he is qualified in a lower pay level, when his performance appraisal reports demonstrate unsatisfactory performance. A demotion made in accordance with the guidelines of this section will be

considered an administrative action rather than a disciplinary action. Such demotions may be made only when there is a position available to which the employee may be demoted. If a vacancy is not available, the employee will be separated as provided in Chapter 6

Recommendation For Demotion. If after counseling and monitoring as provided in Chapter 5, an employee's performance continues to be unacceptable after any period established for him to demonstrate acceptable performance and the department head determines that the employee should be demoted in lieu of separation, the department head will submit a written request to the mayor requesting that action be taken to demote the employee for unacceptable job performance.

Mayor's Review and Decision. If the mayor approves the department head's request, he will notify the employee in writing of his intention to demote the employee. The notification will also inform the employee that he has a right, within three (3) calendar days of receiving the notification, to request in writing an informal hearing before the mayor to present his response and any other pertinent information concerning the proposed action. If the employee does not request an informal hearing, or if the mayor decides to continue with the demotion after conducting the informal hearing, the mayor will notify the employee in writing of demotion.

Appeal. The mayor's notice of demotion for unacceptable job performance will also state the employee's right to file within three (3) calendar days of the date of his demotion a written request for a hearing before the city council. The city council's review of the demotion shall be limited to a determination of whether the mayor followed these demotion guidelines. If the procedures were followed, the demotion will be upheld.

Probationary Period. An employee demoted for unsatisfactory performance to a lower position will serve a probationary period in the new position as outlined above.

CHAPTER 5

EMPLOYEE PERFORMANCE EVALUATION

5.1. GENERAL PROVISIONS

Requirement & Purposes. The job performance of all unclassified, classified, and part-time employees will be evaluated periodically in accordance with the city's approved performance appraisal system. The appraisal system will be job-related and will provide each employee and his supervisors documented information concerning the employee's performance level in his job.

Performance appraisal results will be used to determine an employee's qualifications for promotion, training and development assistance to meet employee needs, layoffs when Reductions in Force (RIFs) are required, the performance level of new and reassigned probationary employees, and whether an employee will improve their job performance or work behavior to an acceptable level or face potential demotion or separation for failure to correct performance shortcomings.

Evaluators. The mayor or another individual designated by the mayor will evaluate those employees assigned to the unclassified service. The department head, or an individual approved by the mayor, will evaluate all probationary status and all regular status classified and part-time employees under the department head's supervision.

Timing of Formal Evaluations. Unclassified and regular status classified full-time and part-time employees will be evaluated at least once annually. Evaluations of probationary status employees will be conducted during the third and sixth month of the probationary period.

Additional Evaluations. Evaluators may conduct performance evaluations of employees at any time deemed necessary to address less than satisfactory job performance or, with respect to probationary employees, in the event of an extension of the probationary period.

Written Report. A written appraisal report will be prepared in accordance with the city performance appraisal system. The written report will be discussed with the employee and both he and the rating individual will sign the appraisal form. The original of the completed appraisal report will be filed in the human resources director's office. An employee's refusal to sign the report or to cooperate in the appraisal process is considered insubordination and grounds for disciplinary action.

5.2 PERFORMANCE COUNSELING & MONITORING (CLASSIFIED AND PART-TIME SERVICE EMPLOYEES)

Counseling. Prior to making any recommendation of demotion or separation of any regular status employee in the classified service or part-time service for unsatisfactory job performance, the employee's department head, or his designated representative, must counsel the employee concerning his unacceptable performance. The department head must identify the performance shortcomings, the action(s) the employee must take to improve, and the length of time to improve. The employee must also be warned that if his performance does not improve he may be demoted or dismissed. A written record of each counseling session will be prepared by the counseling individual and must be signed by both the counseling individual and the employee. A copy will be provided to the employee and a copy will be filed in the human resources director's office. An employee's refusal to sign the counseling session record or to cooperate in the counseling process is considered insubordination and grounds for disciplinary action.

Monitoring. The employee's performance will be monitored by his department head and the human resources director during the established period to determine if it is improving as required. Written feedback will be provided by the department head to the employee.

Additional Appraisal. After an employee has been counseled for unacceptable job performance, the department head will also conduct such performance appraisals as required by the city's performance appraisal system to document the employee's performance level.

Consequences For Failure to Improve. If the department head concludes the employee has not sufficiently improved his performance after notice and opportunity to improve, the department head may recommend to the mayor that the employee be demoted or dismissed, as provided in Chapter 4 and Chapter 6.

SECTION V: REVISION TO CHAPTER 6

That all Sections of Chapter Six of the Employee Handbook be and are hereby revised as follows:

CHAPTER 6

SEPARATIONS

6.1. GENERAL PROVISIONS

Types of Separations. All separations of individuals from employment with the city will be designated as one of the following types: resignation; retirement; death; incapacity; reduction-in-force (RIF); or dismissal.

Processing Separations. At the time of separation or prior to payment of any final compensation, all records, assets, and other items of city property in the employee's custody will be returned to city control. Certification to this effect will be made by the employee and his department head before any final payment is paid to the employee. A copy of such certification will be filed in the human resources director's office. Any indebtedness owed the city by the individual will be withheld from his final compensation, unless waived by the city council. At separation, each employee will be informed by the human resources director of any rights and/or benefits for which he may be eligible.

6.2. RESIGNATION

Notice. Any employee may voluntarily resign his position by submitting written notification to the mayor, the human resources director, or his department head. The notification must state the reason(s) and the effective date for the resignation. Classified and part-time employees should submit their notifications as far in advance as possible but no later than fourteen (14) calendar days prior to the effective date of the resignation. Unclassified employees should submit their notifications at least thirty (30) calendar days prior to the effective date of the resignation.

Failure to Give Notice. Failure to comply with the notification requirement will be cause for denying an employee payment for his unused vacation leave, unless specifically approved by the mayor in writing. Such failure may also be cause for denying the individual future employment with the city.

Withdrawal. If an employee wishes to withdraw his resignation, then prior to the effective date of the resignation, the employee must submit a written request to withdraw the resignation to the mayor, the human resources director, or his department head. The mayor will make the decision to approve the withdrawal request, which approval must be documented in writing. If the request to withdraw the resignation is not approved, the employee will be separated on the effective date of the resignation. If the request to withdraw the resignation is approved, the employee will suffer no loss of service, benefits, entitlement, and/or pay.

Use of Sick Leave During Notice of Resignation Period. No employee will be authorized to use or receive sick leave pay during the period after the employee submits notice of resignation, unless the employee's request to use sick leave was approved prior to the submission of the notice of resignation or is documented by a note from a physician.

No Call, No Show Absence as Resignation. Any absence from work for a period of three (3) consecutive working days without providing notice required by Chapter 9 may be considered as a voluntary resignation by an employee.

6.3. RETIREMENT

Whenever an employee meets the eligibility requirements set forth in the city's retirement program, he may elect to retire and receive benefits earned under the provisions of the retirement program. An employee who wishes to retire should notify the human resources director in writing at least sixty (60) days prior to the requested effective date.

6.4. DEATH

Separation will be effective as of the date of death. All compensation due the employee as of that date will be paid to the estate of the employee, except for such sums that must be paid by law. Any indebtedness owed to the city will be withheld from the individual's final compensation, unless waived by the city council.

6.5. INCAPACITY

General. Any employee may be separated (i) when he cannot perform the essential functions of his job because of a substantially limiting physical or mental impairment and (ii) neither the city nor the employee has identified a reasonable accommodation which would enable the employee to adequately accomplish his essential job functions. Such accommodation may include job restructuring or reassignment.

Medical Evidence. All incapacity separations will be supported by medical evidence provided by a medical authority that is acceptable to the city. The city may require an opinion by a second authority, if deemed necessary.

Impairment Due To On-The-Job Injury or Illness. If the substantially limiting physical or mental impairment is the result of a job related injury or illness, and the employee is receiving wage-replacement worker's compensation benefits, he may be placed on leave without pay status for up to six months before being separated, if his medical prognosis indicates that he may recover sufficiently to return to work. However, separation may occur at any time within the first six months of the impairment, if a determination is made by a competent medical authority that the employee's prognosis indicates the incapacity is long-term and he will not be able to perform the duties of his job with reasonable accommodation. In any event, separation may occur after the first six months of the impairment if the employee is not capable of returning to work and performing the duties of his job at that time. Separation action may be initiated by either the employee or the city. The mayor must approve any separation initiate prior to the end of the six (6) month period.

Non-Job-Related Impairment. If the substantially limiting physical or mental impairment is not the result of a job related injury or illness, incapacity separation will become effective only after an employee's accrued leaves with pay have been exhausted and the expiration of any leave without pay granted the employee in accordance with the guidelines of Chapter 9.

Retirement Option. An employee who is eligible for retirement will be entitled to retire and receive retirement benefits in accordance with the city's retirement program in lieu of an incapacity separation.

6.6. REDUCTION IN FORCE (RIF)

Guidelines. Any employee may be separated by being laid off through a RIF. RIF actions may be approved as part of a general cost reduction program or when a particular position is no longer needed. In a general RIF the city council will, in coordination with the mayor, establish guidelines to be used in identifying those positions to be eliminated and the individuals in such positions to be laid off.

Priority of Service Category and Status. Individuals assigned to jobs that have been identified to be included in a RIF will be selected for separation based upon their service category, employment status, performance, years of service, and any other criteria as established by the mayor and city council. Normally, RIF action will be taken in the following order:

1) temporary service employees;
2) probationary status employees in the part-time service;
3) probationary status employees in the classified service;
4) regular status employees in the part-time service;
5) regular status employee in the classified service.

Priority Within Service Category and Status. Normally, employees within a particular service category and employment status will be selected for separation based upon: (i)their performance level as indicated by written performance evaluations; (ii) their length of service in the particular service category; and (iii) the needs of the city.

Consideration for Reassignment. When a regular status classified employee is scheduled to be laid off, he may be considered for reassignment to any vacant position of equal or lower grade in the classified or part-time service for which he is qualified.

Notification of Effective Date. Normally, employees in the classified and part-time services will be notified in writing by the mayor at least seven (7) calendar days prior to the effective date of their layoff. Normally, employees in the unclassified service will be notified in writing by the mayor at least fourteen (14) calendar days prior to the effective date of their layoff. Temporary service employees will be given as much notice as possible. A copy of all RIF notices will be filed in the human resources director's office.

