

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, ALABAMA
MARCH 17, 2014
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL / INVOCATION / Pastor Bryant Evans / Eastern Shore Church of Christ

3. APPROVE MINUTES: Council meeting minutes / March 3, 2014
Council Work Session minutes / March 10, 2014

PRESENTATION: Frieda Romanchuk / Master Gardner's Conference

PUBLIC HEARING : Amending the Land Use & Development Ordinance /
Sign Provisions / **Ordinance 2014-12**

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Conaway

Review minutes / March 10th

1. Ordinances:

a.) Appropriation of Funds: Facility Repair / **Ordinance 2014-13**

2. Motions:

a.) Motion to transfer \$1,000 from Council's available training budget monies to fund a Volunteer Appreciation Day Breakfast and awards

3. Financial Reports:

- Treasurers Report / February 2014
- Sales & Use Tax Collections / January 2014
- Lodging Tax Collections / January 2014

B. BUILDINGS & PROPERTY COMMITTEE - Davis

Review minutes / March 3rd

C. PUBLIC SAFETY - Rudicell

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

Review minutes / February 6th

- a.) Reappoint Frank Lamb / Term: April 2014 – March 2017
- b.) Reappoint Billy Mayhand / Term: April 2014 – March 2017

B. Downtown Redevelopment Authority – Conaway

C. Industrial Development Board – Davis

D. Library Board - Lake

E. Planning Commission – Scott

Review minutes / January 23rd

Report on the February 27th meeting

F. Recreation Board - LeJeune

G. Utility Board - Fry

Review minutes / December 4th

6. REPORTS OF OFFICERS:

A. Mayors Report

B. City Attorney’s Report

C. Department Head Comments

D. City Clerk Report

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Participation in the Baldwin County Comprehensive Solid Waste Management Plan. /Resolution 2014-11

ORDINANCES:

2ND READ

- a.) Regulating Construction Best Management Practices for Residential Dwellings and Other Land Disturbance within the City of Daphne. /Ordinance 2014-08
- b.) Regulating Illicit Discharge to the City of Daphne’s Municipal Storm Drain System. /Ordinance 2014-09
- c.) Amending the Land Use & Development Ordinance / Revisions to Zoning Map. /Ordinance 2014-10
- d.) Amending the Land Use & Development Ordinance / Sign Provisions. /Ordinance 2014-11

1ST READ

- a.) Amending the Land Use & Development Ordinance / Sign Provisions. /Ordinance 2014-12
- b.) Appropriation of Funds: Facility Repair. /Ordinance 2014-13

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 SCOTT	PRESENT___	ABSENT___
COUNCILMAN LEJEUNE	PRESENT___	ABSENT___
COUNCILMAN DAVIS	PRESENT___	ABSENT___
COUNCIL PRESIDENT FRY	PRESENT___	ABSENT___

MAYOR:

MAYOR HAYGOOD	PRESENT___	ABSENT___
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CITY CLERK:

REBECCA HAYES	PRESENT___	ABSENT___
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CITY ATTORNEY:

JAY ROSS	PRESENT___	ABSENT___
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**MARCH 3, 2014
CITY COUNCIL MEETING
BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

Council President Pro tem Rudicell called the meeting to order at 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor C. J. Hazeur from Restoration Place Church gave the invocation

COUNCIL MEMBERS PRESENT:

Tommie Conaway; Pat Rudicell; John Lake; Ron Scott; Robin LeJeune; Joe Davis.

ABSENT: Randy Fry.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Sarah Toulson, Assistant City Clerk; Kevin Boucher, Attorney, Adams & Reese; Kenny Hanak, Fire Department Battalion Chief; Richard Johnson, Public Works Director; Adrienne Jones, Community Development Director; David McKelroy, Recreation Director; Mike Hinson, Finance Director; Tonja Young, Library Director; Vickie Hinman, HR Director; Captain Danny Bell, Police Department; Larry Cooke, BZA; Ed Kirby, Planning Commission; Selena Vaughn, Beautification Committee; Bob James, County Commissioner.

Absent: Michael Hoyt, Municipal Judge; Jay Ross, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; Richard Merchant, Building Official; David Carpenter, Police Chief;.

