CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
NOVEMBER 4, 2013
6:30 P.M.

1. **CALL TO ORDER**
2. **ROLL CALL / INVOCATION /** Dr. Robert McKibben / Daphne United Methodist

3. **APPROVE MINUTES:** Council meeting minutes / October 21, 2013
Council Strategic Plan meeting minutes / October 28, 2013

PROCLAMATION: **"**America Recycles Day in Daphne" / November 16, 2013

PUBLIC HEARINGS:

1.	**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

2.	**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

ELECTION OF COUNCIL OFFICERS

CHANGE THE NOVEMBER 11, 2013 WORK SESSION DUE TO VETERANS DAY

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Conaway
B. BUILDINGS & PROPERTY COMMITTEE - Davis
C. PUBLIC SAFETY - Rudicell
D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Fry
E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - LeJeune
Review minutes / October 21st
Review Beautification minutes / October 2nd
Review Daphne Museum minutes / September 9th

MOTION: To authorize the completion of the CR 64 sidewalk project, and begin the Lake Forest sidewalk project starting on Lawson Road

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

B. Downtown Redevelopment Authority – Conaway
Review minutes / August 28th
Review minutes / October 24th

C. Industrial Development Board – Davis

D. Library Board - Lake

E. Planning Commission – Scott
Review minutes / September 26th

F. Recreation Board - LeJeune

G. Utility Board - Fry
Review minutes / May 29th, June 26th, July 31st

6. REPORTS OF OFFICERS:

A. Mayors Report

MOTION: Authorize the Mayor to approve the refinancing of bonds for Special Care Facilities Financing Authority of the City of Daphne with the refinancing being completed by or before December 31, 2013

MOTION: Rescind appointment of Carol Frush to the Special Care Facilities Financing Authority of the City of Daphne and appoint a new director

B. City Attorney's Report

C. Department Head Comments

D. City Clerk Report

a.) Parade Permit / Connect Events & Chick-Fil-A of Daphne / Send Kids to Camp / February 8, 2014

b.) Parade Permit / Apollo's Mystic Ladies / Mardi Gras / February 21, 2014 / Rain Date February 27, 2014

c.) ***MOTION:*** The City Council to recognizes the economic recession and the on-going impacts of the economic down-turn as it relates to businesses in the City of Daphne. The City Council hereby recognizes "The 180 Day Promotional Period for Commercial and Retail Establishments" beginning on November 27, 2013 and ending May 26, 2014. This motion may be rescinded in the future in the event new Sign Provisions are adopted as part of the Land Use & Development Ordinance.

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

<u>RESOLUTIONS:</u>

<u>NO RESOLUTIONS</u>

ORDINANCES:

2ND READ

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

b.) Transportation Alternative Program (TAP) 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

1ST READ

a.) Rezoning: Christ the King Catholic Church / Main Campus. . . . . /Ordinance 2013-62

b.) Rezoning: Walter J. and Martin L. Pierce. . . . . /Ordinance 2013-63

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

1. CALL TO ORDER:

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE:

Councilman Davis gave the invocation.

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

ABSENT: Pat Rudicell.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Sarah Toulson, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Adrienne Jones, Community Development Director; Michael Hoyt, Municipal Judge; Mike Hinson, Finance Director; Tonja Young, Library Director; Vickie Hinman, HR Director; Captain Scott Taylor, Police Department; Angie Phillips, Revenue Officer; Ashley Campbell, Environmental Programs Manager; Dorothy Morrison, Beautification Committee and Downtown Redevelopment Authority; Al Guarisco, Village Point Foundation; Larry Cook, BZA; Rebecca Trosclair, Beautification Committee; Selena Vaughn, Beautification Committee; Kevin Boucher, Attorney, Adams & Reese.

Absent: Richard Merchant, Building Official; David Carpenter, Police Chief.

3. APPROVE MINUTES:

October 7, 2013 Council meeting minutes
There being no correction to the October 7, 2013 Council meeting minutes the minutes stand approved as written.

October 14, 2013 Strategic Plan minutes
There were no corrections to the October 14, 2013 Strategic Plan minutes, and the minutes stand approved as written.

CERTIFICATES OF APPRECIATION:

Mayor Haygood and the City Council recognized the students involved with the Student Government Association from Daphne High School, Bayside Academy and Spanish Fort High School. They are as follows:

Brewer Ayres	Daphne High School	Treasurer
Ashley Hudson	Daphne High School	Vice-President
Ethan McVay	Daphne High School	President

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

Christian Parke	Daphne High School	Parliamentarian
Kayla Warner	Daphne High School	Historian
Brooke Bailey	Daphne High School	Secretary
Keegan Cort	Bayside Academy	President
Sarah Ezell	Bayside Academy	Secretary
Katherine Ham	Bayside Academy	Treasurer
Bowen Spottswood	Bayside Academy	Vice-President
Ashlie Cline	Spanish Fort High School	Class Officer
Joseph East	Spanish Fort High School	Class Officer
Troy Marcus	Spanish Fort High School	Class Officer
Meredith Phillips	Spanish Fort High School	Class Officer
Taylor Pierce	Spanish Fort High School	Class Officer
Mary Quinn	Spanish Fort High School	Class Officer
Hannah Vilela	Spanish Fort High School	Class Officer

PROCLAMATION: Dyslexia Awareness Month

Mayor Haygood read and presented the proclamation to Mrs. Sylvia Mueller, Braden Mueller and Hunter Oswalt.

PRESENTATION: The Lighthouse / Ms. Joanna Sheils

Ms. Sheils handed out the budget for the Lighthouse, and said that due to the government shutdown the Lighthouse has not been funded, and the bills need to be paid. In order to keep the doors open they are seeking help from the community. She requested support from the city to help keep their doors open.

MOTION BY Councilwoman Conaway to suspend the rules to consider a matter not on the agenda, a motion to appropriate additional funds for the Lighthouse in the amount of $1,000. *Seconded by Councilman Lake*.

ROLL CALL VOTE

Conaway	**Aye**	**Davis**	**Aye**
Lake	**Aye**	**Scott**	**Aye**
Fry	**Aye**		
LeJeune	**Aye**		

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Lake to appropriate $1,000 in additional funds to the already appropriated $500 from Community Contributions for The Lighthouse, to be expedited at soon as possible. ***Seconded by Councilman Davis.***

MOTION CARRIED UNANIMOUSLY

PRESENTATION: Marine Corp League / Commandant Thomas Lane

Commandant Lane is with the Jessie Andrews, Jr. Detachment of the Marine Corp League. He explained that the group donates to veteran organizations, and helps out in any way they can. Their funding comes from participating in area festivals and events along with collecting money on roadways.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Conaway

The minutes for the October 14th meeting are in the packet.

Treasurers Report / September 30, 2013

The balance ending September 30, 2013 is $16,442,249.11. The total was down due to Road construction project payments that had been made.

Sales & Use Tax Collections / August 31, 2013

Collections for August were $88,430.59 over monthly budgeted and $552,141.84 year to date over budget.

Lodging Tax Collections, August 31, 2013

Collections for August, 2013 were $52,427.99 which was up from August, 2012 - $50,417.73.

Taste of the Eastern Shore 2013 Revenue Report

The report for the 2013 event was $32,206.05 less the Band Loan *($5,000)* netted $27,206.05 paid to Daphne High School.

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

The Award was presented to Ebrahim Maghsoud for McDonald's on Woodrow Lane.

B. BUILDINGS & PROPERTY COMMITTEE - Davis

The minutes for the October 7th meeting are in the packet. The next meeting will be the first Monday in November.

***C. PUBLIC SAFETY* COMMITTEE –** Rudicell
The minutes for the October 9th meeting are in the packet.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Fry
The October 9th minutes are in the packet. The committee is working on an ordinance to consolidate the Business License ordinances, and two environmental ordinances. The next meeting will be the second Wednesday in November.

E. PUBLIC WORKS COMMITTEE – LeJeune
The September 16th Public Works Committee minutes and the September 4th Beautification minutes are in the packet. The committee met this afternoon, and there were 186 new garbage customers reported. The next meeting will be November 18th.

5. <u>REPORTS OF SPECIAL BOARDS & COMMITTSIONS:</u>

A. Board of Zoning Adjustments – Adrienne Jones
The next meeting will be November 7th at 6:00 p.m. Mrs. Jones reported that there is a member whose term will expire in November, and council can chose to re-appoint or appoint a new member to the board.

MOTION BY Councilman Davis to re-appoint Mr. Willie Robison to the Board of Zoning Adjustments. Term to begin November 2013 and end November 2016. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

B. Downtown Redevelopment Authority – Conaway
The next meeting is Wednesday at 5:30 p.m.

C. Industrial Development Board – Davis
The next meeting will be Monday at 6:00 p.m. Councilman Davis mentioned a report from a national research group on home building where Daphne is listed fifth in the top 10 list for home building markets.

D. Library Board – Lake
The minutes for the September 12th meeting are in the packet. The Library received two grants one from Target for $2,000 (Children's Activities) and one from LSTA for $25,000 (for Community Services concentrating on Health Issues). The board adopted an improved dress code.

E. Planning Commission – Scott

The Planning Commission will review the recommendations from the Sign Committee Thursday. She asked if council had any remarks concerning the recommendations to e-mail them to council President Scott and he will relay them to the commission. The Planning Commission will make a recommendation to council, and it will be up to the council to adopt the recommendations.

F. Recreation Board – LeJeune
No report. The next meeting will be November 13th at 6:30 p.m.

G. Utility Board – *Fry*
There will be a budget meeting Tuesday, and the regular board meeting will be November 30th at 5:00 p.m.

6. <u>REPORTS OF OFFICERS:</u>

A. Mayor's Report

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

MOTION BY Councilman Lake to approve the Parade Permit for America Recycles Day Celebration / 5K / 1 Mile Run / November 16, 2013. *Seconded by Councilwoman Conaway*.

MOTION CARRIED UNANIMOUSLY

Mayor Haygood mentioned that the Special Care Facilities Financing Authority of the City of Daphne has approached him about approving refinancing of their bonds to take advantage of the good rates. This will not affect the city's ratings. He asked council to add this to the agenda in order to vote.

MOTION BY Councilman Lake to add to the agenda a motion to authorize the Mayor to approve the refinancing for the Special Care Facilities Financing Authority of the City of Daphne. *Seconded by Councilman Fry.*

<u>ROLL CALL VOTE</u>

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

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

MOTION FAILED

Council President Scott asked that the motion be on the November 4, 2013 agenda, and to include in the motion that the refinancing had to be complete by December 31, 2013.

B. City Attorney's Report

No report. Mr. Ross introduced Kevin Boucher who will be assisting him with City of Daphne issues.

C. Department Head Comments

David McKelroy – Recreation Director – reported Brown Bag by the Bay will be on Thursday from 11:30 – 1:30. Friday, Saturday will be Mobile Bay Soccer Tournament with 98 teams and half of those are from out of town.

Margret Thigpen – Civic Center Director - there will be a comedy show by Chondra Pierce entitled Girl Talk on October 22nd.

Adrienne Jones – Community Development Director – reported the Planning Commission meeting is Thursday.

City Clerk Report – Rebecca Hayes –

a.) **MOTION:** National League of Cities 2013 Congress of Cities Voting Delegate / November 13-16, 2013

MOTION BY Councilwoman Conaway appoint Councilman John Lake as the National League of Cities Congress of Cities Voting Delegate for the November 13-16, 2013 conference . ***Seconded by Councilman LeJeune.***

MOTION CARRIED UNANIMOUSLY

7. PUBLIC PARTICIPATION

Mrs. Elaine Maxime – 105 Avon Circle East – spoke regarding no supervision in the exercise room at the Recreation Center. She asked that the vacant position be filled.

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

MOTION BY Councilman Lake to *waive the reading* of Resolutions 2013-52 and 2013-53. ***Seconded by Councilwoman Conaway.***

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Lake to *adopt* Resolutions 2013-52 and 2013-53. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

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

MOTION BY Councilman LeJeune to *waive the reading* of Ordinance 2013-57. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to *adopt* Ordinance 2013-57. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

ORDINANCE S 2013-58, 2013-59, 2013-60 and 2013-61 WERE MADE 1ST READ.

9. COUNCIL COMMENTS:

Councilman Davis was pleased to see the SGA membership at the meeting. He mentioned that Daphne needs to embrace the growth explosion that is coming and not lose the integrity that made Daphne a great city.

Councilman Fry attended the Honor Flight Legacy Reunion at Fort Whiting of the nine Honor Flight participants and their guardians and everyone that participated in the program. He said it was a tremendous event. He thanked Dr. Barry Booth and others that were involved with the program.

Councilman Lake mentioned again that the Recreation Department could partner with the US Sports Academy and use interns to help out.

Councilwoman Conaway was glad to see the city recognize the youth leaders.

Council President Scott said he enjoyed recognizing the youth leaders, and said they need to do it regularly. He applauded the efforts of the Mayor and Richard Johnson for reaching out and finding a grant to improve Gator Alley. The grant is a Transportation Alternative Program grant where they will be installing a parking lot at Gator Alley and paving it with pavers similar to May Day Park. They will also be planting natural and decorative vegetation which will enhance the area.

Mayor Haygood asked everyone to keep Councilman Rudicell's mother in their prayers. He mentioned the shooting in a Nevada school today, and said that this seems to be the norm now, and he does not like the direction the world is heading. He said the Honor Flight Reunion was a great event, and they recognized the City of Daphne for their commitment. Mayor Haygood thanked the current and past leaders for their commitment over the years. He mentioned that Daphne won over Fairhope 35/13, and he brought home the trophy. He recognized Ashley Campbell for all her hard work and commitment in acquiring the 2010 CIAP grant. He thanked Councilman Fry and the Ordinance Committee's work on the Animal Control ordinance. He wants Daphne to be pet friendly, and will work with a cooperative spirit with the citizens.

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 8:15 P.M.

Respectfully submitted by,

_____
Rebecca A. Hayes,
City Clerk

Certification of Presiding Officer,

_____
Ron Scott,
Council President

OCTOBER 28, 2013
STRATEGIC PLAN MEETING
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

Councilman Scott called the meeting to order at 5:35 p.m.

COUNCIL PRESENT: Tommie Conaway; Pat Rudicell; Randy Fry; Ron Scott; Joe Davis.

ABSENT: John Lake, Robin LeJeune.

ALSO PRESENT: Rebecca Hayes, City Clerk; Sarah Toulson Assistant City Clerk; Margret Thigpen, Civic Center Director; Vickie Hinman, HR Director; Jane Ellis, Mayors Assistant; Adrienne Jones, Community Development Director, Mike Hinson, Finance Director.

ABSENT: Mayor Haygood.

1. PUB LIC PARTICIPATION
No one spoke.

2. ECONOMIC DEVELOPMENT

GOAL: "Improve the city's image as a business friendly environment and undertake measures to attract and retain businesses."

Discussed:

1. The progress the city has made in becoming business friendly by lowering the businesses license fees, extending the promotional advertising period and revising the sign provisions of the Land Use and Development Ordinance.
2. Retaining businesses, and why they leave
3. Marketing efforts to spotlight Daphne and what the city offers
4. Putting a packet of information together for businesses
5. Consulting the Baldwin County Economic Development Alliance to see what areas Daphne should seek to diversify the local economy (what types of businesses is the city lacking that citizens need or from which they would benefit), and what efforts the city could undertake to increase businesses.

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

1. Recreation / *Recreation Board*
2. Economic Development / *Industrial Development Board / Downtown Redevelopment Authority*
3. Infrastructure / *Public Works*
4. Annexation / *Mayor / Planning Commission*
5. City Management / *Mayor, Staff*
6. Public Relations / *Mayor, Staff*
7. Public Safety / *Police Department / Chief Carpenter / Fire Department / Chief White*
8. Schools / *S.E.E.D.S.*
9. Technology / *Mayor*
10. Facilities / *Building and Property Committee*

OCTOBER 28, 2013
STRATEGIC PLAN MEETING
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

Committees Consider:

1. What are the plan statement for one (1) year, three (3) years and five (5) years
2. What are the objectives
3. What are the needs
4. What is the cost

Compile information and develop a plan to reach objectives

Council needs to decide if they need to bring someone in to help them in developing a strategic plan.

Homework

All committee chairs and members look at one, three and five years to see where they want to be, and what are the needs and wants.

4. WHATEVER ELSE IS DEEMED NECESSARY

There were no other necessary items to discuss.

The next meeting is November 12th 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
OFFICE OF THE MAYOR

"AMERICA RECYCLES DAY IN DAPHNE"

WHEREAS: The City of Daphne recognizes the importance of protecting and preserving our natural resources and adopting conscientious habits that will improve our daily lives and bring about a cleaner, safer, and more sustainable environment: and

WHEREAS: Although there has been a significant increase in the amount of recycling in Daphne to date, we must continue to focus on other initiatives, including waste reduction, composting, the reuse of products and materials, and purchasing recycled products; and

WHEREAS: By encouraging businesses, state agencies, nonprofit organizations, schools and individuals to celebrate America Recycles Day 2013, we can further promote recycling as an environmentally efficient and economically smart habit; and

WHEREAS: City and community leaders can work together to recycle waste and develop innovative ways to manage our resources more sustainably, and they can also help foster greater awareness of the need to expand collection programs by promoting the benefits to businesses that invest in recycling; and

WHEREAS: Recycling not only preserves our environment by conserving precious resources and reducing our carbon footprint, but it also contributes to job creation and economic development. It is important that all Daphne citizens learn more about the many recycled and recyclable products available to them as consumers.

NOW, THEREFORE, the Mayor and City Council of the City of Daphne do hereby proclaim **November 15, 2013** as:

"AMERICA RECYCLES DAY IN DAPHNE"

and encourage all citizens to learn more about the recycling options available throughout Daphne and it corporate limits.

DANE HAYGOOD,
MAYOR

Rebecca A. Hayes

REBECCA A. HAYES,
CITY CLERK

PUBLIC HEARING

NOVEMBER 4, 2013

TO CONSIDER:

1.	**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**

2.	**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**

MEMORANDUM

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

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

PROPOSED ZONING: B-2, General Business District

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

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

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

Planning Commission

COMMUNITY DEVELOPMENT

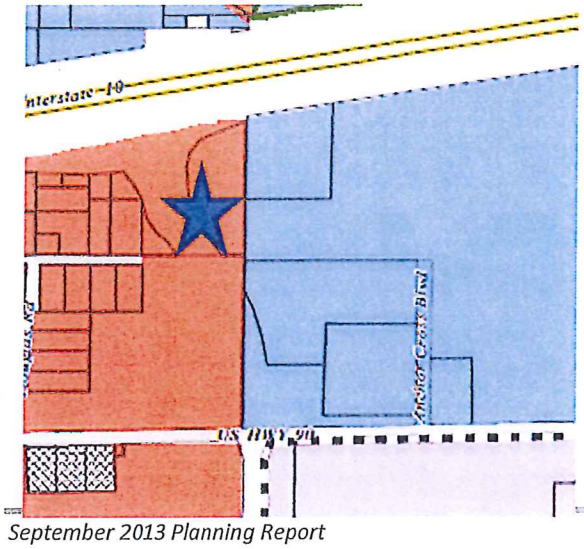
Daphne

ALABAMA

The Jubilee City

Zoning Amendment Review

Walter J. and Martin L. Pierce



September 2013 Planning Report

Walter J. and Martin L. Pierce

ZONING AMENDMENT REVIEW

Owner: Walter J. and Martin L. Pierce

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

Existing Conditions: 5.93 acres of undeveloped land

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

Proposed Zoning: B-2, General Business district

Surrounding Zonings/Uses:

North-Interstate 10

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

East- B-2, General Business

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

Existing Utility Service Providers:

Water– Daphne Utilities

Sewer – Daphne Utilities

Gas- Daphne Utilities

Electric—Riviera Utilities

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

Baldwin County Schools—N/A

Comprehensive Plan

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

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

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

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

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number Z-13-06 Date Plat Submitted: August 22, 2013

Date Presented: September 26, 2013

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

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

Name of Authorized Agent, if other than owner: _____

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

Subdivision: _____

Lot(s): _____ Unit _____

✓ Two (2) copies of legal description of the subject property.

n/a Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").