Reemployment List. Regular status employees in the classified service who are laid off will be placed on a preferred list for hire and will have recall rights for vacancies for which they qualify for one (1) year from the effective date of their layoff.

6.7. DISCIPLINARY DISMISSAL

Any employee may be dismissed for violation of city rules or policies or for the good of the city as a disciplinary measure, either in the first instance of misconduct or following progressive discipline outlined in Chapter 7. Dismissal for disciplinary reasons is distinguished from dismissal for unacceptable job performance or failure to maintain qualification required for licensure, insurance, or certifications, as discussed in the following sections. Regular status classified or part-time employees may appeal disciplinary dismissals as provided in Chapter 8.

6.8. DISMISSAL DUE TO LICENSURE, INSURANCE, OR CERTIFICATION LAPSES

Dismissal for Failure to Qualify for Licensure, Insurance or Certification Required for Continued Employment. The mayor may dismiss any employee in the following situations:

1) When and the city has verified information that the employee is unacceptable for employee honesty or fidelity bonds required by the city for the position occupied by the employee; or

2) When and the city has verified information that the employee has lost, has been unable to acquire, or has failed to maintain certifications required by the city for the position occupied by the employee.

3) When the city has verified information that the driving license privileges of an employee who is required to drive to do his job have been suspended or revoked, or restricted in such a manner that the employee is rendered incapable of performing his job without violating such restrictions; or

4) When and the city has verified information that the employee is considered by the city's insurance carrier to be an unacceptable, or high risk for insurance and if allowed to operate a vehicle on the city's behalf, either would not be covered with liability coverage, would cause a cancellation of the city's policy, would cause an increase in the city's insurance premium, or would prevent the city from receiving a preferred rate for which it would otherwise qualify.

Opportunity to Cure Employee Insurability Issue. When the city receives information from the city's general liability carrier that an employee is excluded from having driving privileges and is otherwise uninsurable, the human resources director shall contact the employee and the employee's supervisor immediately upon notification. The employee's driving privileges shall immediately be suspended until such time as the employee is able to provide additional information to the liability carrier, through human resources, in the form of a motor vehicle record, accident report, or any other documentation so that the liability carrier may cause a final determination to be made on the employee's insurability. Employees must provide this information as quickly as possible and not to exceed 10 days from notification.

Notice and Appeal. The mayor must provide the employee a written notice of dismissal based on one or more of these reasons as well as his right to file within three (3) calendar days of the date of his dismissal a written request for a hearing before the city council. The city council's review of the dismissal shall be limited to a determination of whether the mayor followed these dismissal guidelines. If the procedures were followed, the dismissal will be upheld.

6.9. DISMISSAL FOR UNACCEPTABLE JOB PERFORMANCE

Recommendation For Dismissal. If after counseling monitoring as provided in Chapter 5, an employee's performance continues to be unacceptable after the period established for him to demonstrate acceptable performance and the department head determines that the employee should be dismissed, the department head will submit a written request to the mayor requesting that action be taken to separate the employee for unacceptable job performance.

Mayor's Review and Decision. If the mayor approves the department head's request, he will notify the employee in writing of his intention to dismiss the employee. The notification will also inform the employee that he has a right, within three (3) calendar days of receiving the notification, to request in writing an informal hearing before the mayor to present his response and any other pertinent information concerning the proposed action. If the employee does not request an informal hearing, or if the mayor decides to continue with the dismissal after conducting the informal hearing, the mayor will notify the employee in writing of dismissal.

Appeal. The mayor's notice of dismissal for unacceptable job performance will also state the employee's right to file within three (3) calendar days of the date of his dismissal a written request for a hearing before the city council. The city council's review of the dismissal shall be limited to a determination of whether the mayor followed these dismissal guidelines. If the procedures were followed, the dismissal will be upheld.

SECTION VI: REPEALER

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

SECTION VII: SEVERABILITY

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

SECTION VIII: EFFECTIVE DATE

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

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

_____
DANE HAYGOOD
MAYOR

ATTEST:

_____
REBECCA A. HAYES
CITY CLERK

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MEMORANDUM

TO: **Daphne City Council, Ordinance Committee**

FROM: **Scott Hetrick**

RE: **Daphne Employee Handbook Revisions Chapters 2-6**

DATE: **September 27, 2013**

I'm writing to discuss the draft ordinances to be submitted at the October 9th Ordinance Committee meeting. These ordinances will revise Chapters 2 through 6 of the Employee Handbook. I plan to attend the committee meeting but also am available for questions about these ordinances prior to the meeting by email or phone.

When I was asked in the fall of 2012 to review and make recommendations about the City's Employee Handbook, I was tasked with accomplishing several goals. My first priority was to make sure the policies in the Handbook were legally compliant, legally sufficient, and legally consistent with applicable state and federal law governing the City's relationship with its employees, primarily, and its relationship with non-employees to the extent such relationships impacted the employer-employee relationship. My second goal involved ensuring the policies were internally consistent with each other, meaning that I needed to look for conflict between what rules or standards or guidance may be set by a policy or policies as compared to another policy or other policies. As a third priority, I was asked to attempt to simplify the policies as much as possible, within the constraints of the first two goals, to make each policy and the entire handbook more "user friendly" for employees responsible for following the policies and managers responsible for implementing the policies.

<u>Chapter 2 (Conflicts of Interest)</u>

No substantive changes were made to this chapter. All changes are wholly stylistic for consistency with other "user friendly" style changes.

<u>Chapter 3 (Categories of Service and Employment Status)</u>

No substantive changes were made to this chapter. Most of the changes are simply to reorganize the sections, eliminate redundant or unnecessary material, and to provide some necessary cross-references to policies in other chapters.

<u>Chapter 4 (Staffing)</u>

There were four substantive changes to this chapter. First, references to determining the level of an employee's pay after hire or reassignment were deleted since those issues are covered by Chapter 10, extensive parts of which were recently revised by Ordinance 2013-25. I'm still working on revising Chapter 10 and integrating those changes. Second, for consistency of treatment, I included a process for involuntary demotions for poor job performance identical to

the process for involuntary separations for poor job performance in Chapter 6. Third, I set out an explicit policy governing demotions for disciplinary purposes which may be appealed under the same grievance process in Chapter 8 as disciplinary terminations. Finally, I revised and renamed the transitional duty assignment policy to shorten it, eliminate redundancies with other policies, and to incorporate language more closely tracking how the policy has been implemented. The remainder of the changes are stylistic.

Chapter 5 (Employee Performance Evaluation)

The revision of this chapter resulted in two sections, with the first section consisting of essentially all the existing policies of this chapter presented in a reorganized format and the second section comprising a performance counseling and monitoring policy lifted from the existing Chapter 6. The reason for moving that policy to this chapter is that the same process should be followed prior to a poor job performance demotion, and it is a natural fit for this chapter. With the addition of this policy, it also made sense to rename the chapter.

Chapter 6 (Separations)

Most of the changes in this chapter were stylistic. In the "resignation" section, at the request of the HR department, I included a new policy concerning use of sick leave in the period prior to an effective date of resignation. I also revised the policy governing withdrawal of a resignation (i) to require the employee to request withdrawal in writing just the notice to resign should be in writing, to avoid any controversy, (ii) to make clear that the mayor makes the decision whether to approve the request to withdraw, and (iii) to require the approval to be in writing to again avoid controversy over whether the approval occurred. Also at the request of the HR department, conveying requests from department heads, I revised the section concerning when an absence from work will be considered a voluntary quit. The existing policy states that any "unauthorized and unjustified absence for five consecutive working days" may be considered a voluntary quit, but in practice it has only been those absences that are without notice, i.e., no call, no show absences. The change in terminology more accurately reflects this practice. I also shortened the period of time as requested by HR and the department heads, because in light of the technology changes since 1995, it is considerably easier for employees to comply with the notice requirements; in addition, this period of time is consistent with the majority of employers in our area. Also as discussed above, I moved to Chapter 5 the section concerning performance counseling and monitoring which was previously in this chapter.

RED LINE VERSION

CITY OF DAPHNE
ORDINANCE NO. 2013-__

AN ORDINANCE TO AMEND AND REORGANIZE CHAPTERS
TWO, THREE, FOUR, FIVE, AND SIX OF THE
CITY'S EMPLOYEE HANDBOOK

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to Chapters Two, Three, Four, Five, and Six of the City of Daphne Employee Handbook are necessary for the proper administration of said Handbook and the policies contained therein;

WHEREAS, revisions to Chapters Two, Three, Four, Five, and Six of the Employee Handbook will enable the City to more easily facilitate and administer policies in those chapters in order to benefit the health, safety, and welfare of its employees;

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

SECTION I: REVISION TO CHAPTER 2

That all Sections of Chapter Two of the Employee Handbook be and are hereby revised as follows:

CHAPTER 2

CONFLICTS OF INTEREST

2.1. ~~GENERAL PROVISIONS~~PURPOSE AND COVERAGE

~~2.1.1. Purpose and Coverage.~~ The purpose of this ~~section~~ chapter is to identify those activities which are not consistent with the standards required of public employees and, thus, contrary to the best interests of the City of Daphne and the people it serves. All individuals employed by the city are subject to these provisions. When further guidance is needed, employees should consult with the human resources director.

2.2. TYPES OF ACTIONS AND ACTIVITIES PROHIBITED~~GUIDELINES~~

~~2.2.1. Types of Actions and Activities Prohibited.~~ The following types of actions and activities will be considered conflicts of interest and are prohibited by these policies and procedures.

~~2.2.1.~~1. Speculative Investments. Investments in real property or businesses in the immediate vicinity of a city project site which might appear to be speculative.

~~2.2.1.~~2. Improper Influence. The use of one's position, or influence with the city to promote business with any company in which he has financial interest.

~~2.2.1.~~3. Conflicting Moonlighting. Involvement in a non-city business activity ("moonlighting") which:

(a) conflicts with or limits the city's demands on the employee with respect to his availability for work or his performance on the job; or

(b) reflects adversely on the city.

~~2.2.1.~~4. Conflicting Contractual Activity. The use of one's position with the city to contract, or to influence contracting, with any business for personal gain or to benefit, friends, relatives, or associates.