3. APPROVE MINUTES:

February 17, 2014 Council meeting minutes

There were no corrections to the February 17, 2014 council meeting minutes, and stand approved as written.

**PUBLIC HEARINGS: 1. Amending the Land Use & Development Ordinance /
Revisions to Zoning Map**

Adrienne Jones, Community Development Director, gave the presentation.

Council President Pro tem Rudicell opened the Public Hearing at 6:39 p.m.

No one spoke for or against the proposed amendments to the Land Use and Development ordinance / Zoning Map revisions.

Council President Pro tem Rudicell closed the Public Hearing at 6:38 p.m.

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**2. Amending the Land Use & Development Ordinance /
Sign Provisions**

Adrienne Jones gave the presentation.

Council President Pro tem Rudicell opened the Public Hearing at 6:52 p.m.

Mr. Kevin Spriggs – Owner of the Eastern Shore Motel - spoke in favor of the proposed ordinance.

Mr. Henry Lawson – 104 Boosketuh Circle – spoke in opposition to the proposed ordinance.

Mr. Ed Kirby – 103 Summit Circle – Planning Commission - said he was the lone dissenter on the ordinance when the Planning Commission voted on a recommendation for the ordinance. He mentioned the council needed to be very careful for setting a course that will forever impact the city. He said there are still non-conforming signs in the city.

Council President Pro tem closed the Public Hearing at 7:00 p.m.

Council discussed the proposed ordinance, and Mr. Lake asked Mr. Boucher to follow up on whether this ordinance applies to private schools, as well as, county schools, and should they be included in the ordinance.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Conaway

The next meeting will be March 10th at 4:00 p.m.

B. BUILDINGS & PROPERTY COMMITTEE - Davis

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

C. PUBLIC SAFETY COMMITTEE – Rudicell

The next meeting will be March 12th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

No report. The next meeting will be March 12th after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE – LeJeune

No report.

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5. REPORTS OF SPECIAL BOARDS & COMMITTEES:

A. *Board of Zoning Adjustments* – Adrienne Jones

There will be a meeting Thursday at 6:00 p.m. with one application for a variance.

B. *Downtown Redevelopment Authority* – Conaway

The minutes for the February 19th meeting are in the packet. The next meeting will be March 26th at 5:30 p.m. The members will be purchasing a star for the Christmas tree that will be in front of City Hall.

C. *Industrial Development Board* – Davis

The next meeting will be March 24th at 6:00 p.m. in the Executive Conference room.

D. *Library Board* – Lake

The next meeting will be March 13th at 4:00 p.m.

E. *Planning Commission* – Scott

The next meeting will be the fourth Thursday of the month at 5:00 p.m.

F. *Recreation Board* – LeJeune

No report. The next meeting will be March 12th at 6:30 p.m.

G. *Utility Board* – Fry

The next meeting is March 26th at 5:00 p.m.

6. REPORTS OF OFFICERS:

A. *Mayor's Report*

- a.) Approve ABC License / Boudreaux's Bar and Grill / 020 – Restaurant Retail Liquor

MOTION BY Councilman Scott to approve the ABC License for Boudreaux's Bar and Grill / 020 – Restaurant Retail Liquor. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

B. *City Attorney's Report*

No report.

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C. Department Head Comments

David McKelroy – Recreation Director – reported they will host the Lady Trojans Shoot Out Softball Tournament, and last week they hosted 85 teams and they accounted for 221 rooms at the local hotels.

Richard Johnson, Public Works Director, said it was beautiful weather for the events and thanked the Police and Fire Departments. He said the S.E.E.D.S. run was phenomenal in the amount of participants. He has never seen crowds like that in the City of Daphne. He said the LOFT parade was fun on Sunday.

Mike Hinson – Finance Director – reported that the auditors will be on site next week.