✓ List of the names and mailing addresses for the adjacent property owners (Date Submitted: 8/22/13).

Meeting Dates:

Planning Commission: August 26, 2013

City Council: _____

Reason(s) for requesting the Zoning Amendment:
Surrounding properties are zoned Commercial. ALDOT has also acquired a portion of property for future expansion of County Rd 13 & I-10.

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

a) Address Daphne, AL ;

b) Name of Subdivision N/A

c) Lot numbers involved in change 2

d) Total acreage of change 5.93 acres

e) Recorded in Map Book _____ Page _____

f) Owned in whole by the undersigned? No

g) If owned in part, name(s) of co-owner(s) :
Martin L Pierce & Walter J. Pierce

2) Zoning change requested:

a) Present classification of property R3

b) Reclassification desired B2

c) Character of neighborhood Raw Land / Undeveloped

3) Certifications:

a) Owner's Name Martin L. Pierce

b) Address 288 Linwood Rd

c) Telephone Number 205-516-2202

d) Date 8-8-13

Signature of Property Owner

Walter J. Pierce
Signature of Property Owner

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

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

EXHIBIT "A"

STATE OF ALBAMA
COUNTY OF BALDWIN

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

PARCEL 1:

COMMENCING AT A 4" x 4" CONCRETE MONUMENT FOUND ON THE PRESENT RIGHT OF WAY LINE OF INTERSTATE 10 AS SHOWN ON THE RIGHT OF WAY MAP OF STATE HIGHWAY PROJECT NUMBER I-10-1 (19) (SAID MONUMENT OFFSET 300 FEET OF AND PERPENDICULAR TO CENTERLINE OF SAID PROJECT AT STATION 544+69.28): THENCE RUN NORTH 82*40'31" EAST A DISTANCE OF 2006.55 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED: THENCE RUN NORTH 69*30'30" EAST. 301.08 FEET: THENCE RUN SOUTH 00*28'49" WEST. 785.36 FEET: THENCE RUN SOUTH 89*45'57" WEST. 147.32 FEET: THENCE RUN NORTH 35*19'04" WEST. 353.00 FEET: THENCE RUN NORTH 05*08'29" WEST. 230.10 FEET: THENCE RUN NORTH 15*36'10" EAST. 84.72 FEET: THENCE RUN NORTH 42*04'15" EAST. 110.11 FEET: TO THE POINT OF BEGINNING AND CONTAINING 5.20 ACRES MORE OR LESS (226,377.3 SQ. FT.)

PARCEL 2:

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

NOTES:

THIS SURVEY WAS PREPARED FOR THE CLIENTS USE AND PURPOSE AS SHOWN. USAGE FOR ANY OTHER PURPOSE, REPRODUCTIONS (IN WHOLE OR PART) SHALL NOT BE MADE WITHOUT THE EXPLICIT WRITTEN CONSENT OF THE SURVEYOR.

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

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

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

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

PROPERTY IS SUBJECT TO ZONING SETBACKS AND RESTRICTIONS OF RECORDS.

BEARINGS ARE BASED ON THE SOUTH RIGHT OF WAY LINE OF INTERSTATE 10 AS SHOWN ON THE RIGHT OF WAY MAP OF STATE HIGHWAY PROJECT NUMBER IM-110(013071). GPMS NUMBER 100001555.

THIS SURVEY WAS BASED ON FIELD WORK COMPLETED ON MAY 22, 2008.

SOURCES OF INFORMATION:

DIMENSIONS MARKED WITH (R) WERE TAKEN FROM THE BOUNDARY SURVEY OF 6.937 ACRES IN SECTION 33, T4S-R2E, FOR ASSOCIATES FINANCIAL SERVICES COMPANY OF ALABAMA, INC. AT THE TIME OF TIME REAL ESTATE BY FAIRHOPE TITLE AND SURVEY CO., INC. DATED JUNE 16, [illegible]2.

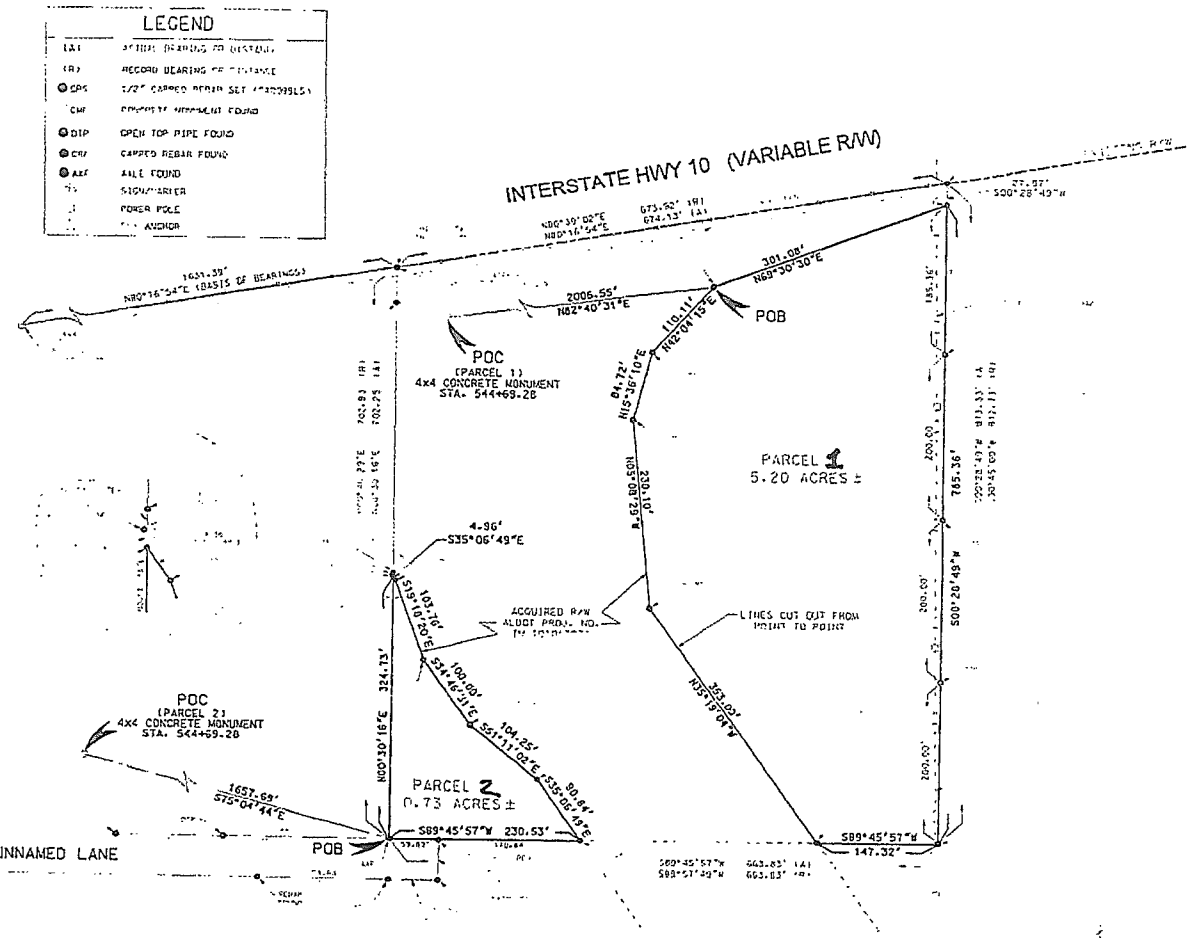
RIGHT OF WAY MAP OF STATE HIGHWAY PROJECT NUMBER IM-110(013071).

RIGHT OF WAY MAP OF STATE HIGHWAY PROJECT NUMBER I-10-1(119).

LEGAL DESCRIPTION

PARCEL 1

COMMENCING AT A 4"x 4" CONCRETE MONUMENT FOUND ON THE PRESENT SOUTH RIGHT OF WAY LINE OF INTERSTATE 10 AS SHOWN ON THE RIGHT OF WAY MAP OF STATE HIGHWAY PROJECT NUMBER I-10-1(119) (SAID MONUMENT OFFSET 300 FEET OF AND PERPENDICULAR TO CENTERLINE OF SAID PROJECT AT STATION 544+69.28); THENCE RUN NORTH 82°40'31" EAST A DISTANCE OF 2006.55 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH [illegible] EAST, 301.08 FEET; THENCE RUN SOUTH 00°28'49" WEST, 195.36 FEET; THENCE RUN SOUTH 89°45'57" WEST, 147.32 FEET; THENCE RUN NORTH [illegible] WEST, 353.00 FEET; THENCE RUN NORTH 05°08'29" WEST, 230.[illegible] FEET; THENCE RUN NORTH [illegible] EAST, 84.72 FEET; THENCE RUN NORTH 42°04'15" EAST, 110.11 FEET; TO THE POINT OF BEGINNING AND CONTAINING 5.20 ACRES MORE OR LESS. (226377.3 SQ. FT.).



LEGAL DESCRIPTION

PARCEL 2

COMMENCING AT A 4"x 4" CONCRETE MONUMENT FOUND ON THE PRESENT SOUTH RIGHT OF WAY LINE OF INTERSTATE 10 AS SHOWN ON THE RIGHT OF WAY MAP OF STATE HIGHWAY PROJECT NUMBER I-10-1(119) (SAID MONUMENT OFFSET 300 FEET OF AND PERPENDICULAR TO CENTERLINE OF SAID PROJECT AT STATION 544+69.28); THENCE RUN SOUTH 75°04'44" EAST A DISTANCE OF 1657.69 FEET TO AN IRON AXEL AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH 00°30'16" EAST, 324.73 FEET; THENCE RUN SOUTH 35°06'49" EAST, 4.96 FEET; THENCE RUN SOUTH 19°10'20" EAST, 103.76 FEET; THENCE RUN SOUTH 34°46'31" EAST, 100.00 FEET; THENCE RUN SOUTH 51°11'05" EAST, 104.25 FEET; THENCE RUN SOUTH 35°06'49" EAST, 90.84 FEET; THENCE RUN SOUTH 89°45'57" WEST, 230.53 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.73 ACRES MORE OR LESS. (31765.3 SQ. FT.).

STATE OF ALABAMA:
COUNTY OF BALDWIN:

WE, MCCRORY AND WILLIAMS INC., A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

M.W. WOLFE, PLS
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER 14978

6/17/08
DATE

RECEIVED
SEP 06 2013

McCrory Williams

BOUNDARY SURVEY FOR WALTER J. & PIERCE

SECTION 33, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA

SCALE: [illegible] DATE: JUNE 16, 2008 DRAWN BY: AKE APPROVED BY: MWW SHEET 1 OF [illegible]

WALTER J. PIERCE & MARTIN L. PIERCE ZONING AMENDMENT EXHIBIT "B"

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

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

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

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

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

Malbis Plantation
29470 State Hwy 181
Daphne, AL 36526

DANE HAYGOOD
MAYOR

REBECCA A. HAYES
CITY CLERK

ADRIENNE D. JONES
DIRECTOR COMMUNITY DEVELOPMENT

COMMUNITY DEVELOPMENT
Daphne
ALABAMA
The Jubilee City

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

August 12, 2013

NOTICE OF PUBLIC HEARING

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

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

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

Sincerely,
Adrienne D. Jones
Director of Community Development

Walter J. & Martin L. Pierce Zoning Amendment

COMMUNITY DEVELOPMENT
1705 MAIN STREET • P.O. BOX 400 • DAPHNE, ALABAMA 36526
TELEPHONE: (251) 621-3184 • FAX: (251) 621-3185

MEMORANDUM

To: Office of the City Clerk

From: Adrienne D. Jones, AJ
Director of Community Development

Subject: Christ the King Catholic Church Zoning Amendment

Date: September 30, 2013

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

PROPOSED ZONING: B-1, Local Business District

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

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

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

Thank you,
ADJ/jv

cc: file

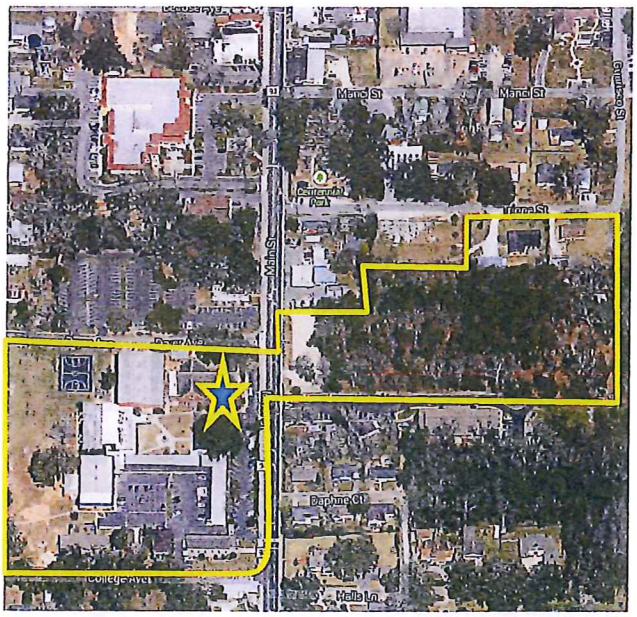
attachment(s)

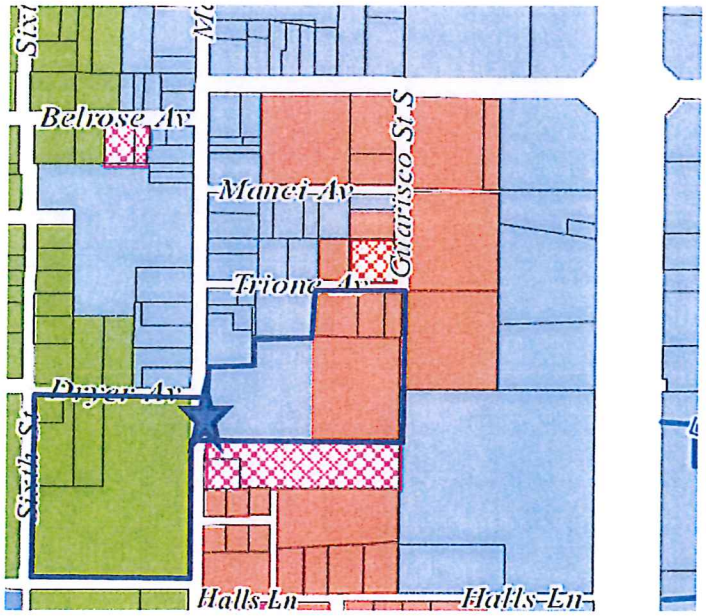
1. Community Development Report(s)
2. Zoning Amendment application
3. Legal description
4. Map of property
5. Adjacent property owners' list
6. Correspondence to Adjacent Property Owners

Planning Commission

COMMUNITY DEVELOPMENT
Daphne
ALABAMA
The Jubilee City

Master Plan & Zoning Amendment Review
Christ the King Church





COMMUNITY DEVELOPMENT

MASTER PLAN & ZONING AMENDMENT REVIEW

Christ the King Catholic Church Campus

Owner: Christ the King Catholic Church

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

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

Proposed Zoning: B-1 (Local Business)

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

Excerpt 14-2 USES PERMITTED ..

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

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

Master Plan

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

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

Surrounding Zonings/Uses:

Dryer Avenue Side

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

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

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

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

Trione Avenue Side

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

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

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

East – B-2 and R-3, Undeveloped

Existing Utility Service Providers:

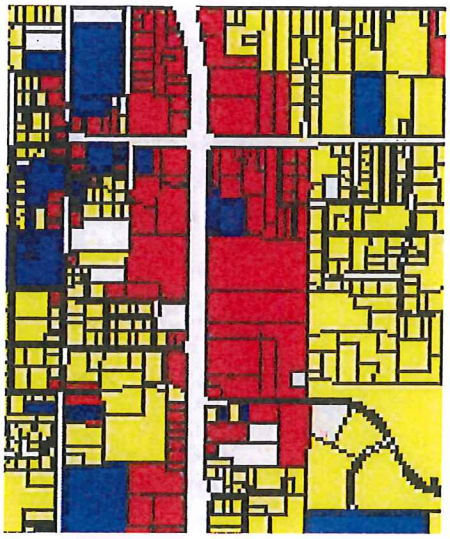
Sewer & Gas-Daphne Utilities

Electric-Riviera Utilities

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

Comprehensive Plan

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



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

THE CITY OF DAPHNE
COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: Z13-07 Date Plat Submitted: August 26, 2013

Date Presented: September 26, 2013

Name of Owner: Christ the King Catholic Church

Address: 711 College Ave Daphne AL Telephone 626-2393
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Doug Bailey / HMR

Address: PO Box 1127 Daphne AL 36526 Telephone # 626-2626
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: See attached surveys

Lot(s): _____ Unit _____

✓ Two (2) copies of legal description of the subject property.

✓ Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").

✓ List of the names and mailing addresses for the adjacent property owners (Date Submitted: 08-26-13).

Meeting Dates:

Planning Commission: Sept. 26, 2013

City Council: _____

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

Matthew J. O'Connor
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

1

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

a) Address See attached survey dwgs.

b) Name of Subdivision SAA

c) Lot numbers involved in change SAA

d) Total acreage of change 15.86

e) Recorded in Map Book _____ Page _____

f) Owned in whole by the undersigned? Yes

g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

a) Present classification of property R-2/R-3/B-2

b) Reclassification desired B-1

c) Character of neighborhood Mixed use/commercial

3) Certifications:

a) Owner's Name Christ the King - Matthew O'Connor

b) Address 711 College Avenue, Daphne

c) Telephone Number 626-2343

d) Date 8/26/13

Matthew J. O'Connor
Signature of Property Owner

Signature of Property Owner

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

EXHIBIT "A"

STATE OF ALABAMA
COUNTY OF BALDWIN

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

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

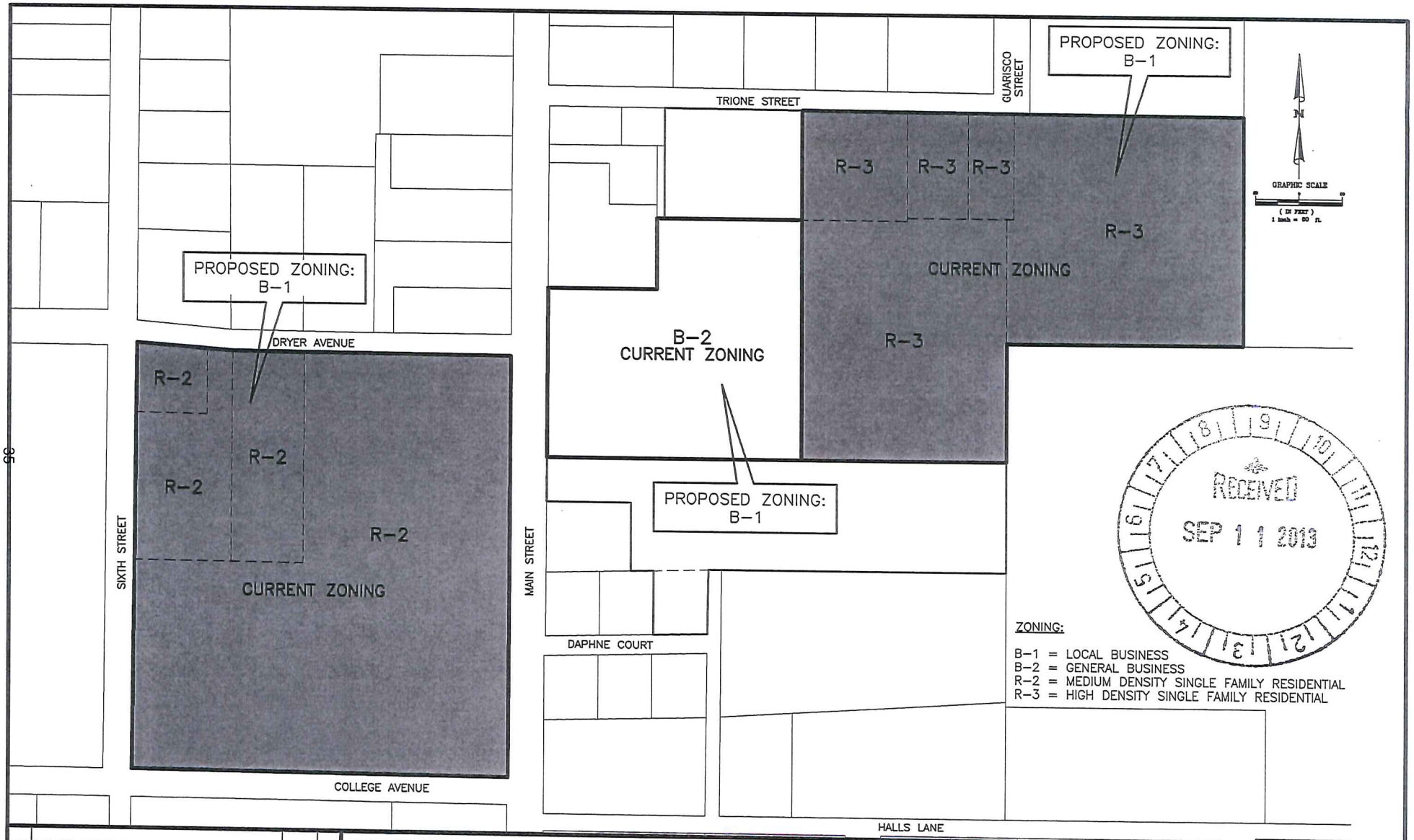
Commence at the Northwest corner of Section 20, Township 5 South, Range 2 East, St. Stephens Meridian, and run thence South 925 feet; Thence run East 25 feet to an iron pin marker on the East right of way of Main Street for the Point of Beginning of the property herein described; Thence run N-89°-59'-40"-E,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

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

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

LEGAL DESCRIPTION - (MAIN CAMPUS):

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



NO.	REVISION	DATE	ENGR.