~~2.2.1.~~5. Interfering Political Activities. Political activities which interfere, or might be construed as interfering, with an employee's ability to perform his duties, or are in violation of city, state, and/or federal laws.

~~2.2.1.~~6. Failure to Comply with Ethics Law. Failure to comply with the Alabama Ethics Law, to include filing of required annual statements of economics interests, and any activity which is considered to be a violation of the ethics law.

~~2.2.1.~~7. Solicitations. Solicitation of any type or distribution of any literature during the employee's working time. Posting of cards, literature, notices, or other material of any kind on city bulletin boards or distributing such in city work areas at any time unless approved in advance by the human resources director.

~~2.2.2. Administrative Guidance. When further guidance is needed, employees should consult with the human resources director.~~

~~2.~~2.3. VIOLATIONS.

Violations of any part of this chapter, or its intent, may be grounds for disciplinary action, to include dismissal.

SECTION II: REVISION TO CHAPTER 3

That all Sections of Chapter Three of the Employee Handbook be and are hereby revised as follows:

CHAPTER 3

CATEGORIES OF SERVICE AND EMPLOYMENT STATUS

3.1. CATEGORIES OF SERVICE

~~3.1.3.~~ Classified Service. ~~The c~~ "Classified ~~s~~Service" employees are those individuals who have completed the probationary period defined in this Chapter, who are normally scheduled to work at least thirty~~-two~~ (3~~2~~0) hours in their established workweek,~~.~~ and ~~will include~~who work in those positions ~~as~~ approved by the city council paid from city controlled funds, regardless of the sources of the revenues making up such funds, which are not in the unclassified, temporary, or part-time services.~~, which are considered to be on-going in nature and the incumbents~~

~~3.1.3.1. Positions Included. It is intended to include with the classified service all positions in which the incumbents are paid from city controlled funds, regardless of the sources of the revenues making up such funds, that have not been excepted from the classified service in accordance with these guidelines.~~ Classified employees will be eligible to participate in all city provided benefits, including group insurance, retirement, vacation and sick leaves, and holiday pay. Classified service employees may challenge job-performance related demotions or dismissals as provided in Chapters 4 and 6 and are eligible to use the employment grievance and appeal rights provided in Chapter 8.

~~3.1.4.~~ Part-time Service. "Part-Time Service" employees are those individuals who have completed the probationary period defined in this Chapter, who work in~~The part-time service will include those~~ positions which are considered to be on-going in nature, and who~~ but the incumbents will~~are normally ~~be~~ scheduled to work less than thirty~~-two~~ (~~32~~30) hours in their established workweek. The incumbents of positions assigned to the part-time service will normally be scheduled to work in each pay period.

~~3.1.4.2. Benefits.~~ Part-time employees will not be eligible to participate in any city provided employee benefits, except as ~~provided~~ required by applicable state or federal law, provided however, that ~~or these policies and procedures.~~

~~3.1.4.3. Exception. A~~any part-time employee who before 1996~~adoption of these policies and procedures~~ was ~~earning~~ provided a city provided benefit will be allowed to continue such benefit~~ as an exception to paragraph 3.1.4.2~~. Part-time service employees may challenge job-performance related demotions or dismissals as provided in Chapters 4 and 6 and are eligible to use the employment grievance and appeal rights provided in Chapter 8.

~~3.1.1. Designation. Every position that exists now, or in the future, within the City of Daphne will be assigned to one (1) of the categories of service identified below. Such assignment will be based upon a recommendation by the mayor and approved by the city council.~~

~~3.1.2.~~ Unclassified Service. "Unclassified service" employees are those who serve at the pleasure of the appointing authority and whose "at-will" employment relationship with the City may terminate at any time, with or without notice or cause. The unclassified service will include only those positions which are required by law, or approved by the city council, to be assigned to such service. ~~It is the intent of the city to create, by the establishment of the unclassified service, a category of service which is to be distinguished from the classified service as defined herein.~~ Unclassified service employees have no continued expectation of employment for a definite term and are not eligible to use the employment grievance and appeal rights provided to classified employees in Chapter 8 and may not challenge job-performance related demotions or dismissals as provided in Chapters 4 and 6. Unclassified employees are eligible to participate in all city provided employee benefits, including group insurance, retirement, vacation and sick leave, and holiday pay.

~~3.1.2.3. Service at the Pleasure. An unclassified employee's employment will be completely at the pleasure of his appointing authority and may be terminated at any time in accordance with state law or these policies any procedures.~~

~~3.1.5.~~ Temporary Service. ~~The t~~ "Temporary service" ~~will include those individuals who have been~~employees are those employed on an "at-will" basis by the city, or contracted through a temporary services company, to perform special or emergency functions, temporary work, or to be substitutes or temporary replacements for unclassified, classified, or part-time service employees who are on approved leave. Employment in the temporary service will not normally exceed six (6) consecutive months in duration, although ~~. However, when required,~~ the mayor may in his discretion ~~approve the~~ extend ~~sion of~~ this period for up to six (6) additional months. Individuals hired for the temporary service may work either a full or part-time work day. ~~Because of their short term status, t~~ Temporary individuals may not be transferred directly to the unclassified, classified, or part-time service~~. However, they~~, but may apply for vacancies in such categories of service ~~in accordance with the guidelines of these policies and procedures~~as provided in Chapter 4. Temporary employees ~~will always be considered probationary and~~ may be separated ~~at anytime~~with or without cause or notice at the discretion of their appointing authority~~.~~ and are not eligible to use the employment grievance and appeal rights provided to classified employees in Chapter 8 and may not challenge job-performance related demotions or dismissals as provided in Chapters 4 and 6. Temporary service individuals generally will not be eligible to participate in any city provided employee benefits, except as provided by applicable federal or state law ~~or these policies and procedures~~.

~~3.1.2.1. Applicability of Personnel System. The city's established personnel system will apply to unclassified employees the same as classified employees, except as noted herein.~~

~~3.1.2.2. Appointment. The appointment of unclassified employees will be made in accordance with Chapter 4 of these policies and procedures.~~

3.2. EMPLOYMENT STATUS (CLASSIFIED AND PART-TIME EMPLOYEES)

~~3.2.1. Designation. Each individual employed in the classified or part-time service will be designated as either a probationary or regular status employee according to the following guidelines.~~

~~3.2.2.~~ Probationary Status. Initially, each individual hired for the classified or part-time service will be placed in a probationary status, until he has successfully completed the city's

established probationary period. A probationary status employee may be separated by his appointing authority without a hearing and without recourse at any time during his probationary period. A probationary status employee will not be eligible to file an appeal of his separation or any disciplinary action taken against him or to file a grievance as provided by the city's grievance procedure.

3.2.3. Regular Status. Upon completion of the probationary period, a probationary status employee who has demonstrated acceptable performance and who is approved for regular status by the appointing authority will be afforded regular status. A regular status employee may, subject to the provisions of these policies and procedures, remain in his position so long as there is a need for his position, the position is funded and his performance and conduct is acceptable. A temporary employee will never be afforded regular status.

3.2.4. Designation of Present Employees. Each individual who is employed by the city at the time of adoption of these policies and procedures will be assigned by the human resources director, in coordination with the mayor, to one of the categories of service described in paragraph 3.1. Those individuals who are assigned to the classified or part-time service and have completed the requirements to be designated regular status employees will be designated as regular status in the classified or part- time service, as the case may be. Those individuals who are assigned to the classified or part-time service but have not completed the requirements to be designated as regular status employees will be designated as probationary status employees, until they complete the probationary period and are notified by the human resources director that they have been designated as regular status employees.

3.3. PROBATIONARY PERIOD

3.3.1. Requirement. Every individual employed in the classified and part-time service must satisfactorily complete the city's established probationary period.

3.3.2. Purpose. Every individual employed in the classified and part-time service must satisfactorily complete the city's established probationary period. The probationary period is considered an integral part of the training, evaluation, and discipline process for employees. The probationary period will be utilized for closely observing the employee's work, for providing detailed feedback on employee work behavior, obtaining the most effective employee performance, or separating an employee who is unable to acceptably perform their job.

3.3.3. Duration. The city's probationary period is generally established as six (6) months. However, this period will be extended as needed to ensure that those individuals who are required to complete minimum standards training or other certification for their jobs, serve at least six months in a probationary status after completion of the minimum standards requirements or other certification. For employees who are placed on probation due to performance or work behavior problems, the probationary period is generally three (3) months.

~~3.3.4.~~ Evaluation. Normally, the performance of a probationary status employee will be evaluated two times during their six (6) month probationary period. Such evaluations will occur during the employee's third and sixth months of service. The performance of an employee who is placed on probation due to performance or work behavior problems will be evaluated every month of their three (3) month probationary period. Additional evaluations may occur if the probationary period is extended or if it is deemed necessary as determined by the department head, in coordination with the human resources director.~~(*Ordinance #2007-43, 9/17/07*)~~

~~3.3.5. Termination. The mayor may at his discretion terminate the employment of any probationary status employee. The employee will be notified in writing of his termination. A copy of the termination notice will be provided the human resources director.~~

~~3.3.6.~~ Procedure for Designation as a Regular Status Employee. During the final month of an employee's probationary period, the department head will complete a written evaluation of the employee's work. If the employee's service has been satisfactory, the department head's evaluation will include a statement that the employee should be retained as a regular status classified or part-time employee, as the case may be. If the employee receives an unacceptable evaluation, the evaluation will include a statement that the individual should not be retained. Normally, if an employee is to be terminated, he will be given at least seven (7) calendar days notice. However, when approved by the mayor, the employee may be given a shorter notice. All employees who successfully complete the probationary period will be notified in writing by the human resources director of their completion of the probationary period and designation as regular status employees in the classified or part-time service as the case may be.

3.4. CONTINUOUS SERVICE RULES

Non-Continuous Service – Temporary and Part-Time Employees. Employment in the ~~t~~Temporary ~~s~~Service and in the Part-Time Service will not count as continuous years of service with the city, if an individual is appointed at a later date to a position in the classified or unclassified service, regardless of the length of any break in service.

~~3.1.2.5. Continuous Service Provision~~Continuous Service - Unclassified Employees . Employment in the unclassified service will count as continuous years of service, if an individual is later employed in the classified service and there is no more than a ninety (90) calendar day break in his service with the city.