City Clerk Report – Rebecca A. Hayes

- a.) Parade Permit / Christ the King Respect for Life / Walk / April 12, 2014
- b.) Parade Permit / Prodissee Pantry / 5K & 1 Mile Fun Run / October 25, 2014
- c.) Parade Permit / Bayside Medical / 5K & 1 Mile Fun Run / September 20, 2014

MOTION BY Councilman Scott to approve the Parade Permits for Christ the King Respect for Life / Walk / April 12, 2014; / Prodissee Pantry / 5K & 1 Mile Fun Run / October 25, 2014; and Bayside Medical / 5K & 1 Mile Fun Run / September 20, 2014. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

7. PUBLIC PARTICIPATION

Mr. Rod Drummond – Ridgewood Drive – spoke regarding putting a God Bless America banner in the council chambers. He is willing to donate the funds to have one installed.

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

NO RESOLUTIONS TO CONSIDER

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ORDINANCES:

2ND READ

- a.) Randall Avenue Resurfacing Project. /Ordinance 2014-07

MOTION BY Councilwoman Conaway to waive the reading of Ordinances 2014-07. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Ordinance 2014-07. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

1ST READ

- a.) Regulating Construction Best Management Practices for Residential Dwellings and Other Land Disturbance within the City of Daphne /Ordinance 2014-08
- b.) Regulating Illicit Discharge to the City of Daphne’s Municipal Storm Drain System /Ordinance 2014-09
- c.) Amending the Land Use & Development Ordinance / Revisions to Zoning Map /Ordinance 2014-10
- d.) Amending the Land Use & Development Ordinance / Sign Provisions /Ordinance 2014-11

ORDINANCE 2014-08; 2014-09; 2014-10 AND 2014-11 WERE A 1ST READ

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9. COUNCIL COMMENTS:

Councilman Davis acknowledged the Sign Committee for their hard work from July to September, and council needed to deal with the things that came from the committee. Daphne is blessed with a lot of wonderful volunteers, and they need to utilize them more.

Councilman LeJeune asked everyone to keep Councilman Fry in their thoughts and prayers. He thanked Councilman Rudicell for handling the meeting tonight.

Councilman Scott also asked everyone to keep Councilman Fry in their thoughts and prayers. He commended Public Safety and Public Works for their help with the S.E.E.D.S. run, and he thanked Public Works for the cleanup efforts. He said that after the parade the street sweeper was going, and by the next day the city was clean. He said the parades give a sense of community. He mentioned that the sign ordinance changes are pretty minor, and there is some controversy over digital signs, but he feels the signs will not be offensive, and they will continue not to allow off premise signs.

Councilman Lake agreed with the comments regarding Councilman Fry. He said they need to pay attention to the sign ordinance and tighten up the off premise sign control content not to allow another businesses to advertise on someone else's sign.

Councilwoman Conaway reminded everyone that the Lupus Walk is March 15th at city hall.

Mayor Haygood mentioned that Commissioner Bob James was in the audience. He said that Public Works did a good job picking up and removing the barricades, and restoring Olde Towne Daphne. He reported that Councilman Fry lost his father, and there was a small service Sunday. His father was 92 years old. He also asked everyone to keep Councilman Fry and his family in mind. He mentioned that city hall will be closed tomorrow.

Council President Pro tem Rudicell mentioned that Councilman Fry and Councilman Lake will be representing the city in Washington next week. He said if anyone has an item for the work session to contact him by Wednesday.

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10. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

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

Respectfully submitted by,

Rebecca A. Hayes
City Clerk

Certification of Presiding Officer

Pat Rudicell
Council President Pro tem

**MARCH 10, 2014
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

COUNCIL MEMBERS PRESENT: Tommie Conaway Pat Rudicell; Ron Scott; Robin LeJeune; Joe Davis.

ABSENT: John Lake; Randy Fry, both are representing the city in Washington this week.

Also present: Mayor Dane Haygood; Rebecca Hayes, City Clerk; Jay Ross, City Attorney; Kevin Boucher, City Attorney; Mike Hinson, Finance Director; Richard Johnson, Public Works Director; Vickie Hinman, HR Director; Ashley Campbell, Environmental Programs Manager; Christine Ciancetta, Deputy Finance Director.

Absent: Jay Ross, City Attorney.

Council President Pro tem Rudicell called the meeting to order at 6:30 p.m.