HMR

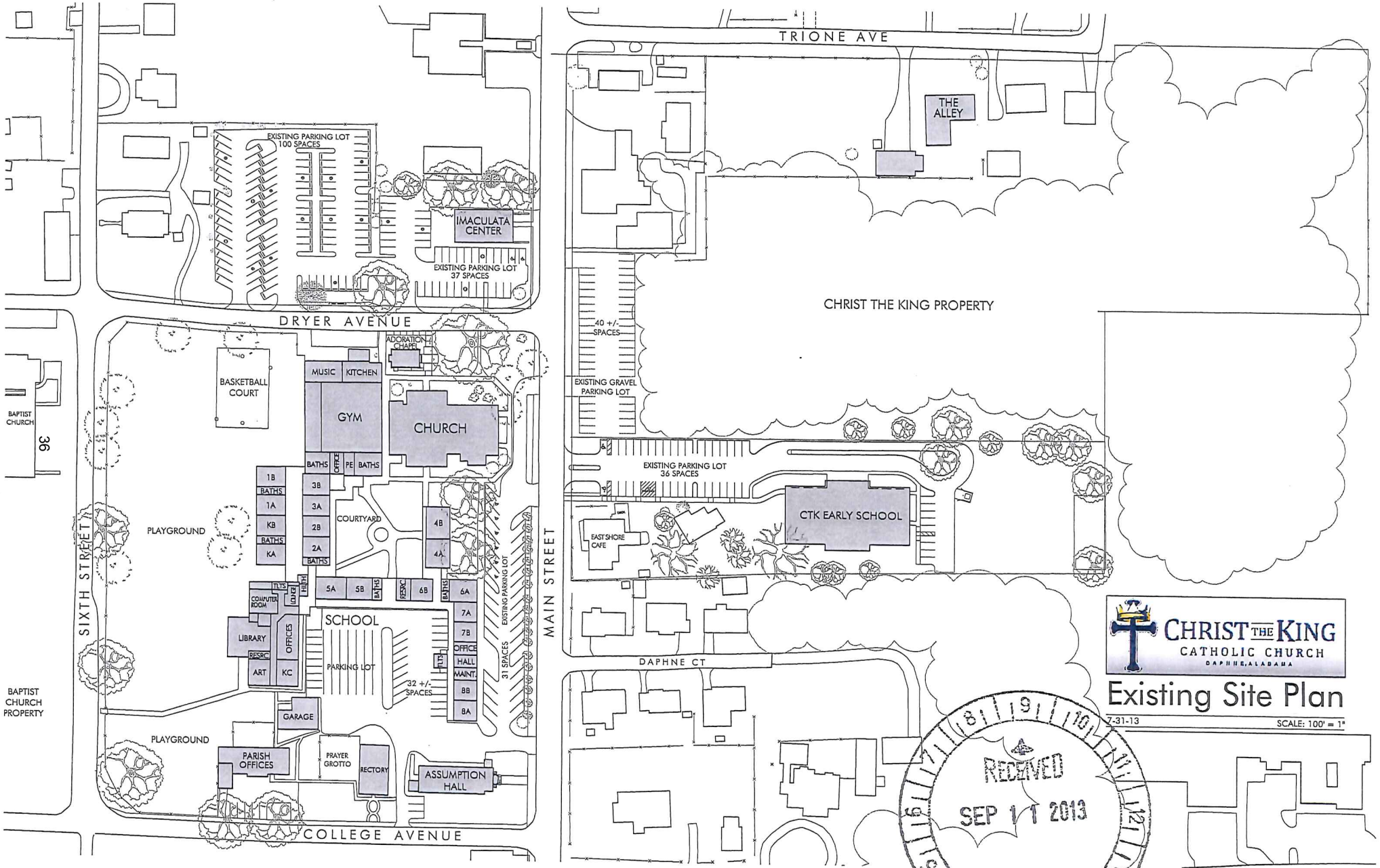
HUTCHINSON, MOORE & RAUCH, LLC
2039 MAIN STREET
DAPHNE, ALABAMA
36526
ENGINEERS ◆ SURVEYORS
LAND PLANNERS
TEL (251) 626-2626
FAX (251) 626-6934
daphne@hmrengineers.com

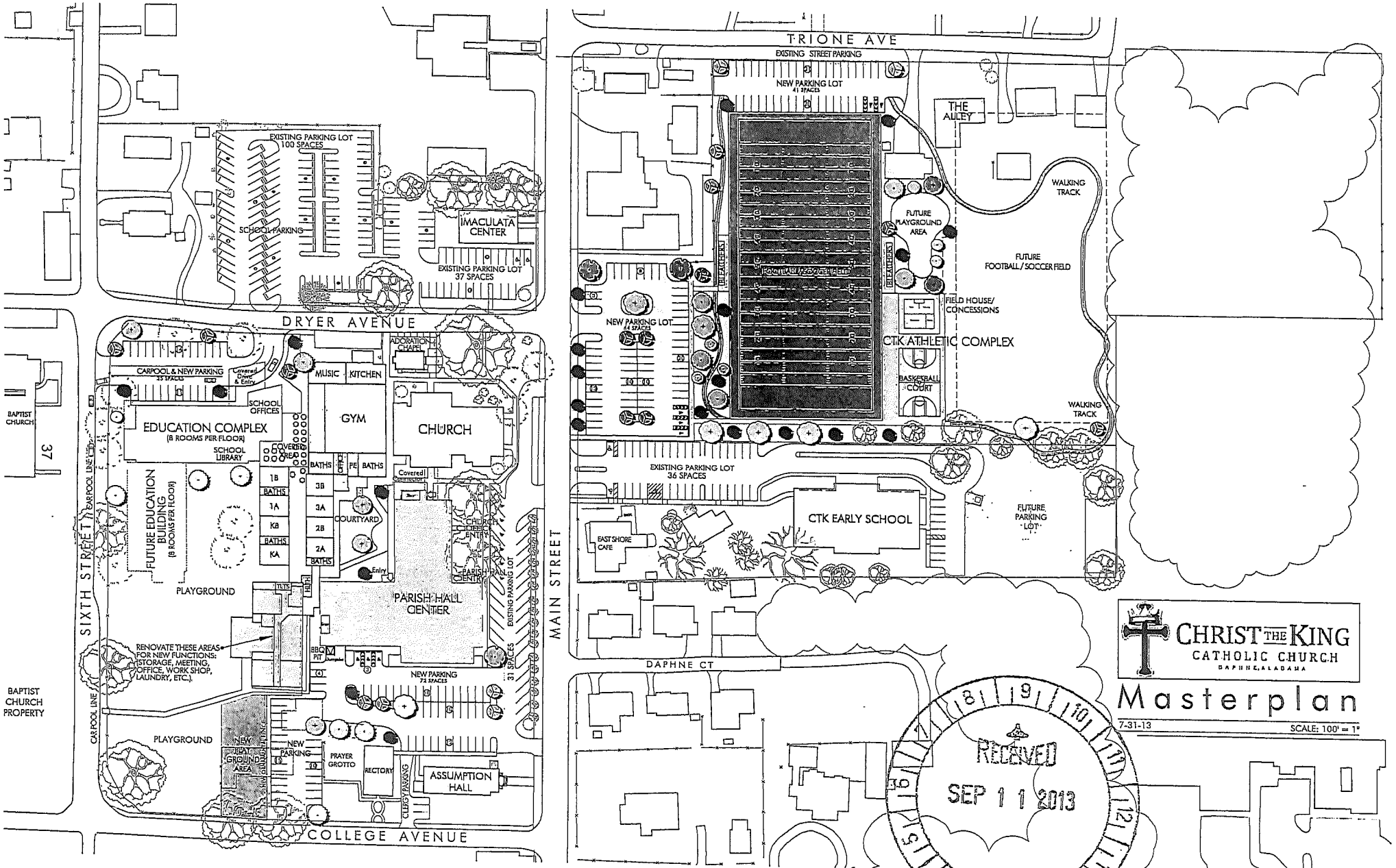
PROP ZONING CHRIST THE KING

PROPOSED ZONING
DAPHNE, ALABAMA
CHRIST THE KING CHURCH

SCALE	DATE	DRAWN BY	CHECKED BY	SHEET
1"=60'	AUGUST, 2013	CSC		1 OF 1

Exhibit B


TRIONE AVE
THE ALLEY
CHRIST THE KING PROPERTY
EXISTING PARKING LOT 100 SPACES
IMACULATA CENTER
EXISTING PARKING LOT 37 SPACES
DRYER AVENUE
ADORATION CHAPEL
BASKETBALL COURT
MUSIC
KITCHEN
GYM
CHURCH
BATHS
OFFICE
PE
BATHS
1B
BATHS
1A
KB
BATHS
KA
3B
3A
2B
2A
BATHS
COURTYARD
4B
4A
PLAYGROUND
5A
5B
BATHS
RESRC
6B
BATHS
6A
7A
7B
OFFICE
HALL
MAINT.
8B
8A
TLTS
COMPUTER ROOM
EQUIP
HUBH
LIBRARY
RESRC
ART
OFFICES
KC
SCHOOL
PARKING LOT
TLTS
32 +/- SPACES
EXISTING PARKING LOT
31 SPACES
GARAGE
PLAYGROUND
PARISH OFFICES
PRAYER GROTTO
RECTORY
ASSUMPTION HALL
COLLEGE AVENUE
SIXTH STREET
MAIN STREET
BAPTIST CHURCH
36
BAPTIST CHURCH PROPERTY
40 +/- SPACES
EXISTING GRAVEL PARKING LOT
EXISTING PARKING LOT 36 SPACES
CTK EARLY SCHOOL
EAST SHORE CAFE
DAPHNE CT
CHRIST THE KING
CATHOLIC CHURCH
DAPHNE, ALABAMA
Existing Site Plan
7-31-13
SCALE: 100' = 1"
RECEIVED
SEP 11 2013
DIRECTOR



RECEIVED
SEP 11 2013

DIRECTOR

CHRIST THE KING CATHOLIC CHURCH
PROPERTY REZONING REVIEW

ADJACENT PROPERTY OWNERS

1 PARCEL NUMBER: 43-04-41-0-005-036.003
HALL, JOHNNY MACK ETUX JEAN BERTAGNOLLI
P.0. BOX 37
NEW MARKET, ALABAMA 35761

2 PARCEL NUMBER: 43-04-41-0-005-072.001
BROWN, LYNNE R.
P.O. BOX 314
DAPHNE, ALABAMA 36526

3 PARCEL NUMBER: 43-04-41-0-005-076.000
DAPHNE BAPTIST CHURCH, INC.
P.O. BOX 160
DAPHNE, ALABAMA 36526

4 PARCEL NUMBER: 43-04-41-0-005-116.002
McMAHON, JOHN M JR. ETAL McMAHON, DIANE P.
1419 SIXTH STREET
DAPHNE, ALABAMA 36526

5 PARCEL NUMBER: 43-04-41-0-005-119.000
RUSSELL, WILLIAM J. JR. & MAXINE
1418 SIXTH STREET
DAPHNE, ALABAMA 36526

6 PARCEL NUMBER: 43-04-41-0-005-120.000
RUSSELL, WILLIAM J. JR. ETAL RAYFORD, ROY
1418 SIXTH STREET
DAPHNE, ALABAMA 36526

7 PARCEL NUMBER: 43-04-20-2-000-071-000
WACHTER, HOWARD C. & CEANN C.
P.O. BOX 520
MONTROSE, ALABAMA 36559

8 PARCEL NUMBER: 43-04-20-2-000-062-000
ROBINSON, WILLIAM A. ETAL ROBINSON, SANDRA
P.O. BOX 1844
DAPHNE, ALABAMA 36526

9 PARCEL NUMBER: 43-04-20-2-000-061.000
McKAY, MARIE W. ETAL McKAY, ROY C.
172 PIONEER TRAIL
MARIETTA, GEORGIA 30068

10 PARCEL NUMBER: 43-04-20-2-000-055.000
HUGHES, FRANCIS P. ETUX MARLENE R.
3842 ELLAMAE ROAD NORTH
OAKLAND, MICHIGAN 48363

11 PARCEL NUMBER: 43-04-20-2-000-054.000
CUSTARD LLC
P.O. BOX 946
POINT CLEAR, ALABAMA 36564

12 PARCEL NUMBER: 43-04-20-2-000-045.000
ALLEN, LEON L. & JENNIFER S.
P.O. BOX 5
DAPHNE, ALABAMA 36526

13 PARCEL NUMBER: 43-04-20-2-000-060.000
MANGAN, JOHN PERRIN
P.0. BOX 717
DAPHNE, ALABAMA 36526

14 PARCEL NUMBER: 43-04-20-2-000-059.000
EARNEST, DOROTHY A.
804 DAPHNE COURT
DAPHNE, ALABAMA 36526

15 PARCEL NUMBER: 43-04-20-2-000-058.000
RYE, RUTH METCALF
301 EAST DELWOOD DRIVE
MOBILE, ALABAMA 36606

16 PARCEL NUMBER: 43-04-20-2-000-064.000
WEBB FAMILY LIMITED PARTNERSHIP
216 WYNLAKE DRIVE
ALABASTER, ALABAMA 35007

17 PARCEL NUMBER: 43-04-20-2-000-049.000
MARINO FAMILY TRUST, THE
P.O. BOX 1125
DAPHNE, ALABAMA 36526

18 PARCEL NUMBER: 43-04-20-2-000-048.000
MACEDONIA MSSIONARY BAPTIST CHURCH INC.
P.O. BOX 385
DAPHNE, ALABAMA 36526

19 PARCEL NUMBER: 43-04-20-2-000-036.000
HOWARD COMPANY LLC
C/O CHASON WACHTER
118 GEN CANBY DRIVE
SPANISH FORT, ALABAMA 36527

20 PARCEL NUMBER: 43-04-20-2-000-037.000
BURNETT, J.C.
P.O. BOX 54
DAPHNE, ALABAMA 36526

21 PARCEL NUMBER: 43-04-20-2-000-038.000
WHITE, VIRGINIA O.
P.O. BOX 1014
DAPHNE, ALABAMA 36526

22 PARCEL NUMBER: 43-04-20-2-000-039.001
810 MANCI PROPERTIES LLC
713 BEROSE AVENUE
DAPHNE, ALABAMA 36526

23 PARCEL NUMBER: 43-04-20-2-000-041.000
DAPHNE, CITY OF
P.O. BOX 400
DAPHNE, ALABAMA 36526

24 PARCEL NUMBER: 43-04-20-2-000-043.000
UTILITIES BOARD OF THE CITY OF DAPHNE
P.O. BOX 2550
DAPHNE, ALABAMA 36526

25 PARCEL NUMBER: 05-43-04-2-000-044.001
UNKNOWN OWNER
C/O LEON ALLEN
P.O. BOX 5
DAPHNE, ALABAMA 36526

26 PARCEL NUMBER: 43-04-20-2-000-044.000
BRADLEY, WILLIAM ETUX SARA C.
31099 WAKEFIELD DRIVE
SPANISH FORT, ALABAMA 36527

27 PARCEL NUMBER: 43-04-20-2-000-042.000
DAPHNE, CITY OF
P.O. BOX 400
DAPHNE, ALABAMA 36526

28 PARCEL NUMBER: 43-04-41-0-005-036.004
J JOHNSON LLC
9591 STATE HIGHWAY 104
FAIRHOPE, ALABAMA 36532

29 PARCEL NUMBER: 43-04-20-2-000-056.000
HILTON, AIMEE F.
P.O. BOX 1031
DAPHNE, ALABAMA 36526

30 PARCEL NUMBER: 43-04-41-0-005-036.002
RAINS, GEORGE H JR. ETAL BROWN, LYNNE RAINS
P.0. BOX 314
DAPHNE, ALABAMA 36526

31 PARCEL NUMBER: 43-04-41-0-005-037.00
PRINE, ALAN PRESTON
P.O. BOX 1971
DAPHNE, ALABAMA 36526

32 PARCEL NUMBER: 43-04-41-0-005-030-000
DAPHNE, CITY OF
P.O. BOX 400
DAPHNE, ALABAMA 36526

DANE HAYGOOD
MAYOR

ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR

COMMUNITY DEVELOPMENT
Daphne
ALABAMA
The Jubilee City

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

August 12, 2013

NOTICE OF PUBLIC HEARING

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

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

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

Sincerely,
Adrienne D. Jones
Director of Community Development

Christ the King Catholic Church Zoning Amendment - Correction

COMMUNITY DEVELOPMENT
1705 MAIN STREET • P.O. BOX 400 • DAPHNE, ALABAMA 36526
TELEPHONE: (251) 621-3184 • FAX: (251) 621-3185

REPORT

OF

STANDING COMMITTEES

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MINUTES
Time: 5:00 PM on October 21, 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

Meeting was called to order at 5:00 p.m.
Committee Members Present: Robin LeJeune (Chairman), Councilman John Lake, Richard D. Johnson-Public Works Director, Michele T. Hanson-Administrative Assistant, Dorothy Morrison-Daphne Beautification Committee.

Others Present: Councilman Pat Rudicell; Mike Hinson-Finance Director; Elaine Maxime, David Ringler, David Duiett, Cheri Forte, Amanda Mitchell, Jan Finney, Tom & Dolly Burak – Potter's Mill POA

II. PUBLIC PARTICIPATION & CORRESPONDENCE

A. Work Request Report for September 2013 and FY2013 were reviewed. Robin would like a comparison from FY2011 to FY2013.

B. Vehicle/Equipment Maintenance Reports for September 2013 and a FY2012 and FY2013 YTD Summary were reviewed. Richard commented that there was a sizeable increase from 2012 to 2013, most of those due to vehicle transmissions, which is the biggest expense. He stated that He stated that he has discussed with the Mayor to purchase extended warranties on new vehicles to help offset these costs.

C. Correspondence – Baldwin County Trailblazers recognized Daphne Public Works employee's Malcolm Barge and Denise Penry for the design and installation of the new Eastern Shore Trail directional signs.