~~3.1.5.1. Continuous Service~~

~~3.1.3.2.~~ Continuous Service ~~Provision~~- Classified Employees. Employment in the classified service will count as continuous years of service with the city, if an individual is later employed in the unclassified or part-time service and there is no more than a ninety (90) calendar day break in his service with the city.

~~3.1.4.1. Continuous Service Employment in the part-time service will not count as continuous years of service with the city, if the individual is employed at a later date in the classified or unclassified service.~~

3.5. CHANGE IN SERVICE CATEGORIES

~~3.1.2.4. Reappointment~~ Classified to Unclassified to Classified Service. If an individual was a regular status classified employee at the time of his appointment to the unclassified service, he may be reappointed as a regular status classified employee, if an available position for which he is qualified exists and he was not separated as a result of inadequate job performance or ~~violation of these personnel policies and procedures~~for disciplinary reasons.

Unclassified to Classified Service. If the individual was not a regular status classified employee at the time of his appointment to the unclassified service, he will not be automatically entitled to appointment to the classified service, ~~. However~~but~~, he~~ may apply for a vacant classified ~~or unclassified~~ position along with other applicants, and, if selected, may be appointed.

~~3.1.2.6. Benefits.~~

~~3.1.3.3. Benefits.~~

~~3.1.5.2. Transfer Provisions.~~ ~~3.1.5.3. Benefits.~~

~~3.4. APPEALS AND GRIEVANCES~~

~~A probationary status employee will not be eligible to file an appeal of his separation or any disciplinary action taken against him or to file a grievance as provided by the city's grievance procedure, unless such appeal or grievance is based upon a claim that he has been discriminated against because of race, color, religion, sex, age, disability or national origin.~~

SECTION III: REVISION TO CHAPTER 4

That all Sections of Chapter Four of the Employee Handbook be and are hereby revised as follows, and that the Transitional Duty Policy added by Ordinance 2012-1 be repealed and replaced with the Section 4.8. Transitional Duty After Occupational Injury set out below:

CHAPTER 4

STAFFING

4.1. GENERAL PROVISIONS

~~4.1.1.~~ General. Staffing actions will be initiated only for vacant positions that have been authorized by the city council. Vacant positions will be filled by the appropriate appointing authority ~~in accordance with the guidelines contained herein~~.

~~4.2.1. Unclassified Service.~~ The city council or the mayor, as established by Alabama law or city ordinance, is designated as the appointing authority for all unclassified positions.

~~4.2.2. Classified, Part-time, and Temporary Services.~~ The mayor, or his designated representative, is the appointing authority for all vacancies in the classified, part-time and temporary service.

~~4.1.4.~~ Contracted Service. At the discretion of the mayor, any vacant position may be filled through the services of a temporary service company.

Exceptions to these Guidelines. The mayor may make exceptions to these guidelines in those situations where a regular status classified employee's (a) position is being abolished and he would otherwise be laid off, or (b) performance, as demonstrated through performance evaluations and/or reports, indicates he is not qualified to render satisfactory service in his current position. In those cases, the mayor may, at his discretion, reassign him to any available position of equal or lower pay in the city's compensation plan, if such reassignment is considered to be in the best interest of the city. Such reassignment may be made without advertising the vacancy and complying with the staffing requirements of this chapter.

~~4.1.3.~~ Employee Consideration. When a vacancy occurs in the unclassified classified or part-time service, any employee, regardless of his employment category or status of service, may apply for the vacancy along with other applicants from outside the city's employment. While the city will strive to give preference to qualified regular status classified and part-time employees, it reserves the right to select any individual that is considered to be best for the position. No consideration will be given to whether the requested reassignment to a vacancy would result in a transfer, promotion, or demotion of the employee.

~~4.1.2.~~ Fraud on Application. Any person who has fraudulently secured his appointment will be removed in accordance with these policies and procedures and will not thereafter be eligible for consideration for any position covered by the city's personnel system.

~~4.5.1.1.~~ Non-Discrimination. All staffing actions~~selections~~ will be made without regard to age, sex, national origin, religion, color, race, political affiliation, or disability~~(~~, except when any such factor constitutes a bona fide occupational qualification~~)~~. The city will provide requested ~~R~~reasonable accommodations for a qualified applicant with identified or reasonably identifiable substantially limiting physical or mental impairments during the staffing process~~a disability as determined by the Americans with Disabilities Act (ADA), will be made when practical~~.

~~4.2. APPOINTING AUTHORITY~~

4.2~~4~~. RECRUITING GUIDELINES

Approved and Funded. Recruiting actions will be initiated only for vacancies that have been authorized and funded by the city council. If the position has not been authorized in the current year budget, the human resources director will submit the request to the mayor and the city council for approval and funding.

Acceptance of Applications. No applications will be accepted by the city, unless the city is actively seeking applications and it is filed with the human resources director in accordance with the requirements of the vacancy notice.

~~4.4.1.~~ Recruiting Responsibilities. When a vacancy exists in the unclassified, classified, part-time, or temporary service, the appointing authority, or his designated representative, will notify the human resources director. The human resources director will initiate, or cause to be initiated, such actions as he deems necessary to adequately advertise the vacancy.

~~4.4.2. Approved and Funded. Recruiting actions will be initiated only for vacancies that have been authorized and funded by the city council. If the position has not been authorized in the current year budget, the human resources director will submit the request to the mayor and the city council for approval and funding.~~

~~4.4.3.~~ Current Job Description. The human resources director will ensure that the position has a current approved job description on file and has been assigned to the city's compensation plan. If the approved job description is not current and/or the job has not been assigned to the city compensation plan, the human resources director will initiate action to have a current job description written and a pay grade level assigned in accordance with chapter 10 of these policies and procedures.

Internal Notice of Vacancy. All vacant unclassified, classified and part-time service positions will be advertised in-house to allow interested employees an opportunity to apply for them.

~~4.4.4.~~ External Advertisement. Employment opportunities, other than those which are to be filled through a temporary services company, will normally be advertised through appropriate media and employee notices to ensure adequate advertisement in the recruiting area.

~~4.4.5.~~ Content of Advertisement. All advertisements and notices will provide a description of the employment opportunity to include: necessary qualifications, established pay level, deadline for applying, date and time of any qualifying test or examination that will be given, and where applications may be picked up and returned. All advertisements will contain the statement: "The City of Daphne is an Equal Opportunity Employer."

~~4.4.6.~~ Duration of Advertisement. All advertisements and notices will remain open for receipt of applications for at least fourteen (14) calendar days from the date of the notice, unless a shorter time is approved by the mayor.

~~4.4.7.~~ Application Forms. All applications will be made on forms provided by the city. Applications will be submitted to the human resources director in accordance with the job opportunity announcement.

~~4.4.8. Acceptance of Applications. No applications will be accepted by the city, unless the city is actively seeking applications and it is filed with the human resources director in accordance with the requirements of the vacancy notice.~~

~~4.3.~~ 4.3 ELIGIBILITY LISTS

~~4.3.1.~~ Purpose. Eligibility lists of qualified applicants will be established by the human resources director as needed to ensure qualified individuals are available to fill vacancies in a timely manner. When an eligibility list is established, it will be used to fill subsequent vacancies in comparable jobs. A Police department and Fire department list may be used for a period up to twelve (12) months after effective date. ~~; however~~For all other city departments and jobs, no eligibility list will be valid for more than six (6) months~~,~~ after its effective date. ~~EXCEPTION: Police and Fire department lists may be used for a period up to twelve (12) months. *(Resolution #2001-17, 2/19/01)*~~

~~4.3.2.~~ Criteria for Testing and Ranking. Any criteria for testing or examining applicants to determine their job-related qualifications and subsequent ranking on an eligibility list will be established by the human resources director, in conjunction with the appointing authority and the appropriate department head.

~~4.3.3.~~ Refusal to Examine or Place on List Permitted. The city may refuse to examine or, after examination, place on an eligibility list the name of any applicant who:

(a) is found to lack any of the established job-related requirements for the job for which he is applying;

(b) has been convicted of any crime involving moral turpitude or any infamous or disgraceful conduct;

(c) has been dismissed from employment for delinquency or misconduct, or has intentionally made a false statement of any material fact or attempted to practice any deception or fraud in his application or examination.

~~4.3.4.~~ Ranking of Applications. After the closing date, as established in the vacancy or job opportunity announcement for receipt of applications from interested individuals, the human resources director will ensure that each applicant is evaluated and ranked based upon his possession of the job-related qualifications. The resulting rankings will be compiled as an eligibility list for that job and will be used by the human resources director to refer names of individuals to the appointing authority for further consideration. Each list will contain the names of all eligible individuals who have submitted applications and who have been determined to be qualified and eligible for the job.

4.~~5~~4. SELECTIONS

~~4.5.1. General Guidelines. All employment selections will be made in accordance with these guidelines.~~

~~4.5.1.2. Appointing Authority. Selections will be made by the proper appointing authority, as designated in paragraph 4.2.~~

~~4.5.1.3.~~ Selections Tentative. All selections for the unclassified, classified, or part-time service will be tentative, subject to the individual meeting the following criteria for the position, as required:

(a) successfully undergoing a police records check;
(b) successfully undergoing a background investigation;
(c) successfully demonstrating, through a record check, that he will be accepted by the city's insurance carrier under preferred rates;
(d) successfully being issued a bond;
(e) successfully meeting any standards or certifications as required by law and/or the city;
(f) successfully meeting any other job related requirements established by the appointing authority at the time of selection; and
(g) determination that he will be able to perform the essential functions established for the position (or that reasonable accommodation can be made.)

~~4.5.3.~~ Selection Process For Classified and Part-time Service~~s~~ Positions. Normally, selections to fill vacancies in the classified and part-time services will be made from the top five (5) names from the appropriate eligibility list that are referred to the appointing authority for consideration by the human resources director. The names will be listed alphabetically rather than in ranked order. If none of the referred individuals are acceptable to the appointing authority, he will notify the ~~personnel officer~~ human resources director in writing as to the reason(s) for his rejection of the referred names and request additional names be forwarded for his consideration.

~~4.5.3.1. Interviews.~~ Interviews will be held by the appointing authority, or his designated representative, with the top qualified individuals whose names are referred to him for consideration. An interview form, as prepared by the human resources director in coordination with the appointing authority, will be completed by the interviewing individual for each interview.