1. BALDWIN COUNTY HUMANE SOCIETY (BARC) / CATHY MURCHISON

BARC would like to partner with the City of Daphne to expand their services. They would like to have a building next to the Daphne Animal Shelter. They want to prevent dogs from being put down and adopt them out.

Council asked questions of the BARC representatives.

Council President Pro tem Rudicell said that he and Councilman Davis would like to attend one of their meetings, and Councilman Davis said that he would like Lt. Yelding to be involved.

Council President Rudicell said that they should come to a Public Safety meeting, and Councilman Davis said it would be good if they also came to the Buildings and Property meeting.

2. COUNTY ROAD 13 & I-10 INTERCHANGE

Councilman Scott stated that in the future council needs to have a motion asking the MPO to include the County road 13 and I10 exchange in their future plans, because as of now it is not in the future plans. Councilman Scott said that they need the communities behind them in this matter. Councilman Davis said he would bring it up at the next POA meeting in TimberCreek and report back.

3. PROPOSED TREE ORDINANCE / RICHARD JOHNSON / ASHLEY CAMPBELL

Mr. Johnson said this is a modification of the current tree ordinance. The current ordinance is hard to interpret and enforce, and they do not have clear guidelines.

Council asked Mr. Johnson questions, and wondered where the ordinance should originate. They feel the city should get out of policing trees on private property, and Councilman LeJeune said he has a problem with jail time for someone that cuts a tree down on his own yard.

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CITY COUNCIL WORK SESSION
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DAPHNE, AL
6:30 P.M.**

Consensus of council was to have legal look over the proposed ordinance to determine where the ordinance should originate, and to put the proposed ordinance on the Ordinance Committee agenda for next week.

4. VOLUNTEER APPRECIATION WEEK PLAN

Council President Pro tem Rudicell asked the City Clerk, Rebecca Hayes, to update the council on the plans so far.

Mrs. Hayes reported to council that a breakfast buffet has been planned for April 9th 7:45 a.m. to show appreciation to the city's volunteers. The menu will include eggs, bacon, grits, gravy, biscuits, orange juice and coffee.

Some of the council was concerned that some volunteers will be overlooked, and Mrs. Hayes assured them that they are doing all they can to make sure they contact all the volunteers, and if they miss some they will catch them next year. All the volunteers whether they attend or not will get an award.

Council President Pro tem Rudicell mentioned to council if there was anyone of them that wanted to serve on a committee or impromptu committee to let him, or Council President Fry know.

5. ANYTHING ELSE DEEMED NECESSARY

Mayor Haygood discussed with council concerns of some employees regarding the admin pay for the ice storm on January 28th and 29th. He discussed with council Section 9.4.4.3 / Hazardous Weather, and ordinance 2005-56 regarding hazardous pay. He said there are some employees concerned that unfair practices were applied, and would like some compensation. He asked that this issue be on the Ordinance Committee agenda for resolution.

Consensus of Council was to send this matter of admin pay to the Ordinance Committee to consider, and to the Finance Committee in April.

8. ADJOURN

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

Respectfully submitted by,

Certification of Presiding Officer:

Rebecca A. Hayes
City Clerk

Pat Rudicell
Council President Pro tem

PUBLIC HEARING

MARCH 17, 2014

TO CONSIDER:

- 1. Amending the Land Use & Development Ordinance /
Sign Provisions / Ordinance 2014-13**

To: Office of the City Clerk

From: Adrienne D. Jones, 
Community Development Director

MEMORANDUM

Subject: Proposed Amendments to Ordinance 2011-54,
Land Use and Development Ordinance,
Various Articles related to the **Sign
Provisions**

Date: January 27, 2014

At the January 23, 2014, regular meeting of the City of Daphne Planning Commission, eight members were present. The motion to set forth a **favorable recommendation** carried of the above-mentioned revision to the Land Use and Development Ordinance.

You will receive an Ordinance form the City Attorney's office. Upon receipt of said documentation, place on the City Council agenda of Monday, February 3, 2014 to set the public hearing for Monday, March 3, 2014, and secondarily for March 17, 2014, if Council deems appropriate.