D. Public Participation – Councilman LeJeune opened Public Participation at 5:08 p.m.

a. Potter's Mill Property Owners were present to discuss the brick retaining wall located at the entrance of Potter's Mill (which is also on Lot 18) has started to crack and could become a hazard. The POA would like some assistance from the city to fix the wall and protect the Oak tree. Richard suggested getting a cost estimate for the materials, which the POA would pay for, and the City could provide the labor. Councilman Scott asked that the city attorney give legal advisement on this issue.

b. Elaine Maxime (105 Avon Circle) wanted to encourage the council to move forward with the sidewalk projects and to have Lake Forest sidewalks installed as soon as funds are available. David Ringler thanked the committee for making sidewalks a priority and would like to see more than 1 mile of sidewalks done per year, even if it's just done at the entrances of subdivisions to make them look more aesthetic.

Public Participation closed at 5:24 p.m.

III. OLD BUSINESS

A. Minutes from September 16, 2013 meeting were reviewed. **Motion by Councilwoman Conaway, seconded by Councilman Lake to approve minutes. Motion carried.**

B. Mosquito Report – Richard reported that the mosquito spraying will be winding down with the cooler temperatures coming in. Councilman LeJeune asked if the employee's would be sent to different departments after the mosquito season. Richard explained that the 2 employee's that mosquito spray work in the Grounds Department with Graham Cox taking on an administrative role during this season. After the season is over, they will go back to ground maintenance.

C. Street Sweeper Reports for September 2013 were reviewed. Richard stated that the sweeper is out all year round, but the load does become lighter after the fall season. Councilman Scott stated that part of the yearly sweeping is to keep the debris out of the storm drains, etc.

D. FY2014 City Sidewalk Proposal – Richard presented the members with a drawing of the proposed sidewalk plan for FY14. The city council has appropriated $65,000 for this sidewalk project. He would like guidance from the committee on where to start first. He stated he liked Councilman Lake's suggestion of placing a bronze mile marker in the concrete on 1/10 of a mile basis. He stated that he has a quote of a bronze cast that can be embedded into the concrete and will run $24.50 each with a purchase of 100 or more (100 would do 10 miles of sidewalk). These can also be retro fitted on existing sidewalks too.

Motion by Councilman Scott, seconded by Councilwoman Conaway to favorably recommend to the council to complete the CR 64 project and then begin the Lake Forest project starting on Lawson Road.

IV. NEW BUSINESS

A. Councilman Scott asked when will the parking lot at Bay Front be done. Richard stated possibly the 2nd week of November.

V. DIRECTOR'S REPORT

No Report.

VI. DAPHNE SOLID WASTE DISPOSAL AUTHORITY

A. Monthly Equipment Use Report for September 2013 was reviewed.

B. Monthly Recycle Tonnage Report (Tonnage Comparison) for September 2013 was reviewed, which is the end of the year final report; had a great month for recycling due to sheet metal being pulled out and set aside to be sold separately which netted almost $1,300. For FY14 we had 1675 tons of sellable recyclables vs. 1418 in 2012, which is an 18% increase. We had an income of $93,973.84 vs. $77,689.61 in 2012, which is a 21% increase with a 2.61% increase in new customers. Goal for next year is to break 2000 tons and break $112,500.

C. Solid Waste New Customer Report for September 2013 was reviewed. This month we added 23 residential customers with 186 for the year. The Oak Ridge complex will have 140 new customers that will be added soon.

D. Discussion: Trash to operate under Solid Waste Enterprise Fund/SW Rate Increase – Richard reviewed the option of adding Trash to the Enterprise Fund. Garbage and Recycling is run from the Enterprise fund, however Trash is not. The proposal is that Solid Waste, by definition is anything that is produced from a residential or commercial account, would move trash under the Enterprise fund keyed with a targeted step increase (current rate is $13.90 since 2001), keeping us competitive with other municipalities, offering the same 3 services curbside. The goal of this proposal would be to make Solid Waste revenue neutral.

VII. MUSEUM COMMITTEE

A. Minutes from September 14, 2013 Meeting. Minutes reviewed.

VIII. BEAUTIFICATION COMMITTEE

A. Minutes from October 2, 2013 Meeting were reviewed. Dorothy thanked Richard & Denise for the field trip to Fairhope and all those that were involved with that project. She reported that she has met with the Mayor regarding the landscaping in the city and what designs/flowers to put out. He would like pictures of different landscaped areas to review. She has contacted several landscape companies for their assistance, but has not had any return her calls.

IX. ENVIRONMENTAL ADVISORY COMMITTEE

A. No Meeting Held.

X. ENGINEER'S REPORT

A. HMR: Jaye Robertson reported that Phase III of Lake Forest outside curb has been installed from Dunbar to Avon and cleaning up the area, installing sod.

B. Volkert: No Report.

XI. FUTURE BUSINESS

A. Next Meeting for November 18, 2013.

B. Veteran's Day Program at Patriot's Point on Monday, November 11th at 10:00 a.m.

XII. ADJOURNMENT

Meeting adjourned at 6:16 PM **Motion made by Councilman Scott, seconded by Councilman Lake to adjourn the meeting. Motion carried**.

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

October 2nd Beautification Meeting& Tour of Fairhope & their Green House
Market by the Bay
Fairhope, Alabama

Present: Fairhope's Mayor Kant, Mayor Haygood, Councilman Robin LeJeune , Councilman Pat Rudicell, Councilman Joe Davis David Duet, Tomasina Werner, Selena Vaughn, Richard Johnson, Denise Penry, Margorie Bellue, Dwayne Cooley, Rebecca Trosclair, Hollie LeJeune, Debbie Strahley, Dorothy Morrison

A HUGE THANK YOU to all of you who made the trip to Fairhope on a rainy day…….

Council LeJeune hosted us to coffee, juice & Panera's Pastry …….always a great way to start the day……

A- Gator Alley's projects will be moving ahead……We got the Grant…..A new division of the Park's has placed Gator Alley back with Public Works……A schedule of park maintenance will be following this email….hope to see some progress by the end of the year……

B- Veteran's Day celebration at Patriot's Point …..Dr. Barry Booth has helped us get the Battlefield Cross statue for dedication on the Nov 11th at 10AM….. .our speaker will be the man honored as Veteran of the Year…..Jane Ellis is handling the details…..please plan to attend….

C-Treasurer's report $15,000……It is a new year…..new policy says we do not keep unspent money….next year we need to keep that in mind……

D-Chain Length fence can't be fixed until after Oct 1…State of Alabama's new financial year…… Richard will request a representative from ALDOT come to our meeting for conversations for improved understanding…….
Need for keeping I-10 interchange in pristine maintenance
Patriot's Point work to begin soon …..colors of bricks may not match but in the end will be painted to resemble City Hall
Malfunction Junction Master Plan …….[aside information this has been on a top ten list since 2006]
Redesign City entrances
Request for Christmas hanging decorations on the east side of Hwy 98 as well as the west side.
South entrance to the city on Main Street…....needs work ……grass seeds didn't get the job done……..
Complete Hwy 64 'Island' plantings, submit design again for Mayor's approval……..

E-PW report- Richard reported that the work in Lake Forest VI is moving along near completion ….It is light up our world time…….. .bulb changing help is needed again this year….please contact Margorie to find a time that fits your schedule…..Resurfacing North Main is next …….

F- Sports Complex …needs design, approval and work orders……..

G- Crape Myrtles plan in progress

H- Hwy 181 planting ….meet with ALDOT Representative in November…….

I-DRA- No report

J-Martin House Brochure pending

Daphne
ALABAMA
The Jubilee City

K Beautification Award Suggestion….Mc Donald's across from the Eastern Shore Shopping Center won, Lowe's, Zaxby's, Medical Office among other suggestions…….Rebecca will let us know date and time for award ceremony

L-Endowment more information to come

M- Mayor Kant spoke about when he was Public Works Director of Fairhope the rundown businesses had broken windows years ago…..how they started to reclaim Fairhope a bit at the time he praised Daphne for the trees along Hwy 98 and what an impact that has on people coming to both cities……..wish I had had a tape to record it all……..

N- Next meeting November 6 Richard's office

We dismissed to the bus ……..thank you for the bus,….toured the green house and then a tour of Fairhope……..Jennifer Fiddler Public Work Director for Fairhope met with us to discuss the 11 greenhouses that they use to grow some of the plants…….they grow nothing from seeds…...plugs are used …they have a master plan with changes 5 times a year……..[we are planning on 4 times a year or maybe 2 in 2014 with limited beds involved]….. everyone in Public Works works on flowers when there is a push to get flowers changed…….Pulling out old plants is done one morning about 5AM….. planting would be done the next night about 5AM …colors follow the seasons……..many beds have some kind of shrubs to make a base…that seems like a great idea would keep cost of flowers down some……..…It would have been nice to have a recorder to get all the information……

Richard drove us on a tour of Fairhope …..They have gone upscale with the pink for Breast Cancer Awareness Month…This is their first year…..including have the water in the fountain pink…..Huge bows on almost every lamppost… We need to be ready next year……..…

DAPHNE MUSEUM
MINUTES – SEPTEMBER 9, 2013

ATTENDEES: Mickey Boykin, Zadia Pace, Jeanne Nelson, Camilla Butler, Ken Balme, Helen Baroco, Penny Taylor, Dooley Berry, Scott Berry, Lee Swetman, Doris Allegri, and Al Guarisco

CALL TO ORDER: The meeting was called to order by President, Ken Balme.

MINUTES: The minutes of August 12, 2013, were approved as presented.

TREASURERS REPORT: The treasurer's report for the period 07-31-13 – 08-31-13 showed a beginning and ending balance of $6,263.92 with no transactions. Petty Cash account holds $22.68.

VOLUNTEERS: Museum will be closed on Saturday and Sunday, September 28 and 29, for Daphne Jubilee Festival.

COMMITTEE REPORTS:

- Telephone – Calls made.
- Exhibits/Events – No report.
- Publicity – The Daphne Library has display cabinets for use by anyone or any organization that wishes to place an exhibit. No suggestions for an exhibit were made.
- Cemetery – Ken announced that all cemeteries can be accessed via the internet at www.findagrave.com.
- Special Tours – The Eastern Shore Chamber Youth Leadership Class is scheduled for a tour of the museum on Wednesday, September 11. Lucy, Helen, Mickey, and Ken will conduct tour.
- Archives – Artifact inventory ongoing.

UNFINISHED/OLD BUSINESS:

- Free WiFi – Up and running. If you need assistance logging on, contact Ken. He suggested that we inquire if the City could/would include this information on all museum signs, perhaps by stenciling. Everyone thought it was a good idea so Ken will contact the City concerning this matter.
- Flea Update – Spraying scheduled for September 12.
- Plow Donation – Awaiting brass plaque.
- Baldwin County Fair – The museum's exhibit for display at the fair will consist of cardboard boxes painted black with framed poems about World Wars I and II accompanied by framed photos of the authors attached. Al volunteered his truck for use in hauling the display to the venue. A small table will also be needed to display books we have for sale. Volunteers will be needed .

- Daphne Jubilee Festival –The festival is scheduled for Saturday and Sunday, September 28 and 29. Helen took the names of those wishing to volunteer at the museum's booth.
- Daphne Pottery Access – No report.

NEW BUSINESS:

- Bay Rivers Art Guild is sponsoring an auction of art work created by members of the guild. The auction will be held on Friday, September 20, from 5:30 – 7:00 p.m. and is open to the public.

ANNOUNCEMENTS:

- Scott Berry announced that on September 18, he will be giving flu shots at Fairhope Walmart from 9:00 a.m. – 2:00 p.m. Cost will be $28.00. Medicare recipients incur no out of pocket expense. Note: Scott is a registered nurse.
- Next regular museum meeting is scheduled for Monday, October 14, at 10:00 a.m.

Respectfully submitted,

Mickey Boykin, Secretary

REPORT

OF

SPECIAL BOARDS

DOWNTOWN REDEVELOPMENT AUTHORITY
1705 MAIN STREET · DAPHNE, AL
AUGUST 28, 2013 · 5:30 P.M.

COMMITTEE MINUTES

1. Call To Order/Roll Call

Casey Zito called the meeting to order at 5:33 p.m..

Members Present: Casey Zito, Ken Balme, Dorothy Morrison, Debbie Strahley, Patricia Vanderpool

Absent: Dayna Oldham, Tommie Conaway, Pat Rudicell, Doug Bailey

2. Approval of Minutes:

Motion: to approve the minutes from the June 26, 2013 meeting. **Moved by Dorothy Morrison, second by Ken Balme. Carried unanimously.**

3. Nomination of New Vice-Chairman

Ken Balme was nominated by Patricia Vanderpool for the position of Vice-Chairman, seconded by Debbie Strahley. There was no discussion and the motion carried unanimously.

4. Beautification Report: Dorothy Morrison

Dorothy Morrison reported Dorothy reported that she and the Mayor took a ride around Old Daphne. The Mayor was agreeable with Dorothy's ideas and had some ideas of his own. They plan to do this again in 6 months.

Ms. Morrison also reported that the planter boxes had been completed. The committee discussed stain colors for the boxes, deciding that the boxes should be stained white.

Additionally, Ms. Morrison mentioned that the plaque by the fountain at City Hall is totally complete.

5. Other Business

Jubilee Festival Advertisement

Ken Balme suggested that the DRA purchase a full page advertisement in the Courier and allow Daphne merchants to put coupons good for a discount or service during the Jubilee Festival. The committee felt that this would get the merchants more involved in the Jubilee Festival and generate business.

Motion: To spend up to approximately $1,000 to buy the full-page advertisement in the Courier.
Moved by Dorothy Morrison, second by Patricia Vanderpool. Carried unanimously.

Ken and Debbie agreed to call on the merchants to market the advertisement opportunity to the downtown merchants.

DRA Website

Casey reported that she had met with John Beck of JMF Solutions and delivered information about what was needed for the Website.

The meeting was adjourned at 6:30 pm.

DOWNTOWN REDEVELOPMENT AUTHORITY
1705 MAIN STREET · DAPHNE, AL
OCTOBER 24, 2013 · 5:30 P.M.

COMMITTEE MINUTES

1. Call To Order/Roll Call

Casey Zito called the meeting to order at 6:01 p.m..

Members Present: Casey Zito, Ken Balme, Dorothy Morrison, Doug Bailey, Debbie Strahley, Patricia Vanderpool

Absent: Dayna Oldham, Tommie Conaway, Pat Rudicell

Also Present: Sarah Toulson, Recording Secretary, Jane Ellis

2. City Christmas Events: Jane Ellis, Executive Assistant to the Mayor

Veteran's Day Celebration

Jane Ellis addressed the body, providing information about the upcoming Veteran's Day program. The Veteran's Day program will be held on November 11 at 10:00 am at Patriot's Point in Daphne and will include:

- Dedication of a new bronze Soldier's Cross statue,
- The opportunity for citizens to bring worn and tattered U.S. flags for proper retirement,
- Speaker Col. William E. Callender, Sr.

Ms. Zito instructed Sarah Toulson to have the printed out flyer at the front desk of City Hall when they were ready for distribution.

Christmas: "Light Up Daphne" Initiative

Ms. Ellis also updated the body about the "Light Up Daphne" Initiative, explaining the long range goal for lighting up the downtown area for Christmas with an eventually planned live nativity scene and lit walkway. She announced this year, the tentative date for the Open House and Lighting events would be November 22, and requested that the DRA members encourage the area businesses to participate by lighting their storefronts.

Additionally, Ms. Ellis mentioned the Daphne Christmas parade, to be held on December 7 at 11 am, as well as other possible events to be held around the city to promote businesses during the Christmas season.

3. **Treasurer's Report:** Doug Bailey

Mr. Bailey gave the treasurer's report, stating that the DRA currently had $94,416.06, after spending $1,100.00 for the Jubilee Festival coupon advertisement.

Ms. Zito mentioned that there were no new applications for mini-grants, and suggested that the DRA consider putting out a press release to raise awareness of the opportunity.

Mr. Balme gave a brief update on the Jubilee Festival advertisement, stating it was well received by the merchants and the public.

Motion: to accept the treasurer's report. Moved by Debbie Strahley, second by Patrica Vanderpool. **Carried unanimously**.

4. **Beautification Report:** Dorothy Morrison

Dorothy Morrison reported on the status of the planter boxes to be placed downtown, stating they should be ready mid-November. The body discussed filling them with small holly bushes with lights for the Christmas season, and preparing them for debut during the "Light Up Daphne" event. Ms. Morrison will inform the body through Ms. Toulson when the planters are ready in order to organize a group to prepare them.

5. **Resignation of Robert Nero**

The body regrets that Mr. Nero has been forced to resign his position with the DRA due to health issues, and wishes him a speedy recovery.

Mr. Bailey mentioned that he knows an individual who might be a good replacement for Mr. Nero's spot, and will report back to the body at the next meeting.

6. **Schedule Next Meeting**

The board decided to attempt to reserve a room at Southern Napa for the last meeting of 2013, to be held on December 4, 2013. Plans were discussed to invite members of the business community, the Council, and the Courier.

7. **Other Business**

<u>Quorum</u>

Motion: to adjust quorum to be a "Majority of those present with a minimum of four." Moved by Doug Bailey, second by Dorothy Morrison. **Motion carried unanimously**.

Website:

Ms. Zito reported that the DRA website's framework has been built, and the developer is ready for the DRA to see it. Ms. Zito expressed hopes that they would be able to view the progress at the next meeting.

Motion: To revise an item previously moved, to adjust the agreed amount of payment to JMF solutions for website development from $2,400.00 to $2,500.00. Moved by Casey Zito, second by Doug Bailey. **Carried unanimously.**

Expansion of the Authority

Ms. Zito reported according to previous research that the number of board members could be extended simply by appointing a new member.

Downtown Businesses Maps and Inserts

The body briefly discussed the need for reprinting the maps and inserts of the downtown area to replenish dwindling supplies.

The meeting was adjourned at 7:00 pm.

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

CALL TO ORDER

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

CALL OF ROLL:

Members Present:

Charles Smith
Don Terry, Secretary
Ed Kirby, Chairman
Larry Chason, Vice Chairman
Ron Scott, Councilman
Chief James "Bo" White

Members Absent:

Hudson Sandefur

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo (Dickson), Planning Coordinator
Jay Ross, Attorney
Ashley Campbell, Environmental Programs Manager

Others Present:

Rex Rentz, Code Enforcement Officer/Utilities Board of the City of Daphne

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

The Chairman asked for questions or comments regarding the minutes and asked for a motion of approval.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Terry ***to approve the minutes of the August 29, 2013 regular meeting. There was no discussion on the motion. The Motion carried. Chief White abstained due to his absence at the meeting.***

The next order of business under old business is an administrative presentation for TimberCreek Subdivision, Phase Eleven.

An introductory presentation was given by Ms. Carah Hall, representing McCrory & Williams, and Mr. Rex Rentz, representing the Utilities Board of the City of Daphne, of the proposed modifications to the utility plan for TimberCreek Subdivision, Phase Eleven.

Ms. Hall distributed revised utility sheets proposing to the eliminate a lift station and putting these lots on grinder pumps and a copy of the letter from Daphne Utilities for TimberCreek Subdivision, Phase Eleven.

The Planning Commission and representatives discussed the changes to fourteen lots, the addition of a thirty-foot undisturbed buffer or no clear zone adjacent and surrounding the residential lots, and notes to be added to the restrictive covenants.

Mr. Rentz indicated that the Utilities Board is ok with the changes. Ms. Campbell, agreed that she is ok with the proposed changes.

Also discussed among the commissioners were the conditions that preclude access from Woodrow Lane.

The Chairman asked for questions or comments and a motion to approve the proposed changes.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Terry ***to grant approval of the utility modifications for TimberCreek Subdivision, Phase Eleven. There was no discussion on the motion. The Motion carried unanimously.***

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

An introductory presentation was given by Mr. Tim Lawley, representing Hutchinson, Moore & Rauch. Having worked with the City Attorney to revise the plat per discussion at the August Planning Commission meeting, note number six has been placed on the plat.

The Commissioners and the representative discussed maintenance agreement for the detention and changes to covenants here to support the plat.

The Chairman asked for questions or comments regarding the minutes and asked for a motion of approval of this proposal.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Terry ***to grant preliminary/final plat approval for the Resubdivision of Lot 2A, Lot 2, Resubdivision of Wilson Avenue Business Park. There was no discussion on the motion. The Motion carried unanimously.***

The first order new business is preliminary/final plat review for Malbis Plantation, Inc.