~~4.5.3.2. References Checked.~~ Appropriate inquiries to the applicant's former employers and other references will be made by the appointing authority, or his designated representative, as required. If agreeable to the applicant, an inquiry may also be made to his present employer.

~~4.5.3.3.~~ Notice of Non-Selection~~ Tentative~~. After all interviews have been completed, the appointing authority will notify the human resources director of his selection. ~~All selections will be tentative subject to a determination that the individual meets the criteria of paragraph 4.5.1.3. and that he will be able to perform the essential functions of the job.~~ Any applicant who is interviewed and not selected will be notified in writing of his non-selection by the human resources director.

~~4.5.2.~~ Selection Process For Unclassified Service Positions. After the closing date for receipt of applications, the human resources director will screen each application to determine if the applicant meets the qualifications established by the appointing authority for the position. The applications of all eligible and qualified applicants will be submitted to the appointing authority

for further consideration. If none of the applicants are acceptable to the appointing authority, the human resources director will take action to re-advertise the vacancy.

4.5.4. Selection Process For Temporary Service Positions. Selections to fill positions in the temporary service will be made by the appointing authority, or his designated representative, from a list of names furnished by the human resources director. Interviews may be held, if determined by an appointing authority to be necessary.

4.65. EMPLOYMENT OFFERS

4.6.1. Written Notification. All employment offers to individuals who have been tentatively selected for vacant positions in the unclassified, classified and part-time service will be made in writing to the individuals by the human resources director. No individual may consider that an offer of any type has been made to him unless he has been so notified.

4.6.2. Notification Content. The human resources director's written notification of an offer will inform the applicant that the offer and his continued employment will be contingent upon his completion of a medical examination and meeting the following requirements in the time period established by the appointing authority, and that, if he does not satisfy such requirements within the time period, he may be separated. The notice must state the offer is contingent upon a determination that he:

(a) has successfully undergone a background investigation, when required;
(b) has successfully demonstrated through a driving record check that he will be accepted by the city's insurance carrier under preferred rates, when driving is required because of his duties;
(c) has successfully been issued a bond, when required because of his duties;
(d) has successfully met any standards or certifications as required by law and/or the city;
(e) has successfully met any other job related requirements established at the time of the offer; and
(f) is able to perform the essential functions established for this position.

Post-Offer Medical Exam. The selected individual will complete a medical exam prior to starting work. The human resources director will schedule a medical examination with a city designated physician for the individual, at the city's expense.

4.6.3. Starting Work (New Hire). Upon approval of the appointing authority, and following the medical examination, the a newly-hired individual may be allowed to start work prior to meeting the requirements listed in paragraph 4.6.2above for the period of time required for the above-requirements to be met.

However, he will be informed in the written offer that his continued employment will be contingent upon his meeting such requirements in the time period established by the appointing authority, and that, if he does not satisfy such requirements within the time period, he may be separated.

4.6.4. Medical Exam. Notwithstanding the provisions of paragraph 4.6.3. above, the selected individual will complete a medical exam prior to starting work. The human resources director will schedule a medical examination with a city designated physician for the individual, at the city's expense.

4.6.5. Starting Pay. The starting pay for all new employees will be established in accordance with the city's approved compensation plan and the guidelines established in Chapter 10 of these policies and procedures.

Effective Date of Internal Applicant Reassignment. If a city employee is selected for the position, the appointing authority, the human resources director, the employee's current department head, and the new department head will coordinate the effective date of the employee's reassignment.

4.76. PROBATIONARY PERIOD FOLLOWING EMPLOYEE REASSIGNMENTS

4.7.1. Notice of Vacancy. All vacant unclassified, classified and part-time service positions will be advertised in-house to allow interested employees an opportunity to apply for them.

4.7.2. Equal Opportunity. Any employee who applies for a vacancy will be considered without regard to race, color, religion, sex, age, national origin, or disability unless such factor constitutes a bona fide occupational qualification. All selections will be based solely upon the applicants' qualifications, prior performance, efficiency, longevity and the needs of the city.

4.7.3. No Consideration to Type of Assignment. No consideration will be given to whether the reassignment would result in a transfer, promotion, or demotion of the employee.

4.7.4. Exceptions to these Guidelines. In those situations where a regular status classified employee's;

(a) position is being abolished and he would otherwise be laid off, or

(b) performance, as demonstrated through performance evaluations and/or reports, indicates he is not qualified to render satisfactory service in his current position, the appointing authority may, at his discretion, reassign him to any available position of equal or lower pay in the city's

~~compensation plan, if such reassignment is considered to be in the best interest of the city. Such reassignment may be made without advertising the vacancy and complying with the staffing requirements of this chapter.~~

~~4.7.5. General Guidelines. The following guidelines will be followed in considering employees for vacant positions in the unclassified, classified, or part-time service.~~

~~4.7.5.1. Applications. Any interested employee may apply for any vacancy. Such application will be made in accordance with the instructions specified in the vacancy notice. All applications must be received by the human resources director prior to the closing date and time listed in the vacancy notice.~~

~~4.7.5.2. Review of Applications. After the closing date for receipt of applications, all employee applications and other relevant employee information and records will be provided to the appointing authority for consideration along with the names of the top five (5) applicants whose names are being referred by the human resources director from the appropriate eligibility list.~~

~~4.7.5.3. Selections. The appointing authority, or his designated representative, will schedule interviews and/or testing for those employees who are to be interviewed for the vacancy. Upon completion of the interviews, the appointing authority will notify the human resources director in writing of his selection. All selections will be tentative subject to a determination that the individual is capable of performing the essential functions of the position, as determined in accordance with the ADA, and the employee's meeting those requirements of paragraph 4.6.2. above.~~

~~4.7.5.4. Effective Date. The appointing authority will coordinate the effective date of the employee's reassignment with the human resources director.~~

~~4.7.6. Determination of Pay Level. The reassigned employee will have his pay level established in accordance with the following criteria.~~

~~4.7.6.1. Transfer. If the employee is assigned to a position that has the same pay level in the city's compensation plan as his current position, the reassignment will be considered a transfer, and his pay will remain the same in his new position as it was before his reassignment.~~

~~4.7.6.2. Promotion. When an employee is promoted to another job, his pay will be established at the entry level of the new pay grade. However, such increase in pay~~

will be at least four (4) steps above his old rate of pay, whichever is greater. ***(Resolution #2001-17, 2/19/01)***

4.7.6.3. Demotion. If an employee is assigned to a position in a lower pay level in the city's compensation plan than his current position, the reassignment will be considered a demotion, and his pay will be established at the same relative position and pay range established for his new position as it was in the pay range for his old position. Such pay will be at least two (2) steps below the pay he received prior to the demotion. However, no employee who is demoted will have his pay established below the entry level or above the maximum level of pay for his new position. ***(Ordinance #2005-51, 10/17/05)***

4.7.7. Probationary PeriodGeneral. An employee who is reassigned in accordance with these guidelinesto a new position will serve a probationary period of six (6) months in his new position similar to the probationary period for new employees described in Chapter 3. During the probationary period, the employee's performance will be evaluated in accordance with the provisions of Chapter 5 of these policies and procedures.

-Separation During Probationary Period For Unacceptable Performance. If the employee's performance during the probationary period is documented to be inadequate, he may be separated. If an individual is to be separated due to unacceptable performance during his probationary period, he will be given at least seven (7) calendar days notice prior to his separation. The appointing authority may give the employee less notice if he considers that it is in the best interest of the city to do so. A copy of the separation notice will be provided the human resources director.

–Reassignment During Probationary Period For Unacceptable Performance. In lieu of separation, the appointing authority may in his discretion reassign the employee with unacceptable performance However, the individual may be reassigned to another vacant position of the same or lower pay grade, if the appointing authority feels concludes that the employee is qualified to perform the required duties and a of the vacant positioney exists.– However, Aan employee who was previously demoted to a lower position because his performance was not acceptable and whose performance is still unacceptable in his new position will not be considered for reassignment, but will be separated.

4.7.7.1. Reassignment During Probationary Period. If an employee reassignment was considered to be a transfer or a promotion and it is determined during his probationary period that his service is unsatisfactory and he is reassigned to another position in a lower pay grade, his pay will be adjusted in accordance with paragraph 4.7.6. above. However, he will be entitled to any pay increases that he would have received had he not been given the original reassignment.

~~4.7.7.2. Notice of Separation. If an individual is to be separated due to unacceptable performance during his probationary period, he will be given at least seven (7) calendar days notice prior to his separation. However, the appointing authority may give the employee less notice if he considers that it is in the best interest of the city to do so.~~

~~4.8~~7. TEMPORARY ASSIGNMENTS

~~4.8.1.~~ Purpose. Any employee may, at the discretion of his appointing authority, be placed on temporary assignment in another position for such purposes as training, accomplishing special projects, filling temporary vacancies, or other similar reasons.

~~4.8.2.~~ Duration. Normally, a temporary assignment will not exceed ninety (90) continuous calendar days. However, the appointing authority may extend this period for up to ninety (90) additional calendar days at his discretion.

~~4.8.3.~~ Pay. If an employee is temporarily assigned to a position that is equal or lower in pay level than his regular position, his pay will not change. If the employee is temporarily assigned to a position that is in a higher pay level than his regular position, his pay will not change during the first fifteen (15) working days of the temporary assignment. If the employee remains in the higher rated position for more than fifteen (15) continuously scheduled work days, his pay will be adjusted to the entry level of pay for the temporary job or paid at least two (2) steps higher than his regular pay for the remainder of the assignment. Upon completion of the temporary assignment, the employee's pay will revert back to his regular pay. ~~***(Ordinance #2005-51, 10/17/05)***~~

4.8. ALTERNATIVE DUTY AFTER INJURY

Under appropriate circumstances, the City may provide *temporary* alternative duty job assignments for employees who are temporarily unable to perform their regular job assignments as result of injuries incurred on or off the job. The City does not create alternative duty jobs for any other reason. The sole purpose of this policy is to provide temporary alternative duty jobs for employees who are recovering from injuries and to facilitate return to regular job assignments. An employee assigned to a transitional duty position is not presumed by the City to be handicapped or disabled for the purposes of any other law or statute.

No employee has a right to an alternative duty job assignment or to the continuation of any alternative duty job assignment. The City's decision to offer an alternative duty job assignment is within the City's discretion and will be made on a case-by-case basis. The City's decision will be made only when the City has sufficient specific information regarding the employee's functional abilities and work restrictions arising from the injury and the anticipated duration of any restrictions.