An introductory presentation was given by Mr. Shane Yarbrough, representing the Foresite Group and Todd Martin Vice President of Malbis Plantation lives on Jackson Oaks Drive. Presented were revised plat drawings with a note on the plat addressing the plans to submit a master plan in conjunction with any future subdivision of Lot 2, and memo with comments addressing concerns made by Baldwin County, and lease agreement addressing easements. Much discussion was held between the Planning Commission and representative. Several questions were posed and discussion was held about future annexation potential to be determined by the Board, compliance with Baldwin County requirements, easements and lease agreement between Malbis and CVS drugstore, zoning, the existing use of the parcel, master plan for future use, conditional approval of the site plan for CVS, feasibility study, access safety along Highway 181, the location of access points along Highway 181, and Alabama Department of Transportation (ALDOT) jurisdiction, review and recommendations the addition of a traffic improvements to Highway 181.

The Chairman opened the floor to public participation.

Mr. McAllister, in opposition, representing the home owners' association of Malbis Lane and Vlahlos Lane commented about existing traffic problems and traffic safety, pending litigation, flooding, historical designation of the site, and the possibility of shifting the location of the drug store, and the desire for denial of the request.

The chairman closed the floor to public participation since no others came forward.

The questioned was posed as to whether the parties involved thought to have a meeting about the concerns.

Councilman Scott mentioned that technically the subdivision passes the Ordinance, is in the best interest of the City to approve the preliminary/final plat and **made a motion to approve which was seconded** by Chief White.

Chairman asked for discussion.

Mr. Chason indicated that due to the amount of information incrementally furnished that he was unaware of such as the zoning and the lawsuits; he does not think this project is ready to go forward. If approved the subdivision it would open the door to mistakes which would have to be worked. He believes the site to be significant and deserves more careful consideration.

After the discussion, five members voted in the affirmative and Mr. Chason dissented.

The attorney explained that the motion did not carry and the Chairman indicated the need for six affirmative votes.

The next order of business is preliminary/final plat review for Tasheiko Family Subdivision.

An introductory presentation was given by Mr. Steve Pumphrey, representing Preble-Rish in regard to a six-lot subdivision on a three-point nine one acre site. He explained the process of acquiring a family exception with Baldwin County as allowed by state statute to divide the property among the owner's family members and referenced the family exemption letter indicating the application is exempt from Baldwin County Subdivision Regulations but that they must meet any conditions that the City, the County Building Department, or zoning department may have. In the County, they do not require that a plat be recorded for a family exemption.

The representative explained Baldwin County building permit issuance and adherence to FEMA requirements for the flood zone on the bay front lot and the finished floor elevation shown on the plat, Montrose Historic District, a post plat approval review by the Baldwin County Preservation Review Board who monitors the exterior siding of the buildings and the landscaping, the city public hearing, and we will have to record a plat.

In regard to the plat, he discussed the lot sizes as half an acre or more, and compared existing lots in the area, setbacks, configuration, two access roads, the easement for access along some of the lots, the ditch along the back of the property and plans to remove the existing buildings on lot 1.

Chairman asked for Commissioner comments or questions and two questions were presented to which the representative responded to each.

In regard to required timing by the County for family possession of the land prior to selling, Mr. Pumphrey indicated there is nothing in the statute that sets a time frame for that and explained the County disallowance for subsequent family divisions because it seems the intent is to circumvent the regulations. In regard to the ownership of Lots 5 & 6, the representative indicated that the owners listed meet the County's lists the qualified members that you are able to deed to.

The Chairman opened the floor to public participation.

Mr. Cummins(6590 Haley's Lane)for Mr. Koby mentioned opposition due to drainage along these streams and these streets and the need for improvements in several areas.

Mr. Galloney presented a plat approved in 2005 and stated though not against the development, he has concerns about not being allowed to do a family subdivision at that time, the subject site was advertised for sale in the past six or seven years, noncompliance with historic district requirements,
sanitary sewer connection, topography, access road conditions, existing structures should be removed first.

Mr. Roger Koby stated he is not opposed to developing individually owned property but prefers no exceptions and/or variances and compliance with standard subdivision laws of the city and county regarding: drainage, sewer, storm water management, water pressure, missing easements, floodplain development, sanitation, pick up, emergency service access, increased traffic, same standards, historic district, the community lot, density and jurisdictional wetlands. He questioned reason a family subdivision was requested, asked if the lots will be sold in the future, the responsibility to maintain the creek and presented pictures of property in the vicinity.

Ms. Elizabeth Girley (North Winding Brook)presented her concern regarding the existing and future condition and maintenance of Red Gulley Drive and the south section of Bayshore Drive, and existing problem with Emergency 911 System recognizing Red Gulley Drive. She questioned whose responsible for street maintenance and expects that increased construction over the last two years has already made a negative impact on the road.

Mr. Shephard Lesser having purchased Lot 3 from Mr. Galloney, presented his concerns about other houses being not built to an appropriate code level, proposed setbacks. He said he is not against the subdivision but desires additional studies be made and the project be delayed to allow the owner to meet with concerned neighbors.

Mr. Brandon Bandenger came to represent his mother who lives immediately north of Lot 1. He questioned compliance with Montrose National Registry Historic District, the location of jurisdictional wetlands and perennial stream the requirements of the Corp. of Engineers for a wetland setback and desires shelving the project until these items are addressed.

Chairman closed public participation and asked Commissioners for questions or comments.

Mr. Scott in regard to lot 3, the middle lot, commented that the absence of information on jurisdictional wetlands may complicate future site development with the County and create a hardship needing a variance.

Chairman questioned whether our subdivision regulations are met.

Mr. Chason concerns were: Section 11-2 Land subject to flooding and the need to provide for future enlargement of the stream channel and six is too many lots. He mentioned the streets and the possible construction traffic problems and his encouragement to add sidewalks or a pathway to the bay for access to the water.

Chief White asked about the recognition of family divisions in the City of Daphne, referring to the Bain family division previously approved, adding that a fire truck turnaround is not available at either location.

The Chairman commented that there were past discussion of family divisions but no rules have been adopted and the application is a regular preliminary/final subdivision not a family subdivision. This is a family subdivision for the County.

Ms. Jones added that the chairman is correct and that this is a preliminary/final subdivision plat where no infrastructure is planned to be developed and asked if the Chairman would you entertain Mr. Pumphrey addressing some of the comments that were made.

Chairman gave consent and asked Mr. Pumphrey to make comments.

Mr. Pumphrey indicated that he didn't have answers to all questions posed but would rather table the item to allow for time to get answers.

Chairman said to the representative that such request is his own prerogative to ask if it can be tabled.

Chairman asked whether he would consider waiving the thirty-day rule since it is going to be tabled and Mr. Pumphrey agreed.

Chairman asked for a motion.

Ms. Jones provided clarification that the next regular meeting is October 24, 2013.

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Terry ***to table the preliminary/final plat for Tasheiko Family Subdivision until the regular meeting of October 24, 2013. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is a master plan revision for Brookhaven Subdivision.

An introductory presentation was given by Mr. Steve Pumphrey, representing Preble-Rish, requesting a master plan revision for

Brookhaven Subdivision. The only change in the master plan is phasing, but the lot layout is the same.

The Chairman asked for questions or comments regarding the request and asked for a motion.

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Terry ***to approve the master plan revision for Brookhaven Subdivision. There was no debate and the Motion carried unanimously.***

The next order of business is preliminary plat review for Brookhaven Subdivision, Phase Two, Part B.

An introductory presentation was given by Mr. Steve Pumphrey, representing Preble-Rish. He indicated that he met with staff and addressed all issues.

Ms. Jones requested additional information for the audience.

Chairman consented.

Mr. Pumphrey said that in the proposal there are nineteen lots connecting the existing road with no need for a cul-de-sac and connecting the ends of dead end roads and is keeping with the master plan approved.

Chairman opened the floor for public participation and after no one came forth, he closed the floor and asked for a motion on the matter.

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Terry ***to grant preliminary plat approval to Brookhaven Subdivision, Phase Two, Part B. There was no discussion. The Motion carried unanimously.***

The next order of business is site plan review for Renaissance Auto Sales.

An introductory presentation was given by Mr. Patrick Tolbert, representing Frank Dagley & Associates, and Charlie Christmas, representing Christmas Properties, representing the developer and owner of Renaissance Auto Sales.

Mr. Tolbert said that upon site plan approval a contract will be signed to get the NOR process started. He said they understand approval will be subject to get that in order or in place.

Chairman commented that there are indemnification maintenance agreement questions and asked for the status.

Ms. Jones indicated the she is working with the City Clerk and the Mayor on this, explaining the need for membership on the Renaissance Improvement District, members would be appointed by the City of Daphne.

The commissioners discussed the matter and expressed hope that the agreement would soon be in place before other site plans are presented for review.

The Chairman asked for questions or comments regarding the request and asked for a motion.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Terry ***to grant site plan approval for Renaissance Auto Sales. There was no discussion. The Motion carried unanimously.***

The next order of business under petitions is a zoning amendment for Walter J. and Martin L. Pierce.

An introductory presentation was given by Mr. Martin Pierce, one of the owners. He presented maps to help the commissioners understand the location of the site. They had a nine acre and a two and a half acre parcel the State- acquired right-of-way, leaving two parcels as highlighted on the drawing. In his discussion he indicated the impossibilities in developing the property for residential use, with the State of Alabama property to the west , the Cancer Center, and everything is zoned B-2 to the east. Access is along Douglas Road onto an easement to the smaller parcel, and once the State's property acquisition cut off access for the other side since the state will not grant access across there is no access point there.
He said he has had conversations with Malbis for access and the property could one day be used for office/warehouse distribution.
The Chairman asked for questions or comments regarding the request.

Councilman Scott asked about the city limits and discussed the rule of thumb for speculative zoning, but because of the circumstances didn't see this request as problematic. Mr. Smith asked for clarification regarding not being able to use the property and how rezoning would help. Mr. Chason asked if conversations were held between neighboring residents and whether he would be willing to limit commercial access through Douglas Road and thought Council may question rezoning property to B-2 without access.

Mr. Martin commented that he cannot develop any type of residential development, because it is land locked. He thinks it could be made into a five acre commercial property because it borders Interstate 10, with Interstate 10 visibility and has access off of Alabama Highway 90. He had not personally talked to neighboring owners but he would be willing to limit commercial access through Douglas Road. To access the site he uses the easement used by several utility companies.

The Chairman referred to the comment on speculative zoning and recalled the denial of commercial zoning at the intersection of County Road 64 and Pollard Road in terms of consistency.

Further discussion was held among commissioners regarding the uniqueness of this property having the State acquired right-of-way and proximity to a future interchange. The question was presented to Mr. Martin as to whether he was agreeable to receiving favorable recommendation on the large parcel abutting existing B-2 zoned property but leaving the other parcel alone. Mr. Martin said he was agreeable.

The Chairman opened the floor to public participation.

Ms. Margaret Jordan (Acorn Knoll Drive) agreed with the commission's position regarding the three-quarter acre piece and the larger parcel, a commercial zoning is sensible. Her only concern is with the zoning of B-2 which is associated with heavy traffic and the noise associated with heavy traffic and not knowing the future use of the land. Certain uses as in a janitorial would be ok but something like Flying J truck stop or a liquor store would not. She would prefer B-1 zoning instead of B-2.

Additional discussion was held regarding various commercial zones and allowable uses.

Chairman closed public participation.

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Scott ***for the favorable recommendation to the City Council to the rezone Parcel One, five point two acres and, the unfavorable recommendation for Parcel Two, zero point seven three acres, from an R-3, High Density Single Family District, to a B-2, General Business District. There was no discussion on the motion.*** **The Motion carried unanimously.**

The next order of business is a master plan revision for Christ the King Catholic Church.

An introductory presentation was given by Mr. Doug Bailey, representing Hutchinson, Moore & Rauch, requesting a master plan revision for Christ the King Catholic Church. He indicated that the master plan was developed by the Parish Building Council and approved by the Archbishop. In discussions regarding the lands, the issue of zoning was recurrent having a need to acquire a special exception for any new development.

The Chairman asked for questions or comments or a motion regarding the request.

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Smith ***to approve the master plan revision for Christ the King Catholic Church. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business under petitions is a zoning amendment Christ the King Catholic Church.

An introductory presentation was given by Mr. Doug Bailey, representing Hutchinson, Moore & Rauch.

Chairman asked the Commissioners for questions or comments regarding the rezoning of all of the residential properties and the rezoning of the B-2 to B-1.

Mr. Scott asked if the site is part of the downtown overlay that allows mixed use. Mr. Terry asked about the current zoning of land on Trione Avenue.

Ms. Jones responded that the site is in Olde Towne Daphne District and indicated the reason for B-1 instead of B-2 is that the Olde Towne provisions encourage B-1 rather than B-2 zoning.

Mr. Bailey answered either B-1 or B-2 in regard to Mr. Terry's question.

The Chairman opened the floor to public participation and no one came forth. He closed public participation and asked the commission for a motion.

A **Motion** was made by Mr. Smith and **Seconded** by Mr. Scott ***for the favorable recommendation to the City Council of Daphne of the zoning from a B-2, General Business District, R-2, Medium Density Single Family District, and a R-3, High Density Single Family District, to B-2, General Business District. There was no discussion on the motion.*** **The Motion carried unanimously.**

The next order of business is the election of officers.

Chairman opened the floor for discussion regarding election of officers. The commission discussed keeping the same slate of officers and also the possibility of tabling the matter to allow for new members to be appointed by the Mayor. The director indicated her previous conversation with the mayor and that he has three people under consideration for the two vacant slots.

The Chairman asked for additional questions or comments regarding the matter and asked for a motion.

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Scott ***to table the elections of officers until the regular meeting of October 23, 2013. There was no discussion. The Motion carried unanimously.***

The next order of business is public participation.

Chairman asked for public participation. No one came forth.

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

Mr. Ross had no report but commended the director on performance at a recent deposition.

The next order of business is commissioner comments.

Chairman asked for questions or comments from other commissioners. None were presented.

The next order of business is director comments.

Mrs. Jones distributed a copy of the existing Sign Regulations for the city for review in preparation for upcoming meetings and discussions, and a 2014 Planning Commission Meeting Schedule.

Chairman: ***There being no further business, the meeting was adjourned at 7:20 p.m.***

Respectfully submitted by:

Jan Vallecillo

Jan Vallecillo (Dickson), Planning Coordinator

APPROVED: October 24, 2013

L E Chason

Larry Chason, Vice Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF OCTOBER 24, 2013 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

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1. **CALL TO ORDER** **DATE OF REPORT: OCTOBER 25, 2013**

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

3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of September 26, 2013. **(APPROVED AS SUBMITTED)**

4. **OLD BUSINESS:**

A. **PRELIMINARY/FINAL PLAT REVIEW:**

1. **File SDPF13-10:** **(APPROVED)**

Subdivision: **Tasheiko Family Subdivision**

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

Location: Montrose, South of Bay Shore Drive
Area: 3.91 Acres ±, (4) lots
Owner: Leonid & Sandra Kay Tasheiko
Engineer: Preble-Rish - Steve Pumphrey

B. **ELECTION OF OFFICERS: (TABLED UNTIL NOVEMBER 21, 2013 MEETING)**

5. **NEW BUSINESS:**

A. **PRELIMINARY/FINAL PLAT REVIEW:**

1. **File SDPF13-11:**

Subdivision: **Gipson** **(APPROVED)**

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

Location: Southeast of Well Road Extension
Area: 4.83 Acres ±, (2) lots
Owner: Patricia Gipson
Engineer: The Coleman Engineering Group of McCrory & Williams - Daryl Russell

2. **File SDPF13-12:** **(APPROVED)**

Subdivision: **Julia D. Lazzari**

Zoning(s): ***R-A, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne***

Location: Intersection of County Road 54 and Downer Lane
Area: 37.8 Acres ±, (2) lots
Owner: Julia D. Lazzari
Engineer: Geo-Surveying - Matt or Jima Kountz

3. **File SDPF13-13: (TABLED UNTIL NOVEMBER 21, 2013 MEETING)**

Subdivision: **Malbis Plantation, Inc.**

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

Location: Southwest of the intersection of U.S. Highway 90 and Alabama Highway 181
Area: 36.33 Acres ±, (2) lots
Owner: Malbis Plantation, Inc. - Antonio Cleonns
Engineer: Foresite Group - Shane Yarbrough

B. PLANNING COMMISSION DISCUSSION:

Discussion regarding Ordinance 2011-54, Land Use and Development Ordinance, Article 33, Sign Provisions. (MOTION TO SUBMIT INFORMATION BY NOVEMBER 6, 2013)

6. PUBLIC PARTICIPATION

7. ATTORNEY'S REPORT

8. COMMISSIONER'S COMMENTS

9. DIRECTOR'S COMMENTS

10. ADJOURNMENT

Accepted by:

Chairman, Daphne Utilities

Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

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

I. Call to Order

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

II. Roll Call

Members Present:

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

Others Absent:

Others Present:

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

Others Absent: Drew Klumpp – Administrative Services Manager

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. **Utilities Board Minutes from April 24, 2013:**

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

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

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

V. Old Business

No old business was addressed.

VI. New Business

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

VII. BOARD ATTORNEY'S REPORT

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

VIII. FINANCIAL REPORT

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

IX. GENERAL MANAGER'S REPORT

A. GM Report

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

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

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

Melinda Immel had nothing to include to her report.

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

Ray Moore had nothing to add to his report.

X. BOARD ACTION –

A. RESOLUTION 2013-02 – Appointment of Finance Committee

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

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

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

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

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

XI. PUBLIC PARTICIPATION – None

XII. BOARD COMMENTS –

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

XIII. ADJOURNMENT –

MOTION BY Lon Johnston to adjourn the meeting;

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

The meeting adjourned at 5:54 pm.

Preceding minutes submitted to the Daphne Utilities Board by:

Lori Wilson

Lori Wilson, Executive Assistant, Daphne Utilities

Accepted by:

Chairman, Daphne Utilities

Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ◈ June 26, 2013 ◈ 5:00 p.m.

I. Call to Order

The regular June 2013, Board meeting for the Utilities Board of the City of Daphne was held on June 26, 2013 and called to order by Chairman Robert Segalla, at 4:59 p.m.

II. Roll Call

Members Present: Robert Segalla, Chairman
Randy Fry
Lon Johnston
Dane Haygood, Mayor

Others Absent: Fenton Jenkins, Vice Chairman

Others Present: Jerry Speegle – Board Attorney
Danny Lyndall – Operations Manager
Drew Klumpp – Administrative Services Manager
Deloris Brown – HR Manager
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Moore – HMR
Arlene Ethier – Operations Assistant

Others Absent: Rob McElroy – General Manager
Teresa Logiotatos – Finance Manager

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Minutes from May 29, 2013:

The Chairman inquired if there were any corrections noted for the submitted Minutes from the May 29, 2013, Utilities Board meeting. No corrections were made.

MOTION BY Lon Johnston to approve the Minutes for May 29, 2013; Seconded by Randy Fry.

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

V. Old Business

No old business was addressed.

VI. New Business

A. Authorization for General Manager, Rob McElroy, to enter into Agreement to Retain Zieman, Speegle, Jackson & Hoffman, L.L.C. for Filing a BP Oil Claim. RESOLUTION 2013-4

Jerry Speegle stated that Daphne Utilities may be entitled for a BP claim. He noted that there would be some financial fees to file the claim and a 15% contingency fee if the claim were to be approved.

MOTION BY Dane Haygood to Authorize RESOLUTION 2013-04 entering into the Agreement to Retain Zieman, Speegle, Jackson & Hoffman, L.L.C; Seconded by Mr. Johnston.

AYE: ***Haygood, Johnston, Segalla, Fry*** **ABSENT:** ***Jenkins*** **ABSTAIN:** **MOTION CARRIED**

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle had nothing to add to his report.

VIII. FINANCIAL REPORT

Rebecca Williamson answered questions from the board. Danny Lyndall noted that the irrigation meter sales are down due to the amount of rain that we have received. Lon Johnston expressed a concern regarding irrigation wells.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Danny Lyndall had nothing further to report, but answered questions from the board.