The City will consider the facts of each particular case, including but not limited to the following:

- The nature and duration of the employee's medical restrictions;
- The employee's qualifications; and
- The feasibility of creating a temporary light duty job that is within the employee's restrictions and that the employee is qualified to perform.

If requested, an employee must provide a written authorization for the City's Human Resources Department to contact the employee's treating doctor(s) to obtain complete information about the employee's functional abilities and work restrictions and the anticipated duration of any restrictions. If deemed necessary by the City, the employee may be required to undergo an independent medical examination and work capacity evaluation.

The time period for any alternative duty assignment will begin once an employee has been deemed eligible to return to modified and/or light duty by the employee's medical provider and an available alternative position has been located by the Human Resources Director and the employee's Department Head. The duration of any alternative duty job assignment will be in the sole discretion of the City, but no alternative duty assignment may last longer than 180 days (six months) from the date the employee begins the alternative duty assignment or Maximum Medical Improvement ("MMI"), whichever first occurs. As the only exception to this rule, any time spent on any leave of absence for any reason not related to the injury will not be counted toward the alternative duty assignment time period. An employee's alternative duty assignment may be discontinued at any time with or without notice. No permanent or long-term alternative duty job will be created or otherwise made available to employees under this policy.

An employee's refusal to accept an alternative duty job assignment will be considered a "voluntarily quit" unless the employee is on an approved medical leave covered by the City's FMLA policy. If an employee is on approved FMLA medical leave, the employee's refusal to accept an alternative duty job after the expiration of FMLA leave will be considered a voluntary quit.

If the alternative position has the same or higher pay scale as the employee's pre-injury job, the employee's pay rate will not change, and he will be compensated at the normal rate of pay for the regular job. If the pay scale for the alternative position is less than the employee's pre-injury rate of pay, the employee will be paid the rate of pay for the alternative position plus 66 2/3% of the difference between the normal rate of pay for the alternative position and the employee's pre-injury wage.

An employee assigned to an alternative duty job must immediately notify his or her supervisor if the employee experiences any physical or mental difficulty performing the alternative duty job assignment. Upon notification, the supervisor must immediately relieve the employee from further duty and inform the Human Resources Director, who will arrange for further consultation with the treating physician.

If an employee is unable to return to work in the original position after 180 days (six months) working in the alternative duty assignment and has not yet reached MMI, the City may permit a leave of absence or implement an incapacity separation, depending on the circumstances. If an employee has reached MMI and is unable to return to work in the original position due to substantially limiting physical or mental impairments, the City will attempt to determine if there is a reasonable accommodation which would permit the employee to continue employment with the City in the employee's original job or in another vacant regular position.

4.~~9~~9. ~~INVOLUNTARY~~ DISCIPLINARY DEMOTION~~S~~

Any employee may demoted to a lower position for violation of city rules or policies or for the good of the city as a disciplinary measure, either in the first instance of misconduct or following progressive discipline outlined in Chapter 7. Demotion for disciplinary reasons is distinguished from demotion for unacceptable job performance or due to abolition of position, as discussed in the following sections. Regular status classified or part-time employees may appeal disciplinary dismissals as provided in Chapter 8.

~~4.9.1. General Provisions. Any regular status employee in the classified or part-time service may be demoted by his appointing authority to a position in a lower pay level in the same category of service so long as such demotion meets the guidelines below. An employee who is serving in a probationary status as a result of a reassignment in accordance with paragraph 4.7 above will be processed in accordance with the provisions of that paragraph.~~

4.~~9~~-10. INVOLUNTARY DEMOTION – ~~S~~POSITION ABOLISHED

~~4.9.1.1. Position Abolished.~~ An employee may be demoted to a vacant position in the same category of service for which he is qualified in a lower pay level, if his position is being abolished and he would otherwise be laid off. If a vacancy is not available, the employee will be separated under the separation guidelines contained in Chapter 6. An employee demoted in lieu of layoff will not be required to serve a probationary period in the new position.

4.~~10~~11. INVOLUNTARY DEMOTION – UNSATISFACTORY PERFORMANCE

~~4.9.1.2. Unsatisfactory Service~~Overview. An employee may be demoted in lieu of separation to a position in the same category of service for which he is qualified in a lower pay level, when his performance appraisal reports demonstrate unsatisfactory performance.

~~4.9.2. Administrative Action.~~ A demotion made in accordance with the guidelines of this ~~paragraph~~ section will be considered an administrative action rather than a disciplinary action. Such demotions may be made only when there is a position available to which the employee may be demoted. If a vacancy is not available, the employee will be separated ~~under the separation guidelines contained~~as provided in Chapter 6 ~~of these policies and procedures.~~

Recommendation For Demotion. If after counseling and monitoring as provided in Chapter 5, an employee's performance continues to be unacceptable after any period established for him to demonstrate acceptable performance and the department head determines that the employee should be demoted in lieu of separation, the department head will submit a written request to the mayor requesting that action be taken to demote the employee for unacceptable job performance.

Mayor's Review and Decision. If the mayor approves the department head's request, he will notify the employee in writing of his intention to demote the employee. The notification will also inform the employee that he has a right, within three (3) calendar days of receiving the notification, to request in writing an informal hearing before the mayor to present his response and any other pertinent information concerning the proposed action. If the employee does not request an informal hearing, or if the mayor decides to continue with the demotion after conducting the informal hearing, the mayor will notify the employee in writing of demotion.

Appeal. The mayor's notice of demotion for unacceptable job performance will also state the employee's right to file within three (3) calendar days of the date of his demotion a written request for a hearing before the city council. The city council's review of the demotion shall be limited to a determination of whether the mayor followed these demotion guidelines. If the procedures were followed, the demotion will be upheld.

Probationary Period. An employee demoted for unsatisfactory performance to a lower position will serve a probationary period in the new position as outlined above.

~~4.9.3. Procedures. For all demotions the appointing authority will ensure they are supported by the facts and circumstances involved and that the following procedures are followed.~~

~~4.9.3.1. Unsatisfactory Performance Demotion. If the demotion is due to the employee not demonstrating his ability to render satisfactory service, the same procedure, as outlined in paragraph 6.7. for dismissal of employees based on unsatisfactory performance will be followed.~~

~~4.9.3.2. Appeal. An employee may appeal his demotion for unsatisfactory performance. Such appeal will be under the same procedures and standards provided for a dismissal based upon unsatisfactory performance as described in paragraph 6.7.~~

~~4.9.3.3. Notification. Written notification will be provided to all demoted employees. Such notice will state the reason(s), as well as the effective date, of the demotion and will be provided to the employee at least seven (7) calendar days prior to the effective date of the demotion. The notification will be signed by the appointing authority. A copy of the notification will be filed in the employee's personnel file.~~

~~4.9.3.4. Pay. The pay of a demoted employee will be reduced to the same relative position in the pay range of the pay level of his new job as it was in the pay range for his old job. Normally, such reduction will be at least two (2) steps below the employee's pay before he was demoted. However, under no circumstances will the pay of a demoted employee be less than the entry level or more than the maximum level authorized for the pay level of the new job. *(Ordinance #2005-51, 10/17/05)*~~

SECTION IV: REVISION TO CHAPTER 5

That all Sections of Chapter Five of the Employee Handbook be and are hereby revised as follows:

CHAPTER 5

EMPLOYEE PERFORMANCE ~~APPRAISAL~~EVALUATION

5.1. GENERAL PROVISIONS

~~5.1.1.~~ Requirement & Purposes. The job performance of all unclassified, classified, and part-time employees will be evaluated periodically in accordance with the city's approved performance appraisal system. The appraisal system will be job-related and will provide each employee and his supervisors documented information concerning the employee's performance level in his job.
~~The requirements and procedures of the performance appraisal system will be annexed to these policies and procedures as the City of Daphne Performance Appraisal System. The appraisal system will be job-related and will provide each employee and his supervisors documented information concerning the employee's performance level in his job.~~

~~5.1.2. Purposes.~~ Performance appraisal results will be used ~~for the following purposes:~~
~~(a)~~ to determine an employee's qualifications for promotion~~;~~
~~(b) to determine~~, training and development assistance to meet employee needs~~;~~
~~(c) to determine~~, layoffs when Reductions in Force (RIFs) are required~~;~~
~~(d) to determine~~, the performance level of new and reassigned probationary employees~~;~~, and
~~(e) to determine if~~whether an employee will improve their job performance or work behavior to an acceptable level or face potential demotion or separation for failure to correct performance shortcomings. ~~*(Ordinance #2007-43, 9/17/07)*~~

Evaluators. The mayor or another individual designated by the mayor will evaluate those employees assigned to the unclassified service. The department head, or an individual approved by the mayor, will evaluate all probationary status and all regular status classified and part-time employees under the department head's supervision.

Timing of Formal Evaluations. Unclassified and regular status classified full-time and part-time employees will be evaluated at least once annually. Evaluations of probationary status employees will be conducted during the third and sixth month of the probationary period.

Additional Evaluations. Evaluators may conduct performance evaluations of employees at any time deemed necessary to address less than satisfactory job performance or, with respect to probationary employees, in the event of an extension of the probationary period.

Written Report. A written appraisal report will be prepared in accordance with the city performance appraisal system. The written report will be discussed with the employee and both he and the rating individual will sign the appraisal form. The original of the completed appraisal report will be filed in the human resources director's office. An employee's refusal to sign the report or to cooperate in the appraisal process is considered insubordination and grounds for disciplinary action.

5.2 PERFORMANCE COUNSELING & MONITORING (CLASSIFIED AND PART-TIME SERVICE EMPLOYEES)

Counseling. Prior to making any recommendation of demotion or separation of any regular status employee in the classified service part-time service for unsatisfactory job performance, the employee's department head, or his designated representative, must counsel the employee concerning his unacceptable performance. The department head must identify the performance shortcomings, the action(s) the employee must take to improve, and the length of time to improve. The employee must also be warned that if his performance does not improve he may be demoted or dismissed. A written record of each counseling session will be prepared by the counseling individual and must be signed by both the counseling individual and the employee. A copy will be provided to the employee and a copy will be filed in the human resources director's office. An employee's refusal to sign the counseling session record or to cooperate in the counseling process is considered insubordination and grounds for disciplinary action.