Deloris Brown had nothing further to add to her report.

Drew Klumpp had nothing further to add to his report.

Danny Lyndall gave a short presentation on the mapping of the Daphne Utilities system being developed.

Melinda Immel of Volkert & Associates had nothing further to add to her report, but answered questions from the Board.

Ray Moore of HMR had nothing further to add to his report.

Danny Lyndall reminded the Board that there will be a mid-year financial meeting on July 13, 2013 at 9 a.m. at the Central Services Building.

X. BOARD ACTION -

A. RESOLUTION 2013-04 – Authorizing General Manager, Rob McElroy, to enter into Agreement to Retain Zieman, Speegle, Jackson & Hoffman, L.L.C. for Filing a BP Oil Claim.

Accomplished under "New Business".

XI. PUBLIC PARTICIPATION – None.

XII. BOARD COMMENTS – None.

XIII. ADJOURNMENT –

MOTION BY Chairman Segalla to adjourn the meeting; Seconded by Lon Johnston

AYE: ***Haygood, Johnston, Fry, Segalla,*** **ABSENT:** ***Jenkins*** **ABSTAIN:** **MOTION CARRIED**

The meeting adjourned at 5:22 pm.

Preceding minutes submitted to the Daphne Utilities Board by:

Lori Wilson

Lori Wilson, Executive Assistant, Daphne Utilities

Daphne Utilities

APPROVED MINUTES

Accepted by:

Chairman, Daphne Utilities

Utilities Board Meeting

City of Daphne Council Chambers ◈ July 31, 2013 ◈ 5:00 p.m.

I. Call to Order

The regular July 2013, Board meeting for the Utilities Board of the City of Daphne was held on July 31, 2013 and called to order by Chairman Robert Segalla, at 5:05 p.m.

II. Roll Call

Members Present:

Robert Segalla, Chairman
Fenton Jenkins, Vice Chairman
Randy Fry, Secretary/Treasurer
Lon Johnston

Others Absent:

Dane Haygood, Mayor

Others Present:

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

Others Absent:

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Minutes from June 26, 2013:

The Chairman inquired if there were any corrections noted for the submitted Minutes from the June 26, 2013, Utilities Board meeting. No corrections were made.

MOTION BY Lon Johnston to approve the Minutes for June 26, 2013; Seconded by Fenton Jenkins.

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

V. Old Business

No old business to address.

VI. New Business

A. Discussion of Utility rates.

This agenda item was recommended to discuss at the end of the meeting due to the length of a webinar presentation given by Blair Troutman.

B. Changes in Employee Handbook – Revised Handgun Policy

Mr. McElroy advised the Board that this change in the Daphne Utilities Employee Handbook is required to reflect the latest policy issued by the State issued on handguns. The Chairman urged caution for our customer service if faced with a handgun threat. Mr. Johnston inquired about the use of the word "weapon" for the field personnel who may use box-cutters or a knife in their daily work day. Mr. Tony Hoffman with Zieman, Speegle, Jackson & Hoffman explained that a review of the statute for a more precise definition of the word weapons, specifically for knives of a certain blade length. He further explained that it would be against the law for the Utilities Board to search vehicles unless it is reported that something is visible. Mr. McElroy further added that our policies and procedures are implement with the intention to keep our employees safe and not to create files to fire people.

MOTION BY Fenton Jenkins to approve the revised Handgun Policy (incorporated in the Daphne Utilities Employee Handbook of Rules, Policies and Procedures); Seconded by Lon Johnston.

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

VII. BOARD ATTORNEY'S REPORT

Mr. Hoffman had nothing to add to his report except to state that an Executive Session will be required.

VIII. FINANCIAL REPORT

Teresa Logiotatos briefly reviewed the financial for the Board. She notified the Board members that Daphne Utilities' will be changing outsourced payroll companies. She also advised that the auditors were contracted to return to investigate the variance between the water production and the bills. She answered questions about the benefits of the new payroll company and additional questions.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Rob McElroy had nothing further to add to his report but reviewed his report for the Board.

Deloris Brown had nothing further to add to her report. Chairman Segalla asked about driver training and texting while driving. She advised that this is addressed under the "Communication" portion of the Employee Handbook but not under driver training.

Mr. McElroy informed the Board of the letter from Councilman Ron Scott regarding Daphne Utilities support to the Daphne City Council on the concern of the gas pipeline and Big Creek Lake watershed.

MOTION BY Lon Johnston to approve the Daphne Utilities Board letter to Mr. Scott in support of the City of Daphne pertaining to the gas pipeline going thru Big Creek Lake Watershed; Seconded by Fenton Jenkins

AYE: ***Fry, Jenkins, Johnston, Segalla,*** **ABSENT:** ***Haygood*** **ABSTAIN:** **MOTION CARRIED**

Chairman Segalla recognized Michael Hogeland, Sybil Williams, and James McPherson for taking their next grade level ADEM exams.

Danny Lyndall had nothing additional to add to his report but recognized Jim Caudle and the Wastewater Reclamation staff for winning the Best Operated Plant Award from AWPCA (Alabama Water Pollution Control Association) organization. As well, Chairman Segalla recognized Rob McElroy as a past president of the same organization. Danny Lyndall also informed the board of the Daphne Utilities' interconnections as previously requested. Fenton Jenkins inquired to any spills as a result of the recent heavy rains. Mr. Lyndall informed the Board of one recent spill and noted the information in his operations report.

Melinda Immel of Volkert & Associates had nothing further to add to her report.

Ray Moore of HMR had nothing further to add to his report.

X. BOARD ACTION –

A. **Adoption of revised Handgun Policy to Employee Handbook (compliance issue with state law).**

Accomplished under "New Business".

XI. BOARD COMMENTS – Lon Johnston shared with the Board his thoughts on the utility rate increases that will be considered. His first point was:

- the 3+million dollars per year over the next 10 years,
- averaging $1.4-1.6 million in net income against the $3+million cost,
- available reserves and borrowing capacity are limited to emergencies to the aged infrastructure that would be costly,
- no assistance from connection fees based on growth, which is limited,
- grants may be helpful but concern of frequency and amounts and should not be depended upon,
- operating costs reductions – technologically some improvements currently being made with meter reading but should be relied upon; limited due to continued duration of operating cost reductions;
- savings in loan interest rates can no longer take place;
- operating costs increases – men, money and material will increase year by year with no escape

He suggested options of deferring capital improvements and that was already being done as well as reducing quantity and quality of services being provided. He suggested establishing a capital improvement fund for 5 years and forewarned that it may transpire into being similar to the extended periods of time implemented by the Baldwin County School System. He proposed that a culmination of rate increases along with one or more of these options or finally, a planned rate increase encompassing multiple years and pointed out that this Board needs to take action now or the Utility will suffer financially.

Blair Troutman with BlueWater Consulting gave a webcast/audio overview of where the Utility stands and gave rate options and recommendations for rate alternatives. His presentation was a clarified direction resulting from the July 13th work session, which was incremental increases each year resulting in benefits of a sustainable portfolio in order to be able to borrow at the lowest rates.

Rob McElroy asked the Board's direction and was instructed to be prepared for discussions, a public hearing and a Board vote on rate increases at the next Board meeting. Mr. McElroy indicated that a bill stuffer will go out advising of the public hearing and that with a vote being made at the next Board meeting, the increase would be able to be calculated into the upcoming budget. Mr. Johnston commented that he did not want to see the options eroded and reminded that this problem could have been avoided at a previously recommended rate increase. Randy Fry asked if he could receive the actual number of customers would be impacted and he was assured he would receive this information he requested.

XII. PUBLIC PARTICIPATION – None.

MOTION BY Lon Johnston to adjourn to Executive Session for 20 minutes as certified by Tony Hoffman to discuss pending legal claims and the reputation and character of employees; Seconded by Fenton Jenkins.

AYE: *Fry, Jenkins, Johnston, Segalla,* **ABSENT:** *Haygood* **ABSTAIN:** **MOTION CARRIED**

XIII. ADJOURNMENT –

MOTION BY Chairman Segalla to adjourn the meeting; Seconded by Lon Johnston

AYE: *Fry, Jenkins, Johnston, Segalla,* **ABSENT:** *Haygood* **ABSTAIN:** **MOTION CARRIED**

The meeting adjourned after Executive Session at 7:15pm.

Preceding minutes submitted to the Daphne Utilities Board by:

Lori Wilson

Lori Wilson, Executive Assistant, Daphne Utilities

REPORT

OF

OFFICERS

Becky Hayes

From: Jay Ross <Jay.Ross@arlaw.com>
Sent: Tuesday, October 29, 2013 9:02 AM
To: cityclerk@daphneal.com
Cc: Jay Ross
Subject: FW: City of Daphne - TEFRA Approval Request
Attachments: Minutes - 8.26.13.pdf; PRC 2013 - Daphne Mayor TEFRA Approval (02631403).doc; 20131029_08402523785.pdf

Becky..

I forward to you the information per my prior communications with Attorney Brad Cherry, attorney for Presbyterian Retirement Corporation... Please feel free to include all of this in the Council packet...

I have not yet spoken to Attorney Robert Eddington concerning the Bd member issue but will reach out to him later today...

Jay

From: Brad Cherry [BCherry@maynardcooper.com]
Sent: Tuesday, October 29, 2013 8:47 AM
To: Jay Ross
Subject: City of Daphne - TEFRA Approval Request

Jay:

Thank you for your help with this project. As I previously mentioned to you, Presbyterian Retirement Corporation ("PRC") is refinancing certain tax-exempt indebtedness on its facility, Westminster Village, in Spanish Fort. Our firm's client is Regions Bank, which holds the tax exempt debt we are refinancing. The debt was issued by the Special Care Facilities Financing Authority of the City of Daphne (the "SCFFA") for PRC (the debt is 100% the responsibility of PRC), but the project (Westminster Village) is located in Spanish Fort. The refinancing will not increase the outstanding amount of the bonds, it is a pure refinancing.

In connection with the refinancing of the PRC debt, because it is tax-exempt debt, we need to obtain a "TEFRA Approval" from Daphne and Spanish Fort. From Daphne because the issuer, the SCFFA, was formed by Daphne and from Spanish Fort because Westminster Village is located in Spanish Fort. In short order, TEFRA is a requirement of the Internal Revenue Service (under Internal Revenue Code Section 147(f)) that anytime a non-governmental entity, such as PRC, which is a 501(c)(3) nonprofit, receives the benefit of tax-exempt debt, a public hearing must be held after publishing a notice of such hearing in a newspaper 14 days in advance. The hearing allows anyone to voice any concerns about the project and the financing - typically not a single person appears at these hearings and they are closed within about 10-15 minutes. Following the hearing, the Mayor can either approve or disapprove the financing - in either case solely for the purposes of Section 147(f) of the Internal Revenue Code. The Mayor's approval does not in any way obligate the City of Daphne or Spanish Fort. The bonds are 100% the responsibility of PRC. The approval merely allows Regions Bank to "check a box" with the IRS and proceed to issue the bonds. The TEFRA process was intended to give the public a chance to comment on new projects, such as where something new would be built with tax-exempt bonds. In our case, PRC is not building anything new, just refinancing existing debt, but PRC still has to go through the TEFRA process.

Attached are the following documents: (1) Publication affidavit for the notice we ran in the Press Register on August 9th informing the public of a "TEFRA Hearing" which was conducted by my colleague, Alvin Hope, at Westminster Village on August 26, 2013 at 9:00 AM, (2) TEFRA Meeting Minutes signed by Alvin Hope, certifying that no member of the public appeared at the TEFRA Hearing with any comments, and (3) TEFRA approval for the Mayor of City of Daphne to sign.

We have previously discussed the issue of bank qualification ("BQ") of the PRC refunding bonds under the Internal Revenue Code and how this would impact the City of Daphne. These refunding bonds will not be designated as BQ (they are in excess of the $10 million limit). Also, because these bonds are a current refunding of an existing tax-exempt issue, the SCFFA's issuance of these bonds should impact the City of Daphne's status as a qualified small issuer (there is an exception for current refundings). This would preserve the City of Daphne's ability to issue up to $10 million in BQ debt this year (calendar year 2013).

In any event, the refunding of the PRC bonds by Regions Bank will occur this calendar year. I would expect the refunding to occur within the next 2 weeks. Item 2 of the Mayor's approval conditions the approval of the bonds on them not being designated BQ and being issued on or before 12/31/2013.

If the TEFRA Approval meets with your approval and the City Council's approval, please have it signed by the Mayor of the City of Daphne. I am happy to discuss our request at your convenience.

Thank you again for all your help.

Brad Cherry
Maynard, Cooper & Gale, P.C.
1901 Sixth Avenue North
2400 Regions/Harbert Plaza
Birmingham, AL 35203
Direct: 205.254.1213
Fax: 205.714.6371
www.maynardcooper.com

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APPROVAL OF BONDS PURSUANT TO
SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

WHEREAS, The Special Care Facilities Financing Authority of the City of Daphne, a public corporation organized under the laws of the State of Alabama (the "Issuer"), proposes to issue its revenue bonds in one or more series in an amount not to exceed $14,500,000 (the "Bonds") to provide financing for the benefit of Presbyterian Retirement Corporation, Inc., an Alabama nonprofit corporation ("PRC");

WHEREAS, the Issuer proposes to use the proceeds of the Bonds in order to refinance certain outstanding indebtedness of the Issuer that financed (or refinanced certain other indebtedness of the Issuer that financed) certain continuing care retirement facilities known as "Westminster Village", including skilled nursing, assisted living and independent living facilities and facilities and equipment ancillary or related thereto, located on approximately 56 acres of real property at 500 Spanish Fort Boulevard in the City of Spanish Fort, Alabama (the "Bond-Financed Facilities").

WHEREAS, the Bond-Financed Facilities, which are located wholly within the City of Spanish Fort, Alabama, will be leased to PRC as the manager or operator thereof.

WHEREAS, the Bonds will be limited obligations of the Issuer and will be payable solely from the rentals payable by the PRC and any other revenues or receipts derived by the Issuer from the Bond-Financed Facilities; the lease agreement between the Issuer and the PRC will provide for the payment of rentals by the PRC sufficient to pay debt service on the Bonds when due; the Bonds will be secured under an agreement whereby the Issuer will pledge the rentals and other receipts from the Bond-Financed Facilities for the benefit of the holders of the Bonds; the Bonds will not be general obligations of the Issuer and will not in any way constitute a debt, liability or obligation of the State of Alabama, Baldwin County, Alabama, the City of Daphne, Alabama, the City of Spanish Fort, Alabama, or any other political subdivision of the State of Alabama; and the Bonds will not be payable from any tax revenues.

WHEREAS, a public hearing concerning the proposed issuance of the Bonds was conducted by the Issuer on behalf of the Cities of Daphne and Spanish Fort, Alabama, at Westminster Village, 500 Spanish Fort Boulevard, Spanish Fort, Alabama at 9:00 a.m. on Monday, August 26, 2013; notice of such hearing was given by publication in the Mobile *Press-Register* on August 9, 2013, and such hearing provided an opportunity for persons with different views on the proposed issuance of the Bonds and the location and nature of the Bond-Financed Facilities to express their views, both orally and in writing.

NOW, THEREFORE, as Mayor of the City of Daphne, Alabama (the "City"), I hereby consent to and approve the following:

1. The issuance of the Bonds solely for the purpose of the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended; provided, however, such approval is conditioned upon (a) the Issuer <u>not</u> designating the Bonds as qualified tax-exempt obligations (i.e., bank qualified bonds) for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and (b) the issuance of the Bonds occurring on or before December 31, 2013.

2. This consent and approval shall not be construed as expressing any view whatsoever as to the financial feasibility of the Bond-Financed Facilities or the adequacy of any security provided for the Bonds.

3. This consent and approval shall never be taken to impose any liability of any kind whatsoever upon the City or the undersigned, in either an individual capacity or as Mayor of the City.

4. The Bonds will <u>not</u> in any way constitute a debt, liability or obligation of the State of Alabama, the City or any other political subdivision of the State of Alabama. The Bonds will <u>not</u> be payable from any tax revenues.

Dated:_____.

_____
Dane Haygood
Mayor of the City of Daphne, Alabama

{02631403.1}

MINUTES OF A PUBLIC HEARING CONDUCTED BY
THE SPECIAL CARE FACILITIES FINANCING AUTHORITY OF THE CITY OF DAPHNE
ON
AUGUST 26, 2013

The Special Care Facilities Financing Authority of the City of Daphne, a public corporation organized under the laws of the State of Alabama (the "Issuer"), represented by Alvin K. Hope, II, held a public hearing on behalf of the Cities of Daphne and Spanish Fort, Alabama, at Westminster Village, 500 Spanish Fort Boulevard, Spanish Fort, Alabama at 9:00 a.m. on August 26, 2013, for the purpose of receiving public comments with respect to the proposed issuance by the Issuer of up to $14,500,000 aggregate face amount of revenue bonds (the "Bonds") to provide financing for the benefit of Presbyterian Retirement Corporation, Inc., an Alabama nonprofit corporation ("PRC").

The Issuer proposes to use the proceeds of the Bonds in order to refinance certain outstanding indebtedness of the Issuer that financed (or refinanced certain other indebtedness of the Issuer that financed) certain continuing care retirement facilities known as "Westminster Village", including skilled nursing, assisted living and independent living facilities and facilities and equipment ancillary or related thereto, located on approximately 56 acres of real property at 500 Spanish Fort Boulevard in the City of Spanish Fort, Alabama (the "Bond-Financed Facilities"). The Bond-Financed Facilities are located wholly within the City of Spanish Fort, Alabama. The Bond-Financed Facilities will be leased to Presbyterian Retirement Corporation, Inc., an Alabama nonprofit corporation, as the manager or operator thereof.

The hearing was held in compliance with the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, as a condition precedent to the issuance of the Bonds. The hearing was held pursuant to notice published in the Mobile *Press-Register* on August 9, 2013.

Mr. Hope held the hearing open until 9:15 a.m., during which time no members of the public appeared. At 9:15 a.m., the hearing was declared adjourned.

Dated: August 26, 2013.

Alvin K. Hope, II

{02623851.1}

PRESS-REGISTER
LEGAL AFFIDAVIT

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Date	Position	Description	P.O. Number	Ad Size	Total Cost
08/09/2013	Other legals	NOTICE Notice is hereby given that The Special Care Facilities Financing Authority of the City of		424 WDS	148.48

Karen Blackard being sworn, says that she is bookkeeper of Press-Register which publishes a daily newspaper in the City and County of Mobile, State of Alabama: and attached notice appeared in the issue of

Press-Register08/09/2013

Karen Blackard

Sworn to and subscribed before me this 9th day of August 2013

Brandi W. Cook

NOTARY PUBLIC

FOR QUESTIONS CONCERNING THIS AFFIDAVIT, PLEASE CALL KAREN BLACKARD AT (251) 219-5413. YOU CAN PLACE A LEGAL NOTICE BY EMAIL OR FAX: LEGALS@PRESS-REGISTER.COM OR FAX# (251) 219-5037

NOTICE

Notice is hereby given that The Special Care Facilities Financing Authority of the City of Daphne, a public corporation organized under the laws of the State of Alabama (the "Issuer"), will conduct a public hearing on behalf of the Cities of Daphne and Spanish Fort, Alabama, at Westminster Village, 500 Spanish Fort Boulevard, Spanish Fort, Alabama at 9:00 a.m. on Monday, August 26, 2013, concerning the proposed issuance by the Issuer of up to $14,500,000 aggregate face amount of revenue bonds (the "Bonds"). If approved, the Bonds will be issued pursuant to the authority and provisions of Chapter 02 of Title 11 of the Code of Alabama 1975.

The Issuer proposes to use the proceeds of the Bonds in order to refinance certain outstanding indebtedness of the Issuer that financed (or refinanced certain other indebtedness of the Issuer that financed) certain continuing care retirement facilities known as "Westminster Village", including skilled nursing, assisted living and independent living facilities and facilities and equipment ancillary or related thereto, located on approximately 50 acres of real property at 500 Spanish Fort Boulevard in the City of Spanish Fort, Alabama (the "Bond-Financed Facilities"). The Bond-Financed Facilities are located wholly within the City of Spanish Fort, Alabama.