Monitoring. The employee's performance will be monitored by his department head and the human resources director during the established period to determine if it is improving as required. Written feedback will be provided by the department head to the employee.

Additional Appraisal. After an employee has been counseled for unacceptable job performance, the department head will also conduct such performance appraisals as required by the city's performance appraisal system to document the employee's performance level.

Consequences For Failure to Improve. If the department head concludes the employee has not sufficiently improved his performance after notice and opportunity to improve, the department head may recommend to the mayor that the employee be demoted or dismissed, as provided in Chapter 4 and Chapter 6.

~~5.2. GUIDELINES~~

~~5.2.1. Unclassified Employees. The mayor will evaluate those employees assigned to the unclassified service. Such evaluations will be conducted annually and will be based upon criteria established by the mayor and the city council. If an employee's evaluation indicates that his performance is less than satisfactory, subsequent evaluations will be conducted as established by the mayor.~~

~~5.2.2. Regular Status Classified and Part-time Employees. Each employee's department head, or an individual approved by the mayor, will evaluate those employees for whom evaluations are required. Normally, such employees will be evaluated annually; however, if an employee's evaluation indicates that his performance is less that satisfactory, subsequent periodic evaluations will be conducted as determined by the department head in coordination with human resources director.~~

~~5.2.3. Probationary Status Classified and Part-time Employees. The department head, or an individual approved by the mayor, will evaluate all probationary status classified and part-time employees. Such evaluations will be conducted during the third and sixth month of the probationary period. However, if an employee's performance is less than satisfactory or if this probation period is extended, additional special evaluations may be made as established by the department head in coordination with the human resources director.~~

~~5.3. REPORTS~~

~~5.3.1. Written Report. A written appraisal report will be prepared in accordance with the city performance appraisal system. The written report will be discussed with the employee and both he and the rating individual will sign the appraisal form. The original of the completed appraisal report will be filed in the human resources director's office.~~

~~5.3.2. Confidentiality. Appraisal reports will be considered confidential employee information and will be safeguarded in accordance with the guidelines of paragraph 11.1. of these policies and procedures.~~

SECTION V: REVISION TO CHAPTER 6

That all Sections of Chapter Six of the Employee Handbook be and are hereby revised as follows:

CHAPTER 6

SEPARATIONS

6.1. GENERAL PROVISIONS

~~6.1.1.~~ Types of Separations. All separations of individuals from employment with the city will be designated as one of the following types:
~~(a)~~ resignation; retirement;
~~(b)~~ death;
~~;~~
~~(c) disabil~~incapacity;
~~(~~ ~~d)~~ ~~(e)~~ reduction-in-force (RIF); or
~~(f)~~ dismissal.

~~6.1.2.~~ Processing Separations. At the time of separation or prior to payment of any final compensation, all records, assets, and other items of city property in the employee's custody will be returned to city control. Certification to this effect will be made by the employee and his department head before any final payment is paid to the employee. A copy of such certification will be filed in the human resources director's office. Any indebtedness owed the city by the individual will be withheld from his final compensation, unless waived by the city council. At separation, each employee will be informed by the human resources director of any rights and/or benefits for which he may be eligible.

6.2. RESIGNATION

~~6.2.1.~~ Notice. Any employee may voluntarily resign his position by submitting written notification to the mayor, the human resources director, or his ~~appointing authority~~department head. The notification ~~will~~ must state the reason(s) and the effective date for ~~his~~ the resignation. Classified and part-time employees should submit their notifications as far in advance as possible but no later than fourteen (14) calendar days prior to the effective date of the resignation. Unclassified employees should submit their notifications at least thirty (30) calendar days prior to the effective date of the resignation.

~~6.2.2.~~ Failure to Give Notice. Failure to comply with the notification requirement will be cause for denying an employee payment for his unused vacation leave, unless specifically approved by the mayor in writing. Such failure may also be cause for denying the individual future employment with the city.

~~6.2.3.~~ Withdrawal. ~~An~~ If an employee wishes to~~may~~ withdraw his resignation, then prior to ~~up to~~ the effective date of the resignation, the employee must submit a written request to withdraw the resignation to ~~if approved in writing by~~ the mayor, the human resources director, or his department head~~his appointing authority~~. The mayor will make the decision to approve the withdrawal request, which approval must be documented in writing. If the request to withdraw the resignation is ~~denied~~not approved, the employee will be separated on the effective date of the resignation. If the request to withdraw the resignation is approved, the employee will suffer no loss of service, benefits, entitlement, and/or pay.

Use of Sick Leave During Notice of Resignation Period. No employee will be authorized to use or receive sick leave pay during the period after the employee submits notice of resignation, unless the employee's request to use sick leave was approved prior to the submission of the notice of resignation or is documented by a note from a physician.

~~6.2.4. Unauthorized~~ No Call, No Show Absence as Resignation. Any ~~unauthorized and unjustified~~ absence from work for a period of ~~five~~ three (~~5~~3) consecutive working days without providing notice as required by Chapter 9 may be considered as a voluntary resignation by an employee.

6.~~6~~3. RETIREMENT

~~6.6.1. Guidelines.~~ Whenever an employee meets the eligibility requirements set forth in the city's retirement program, he may elect to retire and receive benefits earned under the provisions of the retirement program. An employee who wishes to retire should notify the human resources director in writing at least sixty (60) days prior to the requested effective date.

6.~~5~~4. DEATH

~~6.5.1. Guidelines.~~ Separation will be effective as of the date of death. All compensation due the employee as of that date will be paid to the estate of the employee, except for such sums that must be paid by law. Any indebtedness owed to the city will be withheld from the individual's final compensation, unless waived by the city council.

6.~~4~~5. ~~DISABILITY~~INCAPACITY

~~6.4.1.~~ General. Any employee may be separated (i) when he cannot perform the essential functions of his job because of ~~extended~~ a substantially limiting physical or mental impairment and (ii) neither the city nor the employee has identified~~. However, the city will attempt to~~ a reasonable~~y~~ accommodation which would~~e to~~ enable the ~~disabled~~ employee to adequately accomplish his ~~required duties~~essential job functions. Such accommodation may include job restructuring or reassignment. ~~If a reasonable accommodation is not possible, the individual may be separated in accordance with the guidelines contained herein.~~

Medical Evidence. All incapacity separations will be supported by medical evidence provided by a medical authority that is acceptable to the city. The city may require an opinion by a second authority, if deemed necessary.

6.4.1.1. Worker's Compensation DisabilityImpairment Due To On-The-Job Injury or Illness. If the substantially limiting physical or mental impairment is the result of a job related condition injury or illness, and the employee is receiving wage-replacement worker's compensation benefits, he may be placed on leave without paywithout pay status for up to six months before being separated, if his medical prognosis indicates that he may recover sufficiently to return to work. However, separation may occur at any time within the first six months of the impairment, if a determination is made by a competent medical authority that the employee's prognosis indicates his disabilitythe incapacity is long-term and he will not be able to perform the duties of his job with reasonable accommodation. In any event, separation may occur after the first six months of the impairment if the employee is not capable of returning to work and performing the duties of his job at that time. Separation action may be initiated by either the employee or the city. The mayor must approve any separation initiate prior to the end of the If the employee is to be separated before the six (6) month period, the separation will be approved by the mayor.

6.4.1.2. Medical Evidence. All disability separations will be supported by medical evidence provided by a medical authority that is acceptable to the city. The city may require an opinion by a second authority, if deemed necessary.

6.4.1.3. Exhaustion of LeaveNon-Job-Related Impairment. Normally, except in the case of an employee with a work-related impairment who is receiving worker's compensation benefits, a disability If the substantially limiting physical or mental impairment is not the result of a job related injury or illness, incapacity separation will become effective only after an employee's accrued leaves with pay have been exhausted and the expiration of any leave without pay granted the employee in accordance with the guidelines of Chapter 9.

6.4.1.4. Retirement Option. An employee who is eligible for retirement will be entitled to retire and receive retirement benefits in accordance with the city's retirement program in lieu of an incapacity separation.

6.36. REDUCTION IN FORCE (RIF)

6.3.1. Guidelines. Any employee may be separated by being laid off through a RIF. RIF actions may be approved as part of a general cost reduction program or when a particular position is no longer needed. In a general RIF the city council will, in coordination with the mayor, establish guidelines to be used in identifying those positions to be eliminated and the individuals in such positions to be laid off.

6.3.1.1. Priority of Service Category and Status. Individuals assigned to jobs that have been identified to be included in a RIF will be selected for separation based upon their service category, employment status, performance, years of service, and any other criteria as established by the mayor and city council. Normally, RIF action will be taken in the following order:

(a)1) temporary service employees;
(b)2) probationary status employees in the part-time service;
(c)3) probationary status employees in the classified service;
(d)4) regular status employees in the part-time service;

~~(e)~~5) regular status employee in the classified service.

~~6.3.1.2.~~ Priority Within Service Category and Status. Normally, employees within a particular service category and employment status will be selected for separation based upon: (i) ~~(a)~~their performance level as indicated by written performance evaluations; (ii) ~~(b)~~their length of service in the particular service category; and (iii) ~~(c)~~the needs of the city.

~~6.3.1.3.~~ Consideration for Reassignment. When a regular status classified employee is scheduled to be laid off, he may be considered for reassignment to any vacant position of equal or lower grade in the classified or part-time service for which he is qualified.

~~6.3.1.4.~~ Notification of Effective Date. Normally, employees in the classified and part-time services will be notified in writing by the mayor at least seven (7) calendar days prior to the effective date of their layoff. Normally, employees in the unclassified service will be notified in writing by the mayor at least fourteen (14) calendar days prior to the effective date of their layoff. Temporary service employees will be given as much notice as possible. A copy of all RIF notices will be filed in the human resources director's office.

~~6.3.2.~~ Reemployment List. Regular status employees in the classified service who are laid off will be placed on a preferred list for hire and will have recall rights for vacancies for which they qualify for one (1) year from the effective date of their layoff.

6.7. DISCIPLINARY DISMISSAL

~~6.7.1. Reasons for Dismissal. Any employee may be dismissed for:~~

~~(a)unacceptable job performance;~~

~~(b)failure to maintain qualification for licensure, insurance, or certification required for continued employment;~~

~~(c)violation of city rules; or~~

~~(d)the good of the city.~~

~~Dismissal for Disciplinary Reasons.~~ Any employee may be dismissed for violation of city rules or policies or for the good of the city as a disciplinary measure, either in the first instance of misconduct or following progressive discipline outlined in Chapter 7. Dismissal for disciplinary reasons ~~(violation(s) of city rules and/or the good of the city)~~ is ~~to be~~ distinguished from dismissal for unacceptable job performance ~~and~~ or failure to maintain qualification required for licensure, insurance, or certifications, as discussed ~~in paragraphs 6.7.2. and 6.7.3.~~ ~~above~~in the following sections. ~~When a~~ R~~r~~egular status classified or part-time employees may appeal disciplinary dismissals as provided in Chapter 8. ~~is to be dismissed for violation(s) of city standards and rules or for the good of the city, it will be considered a disciplinary dismissal, and the guidelines established in Chapter 7 will be followed.~~

6.~~7~~8. DISMISSAL DUE TO LICENSURE, INSURANCE, OR CERTIFICATION LAPSES

~~6.7.3. Procedure for~~ Dismissal for Failure to Qualify for Licensure, Insurance or Certification Required for Continued Employment. ~~When the dismissal of a regular status classified or part-time employee is for his failure to maintain qualification for licensure, insurance, or certification required for continued employment, the following guidelines will apply.~~

~~6.7.3.1. Reasons for Dismissal.~~ The mayor may dismiss any employee in the following situations:

~~(a)~~1) When ~~he has obtained and~~and the city has verified information that the employee is unacceptable for employee honesty or fidelity bonds required by the city for the position occupied by the employee; or

~~(b)~~2) When ~~he has obtained and~~and the city has verified information that the employee has lost, has been unable to acquire, or has failed to maintain certifications required by the city for the position occupied by the employee.

~~(c)~~3) When ~~he has obtained and~~ the city has verified information that the driving license privileges of an employee who is required to drive to do his job have been suspended or revoked, or restricted in such a manner that the employee is rendered incapable of performing his job without violating such restrictions; or

~~(d)~~4) When ~~he has obtained and~~and the city has verified information that the employee is considered by the city's insurance carrier to be an unacceptable, or high risk for insurance and if allowed to operate a vehicle on the city's behalf, either would not be covered with liability coverage, would cause a cancellation of the city's policy, would cause an increase in the city's insurance premium, or would prevent the city from receiving a preferred rate for which it would otherwise qualify~~; or~~.

~~6.7.2.3.1. Dismissal Action Review,~~ Opportunity to Cure Employee Insurability Issue. ~~That w~~When the city receives information from the city's general liability carrier that an employee is excluded from having driving privileges and is otherwise uninsurable, the human resources director shall contact the employee and the employee's supervisor immediately upon notification. The employee's driving privileges shall immediately be suspended until such time as the employee is able to provide additional information to the liability carrier, through human resources, in the form of a motor vehicle record, accident report, or any other documentation so that the liability carrier may cause a final determination to be made on the employee's insurability. Employees must provide this information as quickly as possible and not to exceed 10 days from notification. ~~If such final determination by the city's liability carrier is made that the employee is not insurable, the employee may be dismissed pursuant to the procedures set forth in Section 6.7.3., and other applicable provisions of the Personnel Policy and Procedures Handbook. *(Ordinance #2006-09, 2/20/06)*~~

Notice and Appeal. The mayor must provide the employee a written notice of dismissal based on one or more of these reasons as well as ~~Upon dismissal pursuant to this paragraph, the employee shall be informed of~~ his right to file within three (3) calendar days of the date of his dismissal a written request for a hearing before the city council. The city council's review of the dismissal shall be limited to a determination of whether the mayor followed these dismissal guidelines ~~outlined in these policies and procedures~~. If the procedures were followed, the dismissal will be upheld.

6.~~7~~9. DISMISSAL FOR UNACCEPTABLE JOB PERFORMANCE

~~6.7.2. Procedure for Dismissal for Unacceptable Job Performance. When the dismissal of a regular status classified or part-time employee is for unacceptable job performance, the following guidelines will apply.~~

~~6.7.2.1. Pre-Dismissal Counseling Session(s) & Monitoring. As soon as an employee's performance is considered to be unacceptable he will be counseled by his department head concerning his unacceptable performance. The counseling session will include the action(s) that the employee must take to improve his performance and the length of time he has to improve. The employee will also be warned that if his performance does not improve he will be dismissed. A written record of each counseling session will be prepared by the counseling individual and will be signed by both the counseling individual and the employee. A copy will be provided to the employee and a copy will be filed in the human resources director's office. After an employee has been counseled for unacceptable job performance, the department head, or his designated representative, will also conduct such performance appraisals as required by the city's performance appraisal system to document the employee's performance level.~~

~~6.7.2.2. Monitoring. The employee's performance will be monitored by his department head and the human resources director during the established period to determine if it is improving as required. Written feedback will be provided by the department head to the employee.~~

~~6.7.2.3.~~ Recommendation For Dismissal ~~Actions~~. If after counseling monitoring as provided in Chapter 5, an~~the~~ employee's performance continues to be unacceptable after the period established for him to demonstrate acceptable performance and the department head determines that the employee should be dismissed, the department head will submit a written request to the mayor requesting that action be taken to separate the employee for unacceptable job performance.

Mayor's Review and Decision. If the mayor approves the department head's request, he will notify the employee in writing of his intention to dismiss the employee. The notification will also inform the employee that he has a right, within three (3) calendar days of receiving the notification, to request in writing an informal hearing before the mayor to present his response

and any other pertinent information concerning the proposed action. If the employee does not request an informal hearing, or if the mayor decides to continue with the dismissal after conducting the informal hearing, the mayor decides to continue with the dismissal, the mayor will notify the employee in writing of dismissal.

6.7.2.4. Appeal. Upon dismissal pursuant to this paragraph, The mayor's notice of dismissal for unacceptable job performance will also state the employee's shall be informed of his right to file within three (3) calendar days of the date of his dismissal a written request for a hearing before the city council. The city council's review of the dismissal shall be limited to a determination of whether the mayor followed these dismissal guidelines outlined in these policies and procedures. If the procedures were followed, the dismissal will be upheld.

6.7.3.2. Dismissal Actions. Upon determining that the employee should be separated due to one or more of the reasons listed in paragraph 6.7.3.1. above, the mayor will follow the guidelines outlined in paragraphs 6.7.2.3. and 6.7.2.4. above.

6.7.4. Procedure for

SECTION VI: REPEALER

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

SECTION VII: SEVERABILITY

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

SECTION VIII: EFFECTIVE DATE

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

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

_____
RON SCOTT
CITY COUNCIL PRESIDENT

_____
DANE HAYGOOD
MAYOR

ATTEST:

_____
REBECCA HAYES
CITY CLERK

ORDINANCE 2013-59
Lodging Tax Appropriation TAP: Gator Alley - Turnout/Overlook/Drainage/Scenic Improvements

WHEREAS, Ordinance 2013-50 approved and adopted the Fiscal Year 2014 Budget on September 23, 2013; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2014 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2014 budget; and

WHERE AS, the City has been awarded the new Transportation Alternatives Program (TAP) Grant through the Alabama Department of Transportation (ALDOT) in the amount of $320,075.46 with an 80/20 cost share ration; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of $ 92,857 from the Lodging Tax Fund are appropriated and made a part of the Fiscal Year 2014 budget for the City's 20% match for the project herein described.

Activity	Total Cost	Grant Portion	City's Portion
Initial Survey & Design (9.5%)	$ 13,819.00	$ 0.00	$ 13,819.00
Construction Cost Including Property Acquisition	$370,457.71	$296,366.17 (80%)	$74,091.54 (20%)
Const. Material Testing (2%)*	$ 2,910.00	$ 2,328.00 (80%)	$ 582.00 (20%)
Const. Engineering – CE&I (15%)*	$ 21,819.00	$ 17,455.20 (80%)	$ 4,363.80 (20%)
Totals	$409,005.71	$316,149.37 (77.3%)	$ 92,856.34 (22.7%)

*Based on Actual Construction Cost – minus land acquisition ($370,457.71 - $225,000.00 = $145,458.71)

Note: Grant amount is published as at a slightly higher $320,075.46

FURTHERMORE, the Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

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

_____
Dane Haygood, Mayor

ATTEST:

_____
Rebecca A. Hayes, City Clerk

Ordinance 2014-60

An Ordinance Amending Job Classification Schedule: Animal Shelter Technician

WHEREAS, Ordinance 2004-52 as adopted January 3, 2005 established the City of Daphne Job Classification Schedule; and

WHEREAS, in order to insure that the City's Job Classification Schedule remains current, Human Resources was charged with coordinating an annual review of a percentage of all jobs in order to determine whether revisions to the Job Classification Schedule are warranted; and

WHEREAS, Ordinance 2004-52 requires that subsequent revisions or amendments to the Job Classification Schedule be approved by the City Council.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that:
1) the other classifications for technicians are a Grade 9 therefore the Animal Shelter technician position was recommended to increase from a Grade 7 to a Grade 9 by the Mayor, and
2) there will be an annual savings of $3,265 due to current salary of the employee who retired was higher than the new hire salary will be, and
3) is approved and the following amendment is hereby incorporated into the City of Daphne Job Classification Schedule.

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

_____
Dane Haygood, Mayor

ATTEST:

_____
Rebecca A. Hayes, City Clerk

ORDINANCE NO. 2013-61

An Ordinance setting forth the authorization of certain City Officials as designated signatories on various accounts of the City of Daphne, Alabama.

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

SECTION 1: The following Officers of the City of Daphne, Alabama, be and hereby are officially designated as the appropriate and authorized signatories on the various City accounts of the City of Daphne, Alabama:

Mayor	Dane Haygood
Interim Finance Director	Michael V. Hinson
Councilmember	John L. Lake
Councilmember	Pat Rudicell

SECTION 2: All checks, drafts, and all other financial transfers shall be signed by two (2) of the above-designated signatories.

SECTION 3: Any ordinance or resolution previously adopted which in any way conflicts with this Ordinance is hereby deemed repealed in its entirety with the exclusion of Resolution 2013-37 which prescribes signatories for the Confiscated Funds account.

SECTION 4: The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the remaining parts.

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

_____
Dane Haygood, Mayor

ATTEST:

_____
Rebecca A. Hayes, City Clerk