The Bond-Financed Facilities will be leased to Presbyterian Retirement Corporation, Inc., an Alabama nonprofit corporation (the "User"), as the manager or operator thereof.

The Bonds will be limited obligations of the Issuer and will be payable solely from the rentals payable by the User and any other revenues or receipts derived by the Issuer from the Bond-Financed Facilities. The lease agreement between the Issuer and the User will provide for the payment of rentals by the User sufficient to pay debt service on the Bonds when due. The Bonds will be secured under an agreement whereby the Issuer will pledge the rentals and other receipts from the Bond-Financed Facilities for the benefit of the holders of the Bonds.

The Bonds will not be general obligations of the Issuer and will not in any way constitute a debt, liability or obligation of the State of Alabama, Baldwin County, Alabama, the City of Daphne, Alabama, the City of Spanish Fort, Alabama, or any other political subdivision of the State of Alabama. The Bonds will not be payable from any tax revenues.

The public hearing will provide an opportunity for persons with different views on the proposed issuance of the Bonds and the location and nature of the Bond-Financed Facilities to express their views, both orally and in writing.

PRESS-REGISTER
AUG. 9, 2013

RESOLUTION NO. 2013-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE RE-APPOINTING TWO DIRECTORS TO THE BOARD OF DIRECTORS OF THE SPECIAL CARE FACILITIES FINANCING AUTHORITY OF THE CITY OF DAPHNE

WHEREAS, the City Council (the "Council") of the City of Daphne, Alabama (the "City"), previously has approved the formation of The Special Care Facilities Financing Authority of the City of Daphne (the "Authority") in accordance with Chapter 62 of Title 11 of the Code of Alabama (1975), as amended (the "Act"); and

WHEREAS, the City desires to re-appoint Carol Frush and to appoint Lee S. Yokel, each of whom is a qualified elector of and the owner of real property in the City and neither of whom is an officer of the State of Alabama or of any county or municipality in the State of Alabama.

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

1. That Carol Frush is hereby re-appointed by the Council as a director to the Board of Directors of the Authority. The term of Carol Frush shall begin at noon on November 12, 2013 and end at noon on November 11, 2016.

2. That Lee. S. Yokel is hereby appointed by the Council as a director to the Board of Directors of the Authority. The term of Lee. S. Yokel shall begin at noon on November 15, 2011 and end at noon on November 14, 2014.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this the 16th day of September, 2013.

Dane Haygood, Mayor

ATTEST:

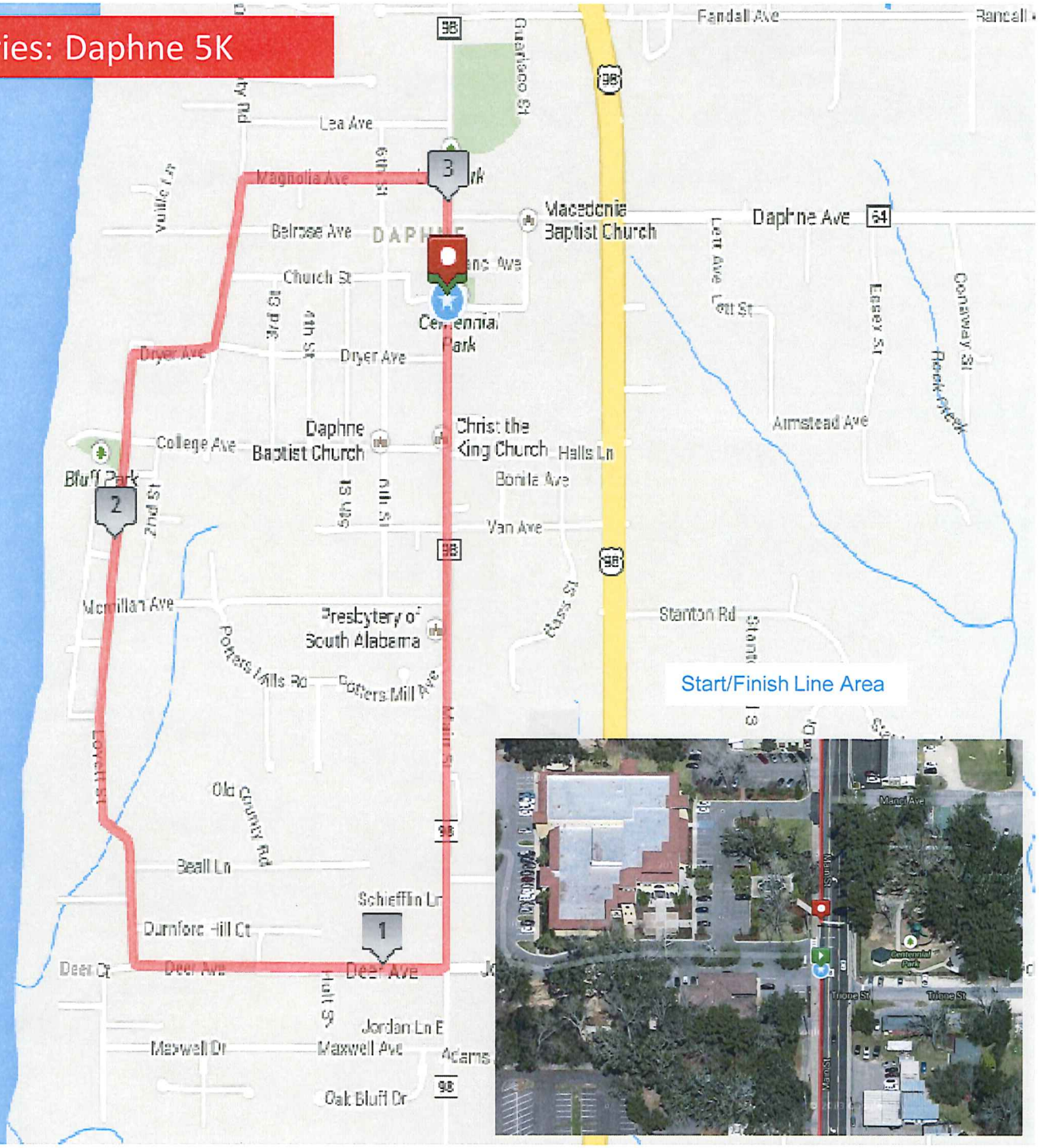
Rebecca A. Hayes, City Clerk

CITY OF DAPHNE
PARADE PERMIT

ORGANIZATION:	***Connect Events & Chick-Fil-A of Daphne***
CONTACT PERSON:	***Amanda Butts***
ADDRESS:	***1431 Capital Ave Suite 123*** ***Watkinsville, GA 30677***
PHONE NUMBER (HOME): ***PHONE NUMBER (BUSINESS):*** ***CELL NUMBER:*** ***E-MAIL ADDRESS:***	***706-310-6053 ext 121*** ***256 345-4476*** ***Amanda@connectevents.net***
TYPE OF PARADE:	***5K & 1 Mile Road Race***
DATE OF PARADE:	***February 8, 2014***
ROUTE TO BE TRAVELED:	***View Maps attached***
APPROXIMATE # OF PEOPLE & CARS:	***300 people, 120 cars***
START TIME:	***8:00 am***
STOP TIME:	***9:30 am***
ASSEMBLY AREA/STREET:	***City Hall parking lot on Main St***
ASSEMBLY TIME:	***Set up: Friday 5-7pm; Saturday 4 am- 7am*** ***Runners: Saturday 7 am – 11 am***
SPECIAL INSTRUCTIONS:	***Friday set up 5-7 pm; scaffordling set up on sidewalk near south exit onto main street***
DATE APPLIED:	***October 16, 2013***
APPROVAL	
POLICE: Chief David Carpenter	
FIRE: Chief James White	
PUBLIC WORKS: Richard Johnson	
RECREATION : David McKelroy	
CITY COUNCIL APPROVAL: 11-04-13	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	
NOTIFICATION	

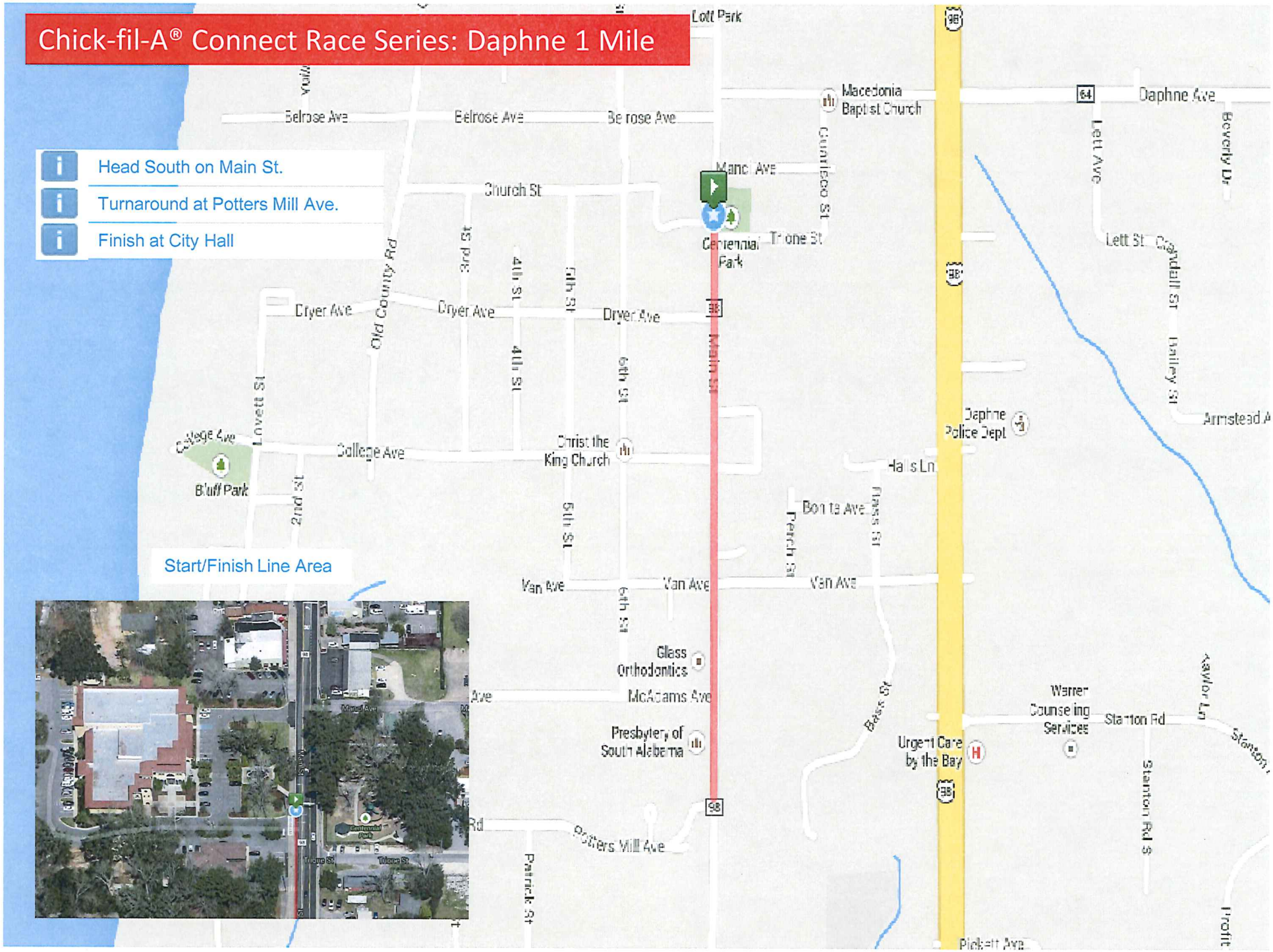
Chick-fil-A® Connect Race Series: Daphne 5K

- Head South on Main St.
- Turn right onto Deer Ave.
- Turn right onto Captain O'Neal Dr.
- Turn right onto Dryer Ave.
- Turn left onto Old County Rd.
- Turn right onto Magnolia Ave.
- Turn right onto Main St.
- Finish at City Hall



Chick-fil-A® Connect Race Series: Daphne 1 Mile

- Head South on Main St.
- Turnaround at Potters Mill Ave.
- Finish at City Hall



Becky Hayes

From: Amanda Butts <amanda@connectevents.net>
Sent: Thursday, October 24, 2013 1:30 PM
To: Becky Hayes (cityclerk@daphneal.com)
Subject: Chick-fil-A Connect Race Series

Hi Becky-

Thanks for the call yesterday. The Chick-fil-A® Connect Race Series of Daphne will be held on February 8, 2014 and will benefit WinShape Camps for Communities in Daphne. WinShape Camps for Communities is a kid's day camp sponsored by Chick-fil-A® taking place at Daphne United Methodist Church June 16th – 20th, 2014. Chick-fil-A Daphne will be marketing in the community and raising sponsorships with the goal to provide 51 full scholarships for children in Baldwin County. WinShape Camps for Communities is a non-profit 501-c3 organization.

Let me know if you need anything else.

Thanks again,
Amanda Butts

CONNECT EVENTS

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AMANDA BUTTS
P. 706.310.6053
F. 706.310.6058
www.connectevents.net
@connectrace / @connectbball

1431 Capital Avenue
Suite 123
Watkinsville, GA 30677

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Chick-fil-A® Connect Race Series 5K & 1 Mile

Course Overview

Daphne City Hall – Daphne, AL

2.8.14

General Course Information

Courses

5K | 1 Mile

Lead Escort

5K – Police

Fun Run – Police

Personnel

Volunteers

Schedule

6:00 AM – Volunteer Meeting

7:20 AM – Volunteer Course Meeting

7:30 AM – Police Arrive

7:40 AM – Volunteers go to locations, course markings and materials finalized

8:00 AM – 5K Start

9:00 AM – 1 Mile Start (Immediately after last 5K finisher)

9:30 AM – Awards

9:30 AM – Truck removes course markings & materials

10:00 AM – Begin break-down of event

CITY OF DAPHNE

PARADE PERMIT

ORGANIZATION:	***AML – Apollo's Mystic Ladies***
CONTACT PERSON: ***ADDRESS:***	***Claire DeVarga*** ***P.O. Box 3133*** ***Daphne, AL 36526***
PHONE NUMBER: (HOME) ***PHONE NUMBER: (BUSINESS)*** ***CELL NUMBER:***	***251-644-4106*** ***251-776-2091***
DATE OF PARADE:	***February 21, 2014*** ***Rain Date: February 27, 2014***
TYPE OF PARADE:	***Mardi Gras***
ROUTE TO BE TRAVELED:	***From Daphne Civic Center down Main St. – turn @ College Ave.- down to 6th St. & back to Civic Center***
APPROXIMATE # OF PEOPLE & CARS:	***45 Units – Approx. 500 people***
ASSEMBLY TIME:	***5:30 P.M.***
START TIME:	***6:45 P.M.***
STOP TIME:	***8:30 P.M.***
ASSEMBLY AREA/STREET:	***Daphne Civic Center/Main Street***
SPECIAL REQUESTS:	
DATE APPLIED FOR PERMIT:	***October 23, 2013***
APPROVAL	
POLICE: David Carpenter:	David Carpenter
FIRE: James White:	James White
PUBLIC WORKS: Richard Johnson:	[illegible]
CITY COUNCIL: 11-04-13	
DATE ROUTED:	***October 23, 2013***
NOTIFICATION OF APPROVAL:	
RECEIVED PROOF OF INSURANCE: ***RECEIVED PARADE PERMIT FEE:***	***October 23, 2013*** ***October 23, 2013***

RESOLUTIONS

&

ORDINANCES

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.

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.

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 beenemployees 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 proceduresas provided in Chapter 4. Temporary employees will always be considered probationary and may be separated at anytimewith 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 actionsselections 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 Rreasonable accommodations for a qualified applicant with identified or reasonably identifiable substantially limiting physical or mental impairments during the staffing processa disability as determined by the Americans with Disabilities Act (ADA), will be made when practical.

4.2. APPOINTING AUTHORITY

4.24. 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.~~7~~6. 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 Period~~General. An employee who is reassigned ~~in accordance with these guidelines~~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~~ 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 position~~cy exists~~.~~—~~ However, ~~A~~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.

~~4.7.7.1. 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 to Administrative 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, and title change to Administrative Technician 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

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2013-62

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

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

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

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

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

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

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

LEGAL DESCRIPTION - (MAIN CAMPUS):

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

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

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

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

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

SECTION I: ZONING

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

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect upon its approval by the City Council of the City of Daphne and publication as required by law.

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

CITY OF DAPHNE
A MUNICIPAL CORPORATION

_____
Dane Haygood, Mayor

ATTEST:

_____
Rebecca A. Hayes, City Clerk

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

EXHIBIT "A"

STATE OF ALABAMA
COUNTY OF BALDWIN

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

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

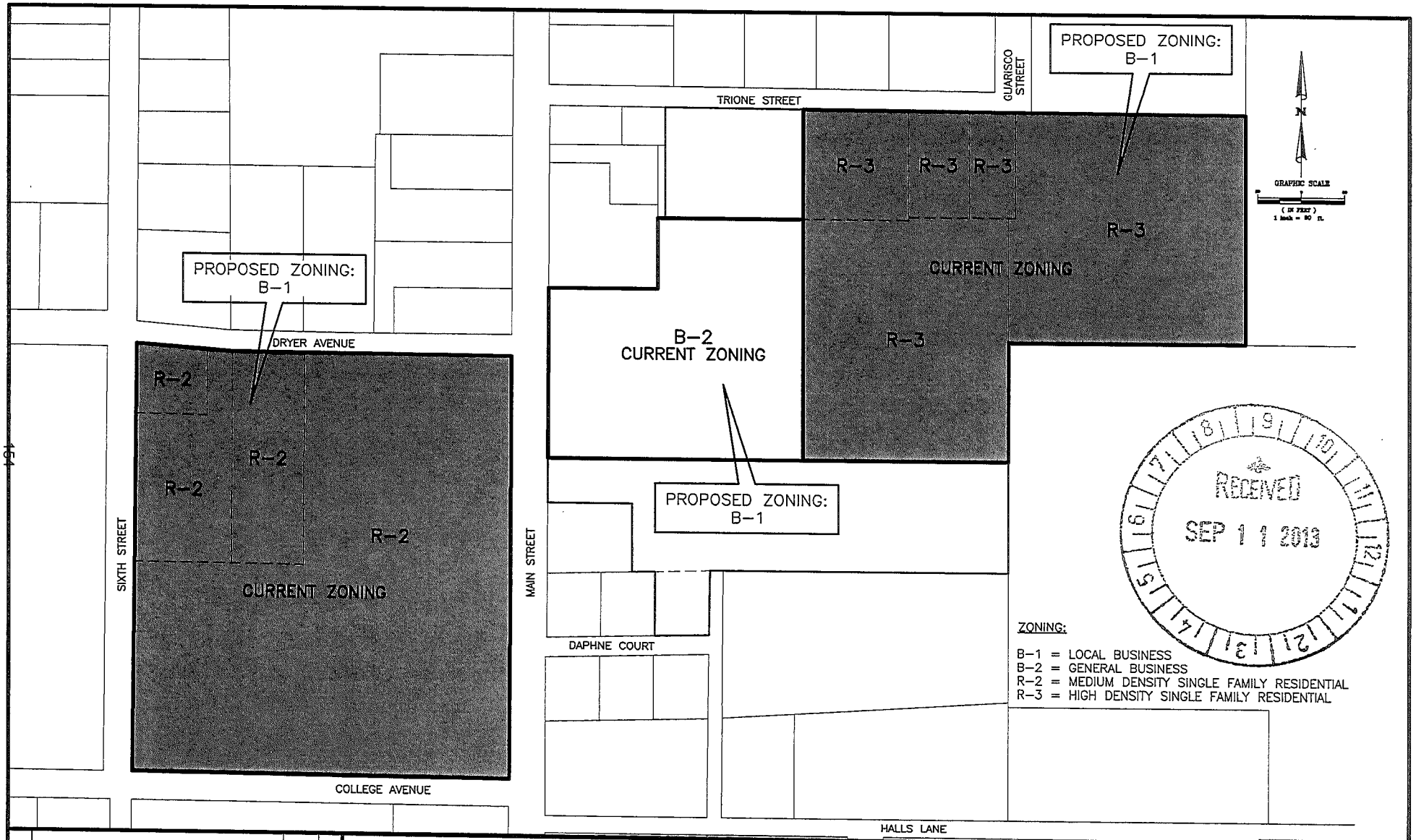
Commence at the Northwest corner of Section 20, Township 5 South, Range 2 East, St. Stephens Meridian, and run thence South 925 feet; Thence run East 25 feet to an iron pin marker on the East right of way of Main Street for the Point of Beginning of the property herein described; Thence run N-89°-59'-40"-E,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

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

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

LEGAL DESCRIPTION - (MAIN CAMPUS):

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



NO.	REVISION	DATE	ENGR.

HMR

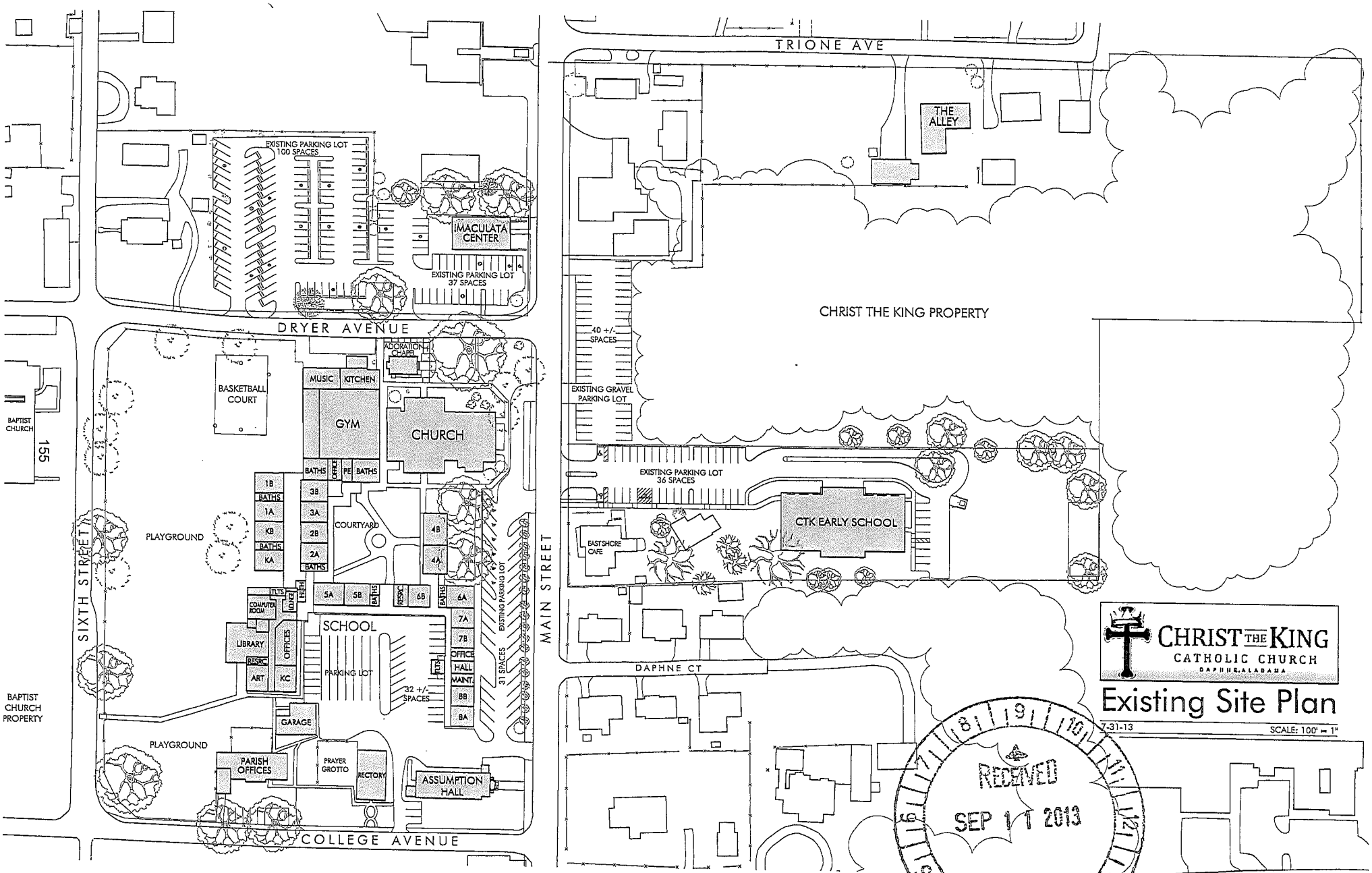
HUTCHINSON, MOORE & RAUCH, LLC
2039 MAIN STREET
DAPHNE, ALABAMA
36526
ENGINEERS • SURVEYORS
LAND PLANNERS
TEL (251) 626-2626
FAX (251) 626-8934
daphne@hmrengineers.com

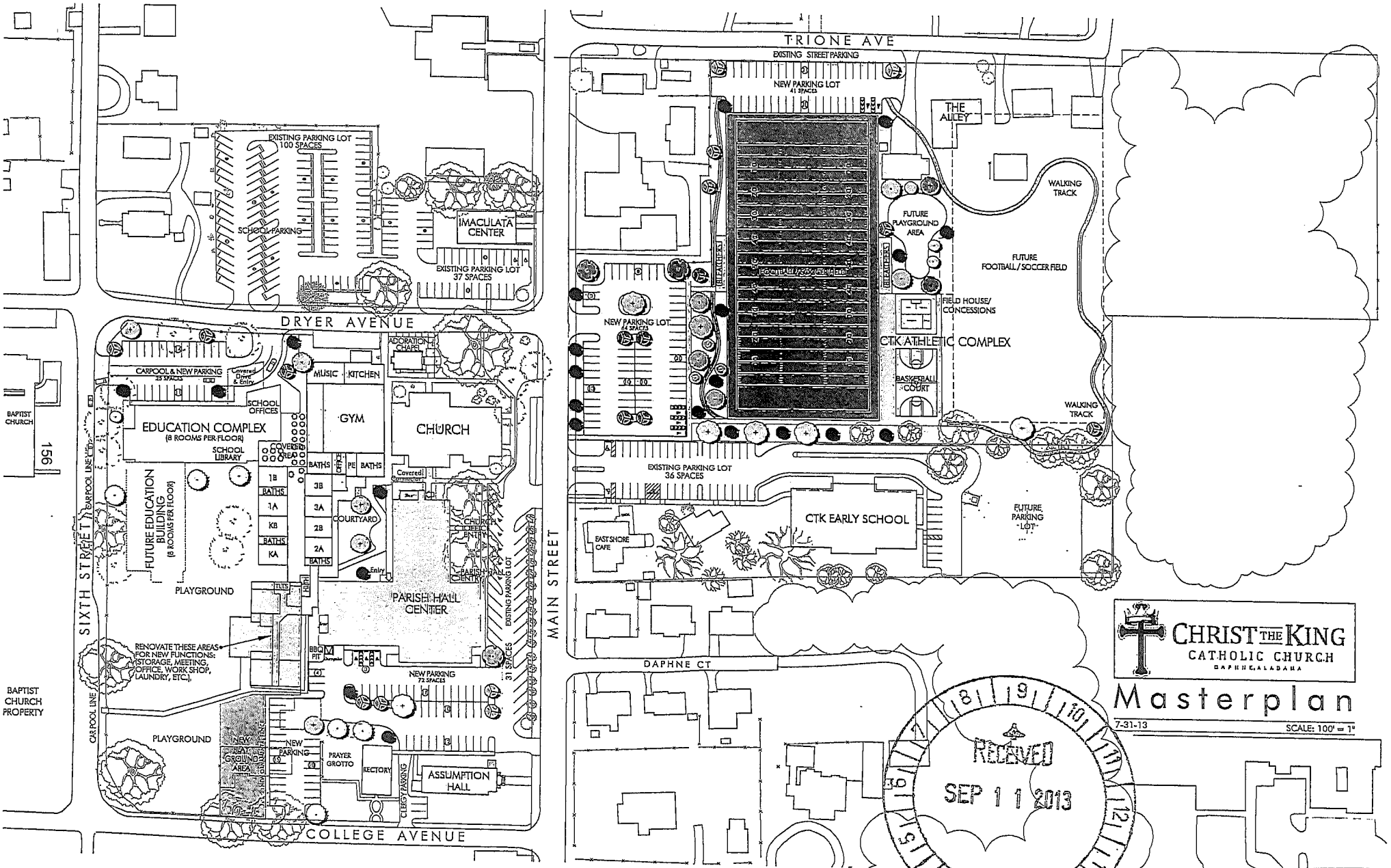
PROP ZONING CHRIST THE KING

PROPOSED ZONING
DAPHNE, ALABAMA
CHRIST THE KING CHURCH

SCALE	DATE	DRAWN BY	CHECKED BY	SHEET
1"=80'	AUGUST, 2013	CSC		1 OF 1

Exhibit B


TRIONE AVE
THE ALLEY
CHRIST THE KING PROPERTY
EXISTING PARKING LOT 100 SPACES
IMACULATA CENTER
EXISTING PARKING LOT 37 SPACES
DRYER AVENUE
ADORATION CHAPEL
MUSIC
KITCHEN
BASKETBALL COURT
GYM
CHURCH
BAPTIST CHURCH
155
BATHS
OFFICE
PE
1B
3B
1A
3A
KB
2B
2A
KA
PLAYGROUND
COURTYARD
4B
4A
5A
5B
6B
6A
7A
7B
OFFICE
HALL
MAINT.
8B
8A
COMPUTER ROOM
LIBRARY
OFFICES
ART
KC
SCHOOL
PARKING LOT
32 +/- SPACES
31 SPACES
EXISTING PARKING LOT
SIXTH STREET
MAIN STREET
BAPTIST CHURCH PROPERTY
GARAGE
PLAYGROUND
PARISH OFFICES
PRAYER GROTTO
RECTORY
ASSUMPTION HALL
COLLEGE AVENUE
40 +/- SPACES
EXISTING GRAVEL PARKING LOT
EXISTING PARKING LOT 36 SPACES
CTK EARLY SCHOOL
EASTSHORE CAFE
DAPHNE CT
CHRIST THE KING
CATHOLIC CHURCH
DAPHNE, ALABAMA
Existing Site Plan
7-31-13
SCALE: 100' = 1"
RECEIVED
SEP 11 2013
DIRECTOR



RECEIVED
SEP 11 2013

DIRECTOR

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2013-63

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

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

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

LEGAL DESCRIPTION:

Parcel 1:

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

Parcel 2:

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

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

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

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

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

SECTION I: ZONING

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

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect upon its approval by the City Council of the City of Daphne and publication as required by law.

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

CITY OF DAPHNE
A MUNICIPAL CORPORATION

_____
Dane Haygood, Mayor

ATTEST:

_____
Rebecca A. Hayes, City Clerk

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

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

EXHIBIT "A"

STATE OF ALBAMA
COUNTY OF BALDWIN

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

PARCEL 1:

COMMENCING AT A 4" x 4" CONCRETE MONUMENT FOUND ON THE PRESENT RIGHT OF WAY LINE OF INTERSTATE 10 AS SHOWN ON THE RIGHT OF WAY MAP OF STATE HIGHWAY PROJECT NUMBER I-10-1 (19) (SAID MONUMENT OFFSET 300 FEET OF AND PERPENDICULAR TO CENTERLINE OF SAID PROJECT AT STATION 544+69.28): THENCE RUN NORTH 82*40'31" EAST A DISTANCE OF 2006.55 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED: THENCE RUN NORTH 69*30'30" EAST. 301.08 FEET: THENCE RUN SOUTH 00*28'49" WEST. 785.36 FEET: THENCE RUN SOUTH 89*45'57" WEST. 147.32 FEET: THENCE RUN NORTH 35*19'04" WEST. 353.00 FEET: THENCE RUN NORTH 05*08'29" WEST. 230.10 FEET: THENCE RUN NORTH 15*36'10" EAST. 84.72 FEET: THENCE RUN NORTH 42*04'15" EAST. 110.11 FEET: TO THE POINT OF BEGINNING AND CONTAINING 5.20 ACRES MORE OR LESS (226,377.3 SQ. FT.)

PARCEL 2:

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

NOTES:

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

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

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

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

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

PROPERTY IS SUBJECT TO ZONING SETBACKS AND RESTRICTIONS OF RECORDS.

BEARINGS ARE BASED ON THE SOUTH RIGHT OF WAY LINE OF INTERSTATE 10 AS SHOWN ON THE RIGHT OF WAY MAP OF STATE HIGHWAY PROJECT NUMBER [illegible] 107). CRMS NUMBER 100001555.

THIS SURVEY WAS BASED ON FIELD WORK COMPLETED ON MAY 22, 2008.

SOURCES OF INFORMATION:

DIMENSIONS MARKED WITH (R) WERE TAKEN FROM THE BOUNDARY SURVEY OF 6.937 ACRES IN SECTION 33, [illegible] FOR ASSOCIATES FINANCIAL SERVICES COMPANY OF ALABAMA, INC. AT THE [illegible] OF TITLE REAL ESTATE BY FAIRHOPE TITLE AND SURVEY CO., INC. DATED JUNE 16, [illegible].

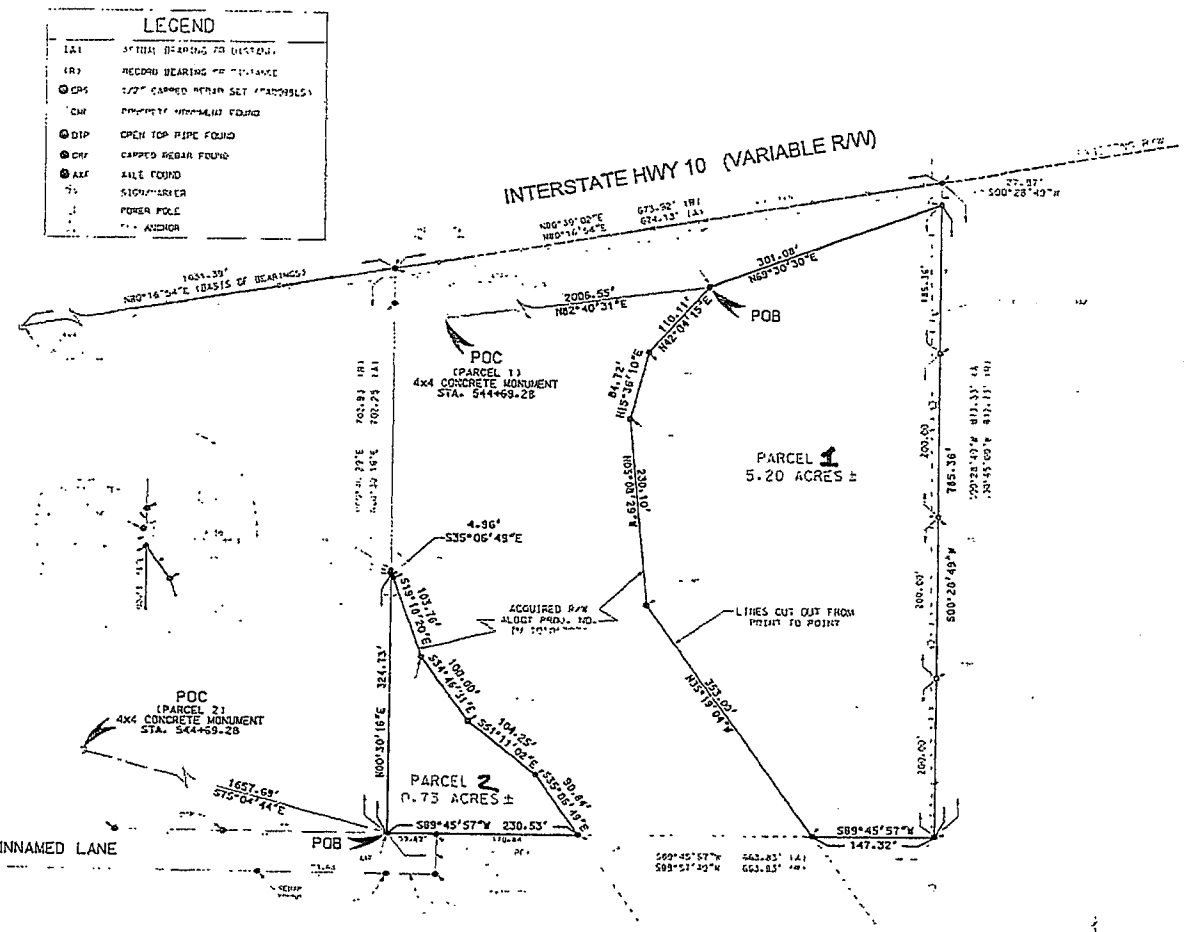
RIGHT OF WAY MAP OF STATE HIGHWAY PROJECT NUMBER IM-1100(307).

RIGHT OF WAY MAP OF STATE HIGHWAY PROJECT NUMBER I-10-1(19).

LEGAL DESCRIPTION

PARCEL 1

COMMENCING AT A 4"x 4" CONCRETE MONUMENT FOUND ON THE PRESENT SOUTH RIGHT OF WAY LINE OF INTERSTATE 10 AS SHOWN ON THE RIGHT OF WAY MAP OF STATE HIGHWAY PROJECT NUMBER I-10-1(19) (SAID MONUMENT OFFSET 300 FEET OF AND PERPENDICULAR TO CENTERLINE OF SAID PROJECT AT STATION 544+69.28); THENCE RUN NORTH 82°40'31" EAST A DISTANCE OF 2006.55 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH [illegible] EAST, 301.09 FEET; THENCE RUN SOUTH 00°28'49" WEST, 785.36 FEET; THENCE RUN SOUTH 89°45'57" WEST, 147.32 FEET; THENCE RUN NORTH [illegible] WEST, 353.00 FEET; THENCE RUN NORTH 05°08'29" WEST, 230.[illegible] FEET; THENCE RUN NORTH [illegible] EAST, 84.72 FEET; THENCE RUN NORTH 42°04'15" EAST, 110.11 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.20 ACRES MORE OR LESS. (226377.3 SQ. FT.).



LEGAL DESCRIPTION

PARCEL 2

COMMENCING AT A 4"x 4" CONCRETE MONUMENT FOUND ON THE PRESENT SOUTH RIGHT OF WAY LINE OF INTERSTATE 10 AS SHOWN ON THE RIGHT OF WAY MAP OF STATE HIGHWAY PROJECT NUMBER I-10-1(19) (SAID MONUMENT OFFSET 300 FEET OF AND PERPENDICULAR TO CENTERLINE OF SAID PROJECT AT STATION 544+69.28); THENCE RUN SOUTH 75°04'44" EAST A DISTANCE OF 1657.69 FEET TO AN IRON AXEL AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN NORTH 00°30'16" EAST, 324.73 FEET; THENCE RUN SOUTH 35°06'49" EAST, 4.96 FEET; THENCE RUN SOUTH 15°10'50" EAST, 103.76 FEET; THENCE RUN SOUTH 34°46'57" EAST, 100.00 FEET; THENCE RUN SOUTH 51°11'02" EAST, 104.26 FEET; THENCE RUN SOUTH 35°06'49" EAST, 30.84 FEET; THENCE RUN SOUTH 89°45'57" WEST, 230.53 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.73 ACRES MORE OR LESS. (31765.3 SQ. FT.).

STATE OF ALABAMA:
COUNTY OF BALDWIN:

WE, MCCRORY AND WILLIAMS INC., A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

M.W. HOLTS, PLS
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER 14978

6/17/08
DATE

RECEIVED
SEP 06 2013

McCrory Williams

BOUNDARY SURVEY FOR WALTER J. & PIERCE

SECTION 33, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA

SCALE: 1" = 100' DATE: JUNE 16, 2008 DRAWN BY: AKE APPROVED BY: MWH SHEET 1 OF 1

WALTER J. PIERCE & MARTIN L. PIERCE ZONING AMENDMENT EXHIBIT "B"