Thank you,
ADJ/jv

cc: file

CITY OF DAPHNE

ORDINANCE NO. 2014-_____

**AN ORDINANCE AMENDING ARTICLE XXXIII OF THE CITY OF
DAPHNE'S LAND USE AND DEVELOPMENT ORDINANCE**

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

WHEREAS, the City of Daphne Planning Commission held a special work session on the 7th day of January, 2014, for further discussion of pending changes regarding the sign ordinance; and,

WHEREAS, the City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 23rd day of January, 2014, and has made a favorable recommendation for adoption to the City Council; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on March 17, 2014.

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

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance by replacing the Section 33-2(a)(1) with the following:

- (a) General Prohibition:
 - (1) Signs Prohibited:

No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the Code Enforcement Officer. Before any permit shall be issued an application on prescribed forms, which shall indemnify and hold harmless the City of Daphne of all damages, all demands or expenses of every character which may in any manner be caused by the erection and use of said sign or sign structure, shall be filed together with drawings and specifications as may be necessary to fully advise and acquaint the Code Enforcement Officer with the location, size, construction, materials, manner of illuminating, and securing or fastening, and the number of signs being requested. The applicant is required to provide all necessary information in order for the Code Enforcement Officer to determine if the sign is an "on-premises" or "off-premises" sign.

A decision by the Code Enforcement Officer shall be made within thirty (30) calendar days from the date the application is received. If no decision is made within the thirty (30) day period, the applicant has the right to seek a decision from the Board of Zoning Adjustment pursuant to Article XXI, Section 21-1(f). Further, an application for a business license shall be a prerequisite for applying for a sign permit.

SECTION II: This Section hereby amends the City of Daphne Land Use and Development Ordinance by replacing Section 33-5(d) with the following:

(d) Residential Real Estate Signs:

(1) General Provisions:

Real estate signs, temporary in nature, non-illuminated, not exceeding six-and-one-half (6-1/2) square feet in area, advertising real estate for sale or lease or rent, or announcing contemplated improvements of real estate; one (1) sign for each street frontage will be allowed on the site and shall be removed within ten (10) days, upon closing.

(2) Violations:

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

SECTION III: This Section hereby amends the City of Daphne Land Use and Development Ordinance by replacing Section 33-5(k) with the following:

(1) In order to properly and effectively control signs, this subsection is deleted in its entirety.

SECTION IV: CONFLICT WITH OTHER ORDINANCE

That any Ordinance heretofore adopted by the City Council, which is in conflict with this Ordinance, is hereby replaced to the extent of such conflict.

SECTION V: SEVERABILITY

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

SECTION VI: EFFECTIVE DATE

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

SECTION VII: REPEALER

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

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ON THIS THE ____ DAY OF _____, 2014.

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

**REPORT
OF
STANDING COMMITTEES**

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
MARCH 10, 2014
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:00p.m. Present were Chairperson Mrs. Conaway, Councilman Ron Scott, Councilman Joseph Davis, Mayor Dane Haygood, Finance Director Mike Hinson, Senior Accountant Suz anne Henson and Accounting Technician Sue Moody.

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

II. PUBLIC PARTICIPATION

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

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

Positions

Mechanic
Police Officer (3)
SWW
SWW, Sr.
Recreation Program Coordinator
PT Library Aide (2)
PT Human Resources Technician

Status

Reviewing applications
DOH: April 3, 2014
DOH: 3/13/2014
Promotion
Scheduling interviews
Advertising: 2/28/14-3/14/14
Pending

Mr. Davis asked what the total hours were for part-time positions. Mrs. Hinman noted that

- the Library position (***currently being advertised***) will be **19 hours or less** and
- the Human Resource position (***advertisement pending***) will be **25 hours or less**.

Mrs. Hinman noted the HR position was original requested to be a full time position but will be part time and that she and the Mayor were meeting and he was reviewing the needs of this position.

Safety Committee meeting was held on January 23, 2014. Walmart gift cards in the amount of \$10 have been ordered. They will be distributed as soon as possible. There were 234 employees eligible. These are for the July – December 2013 period.

The names for the two annual safety awards were drawn. Eric Seals, Mechanical Maintenance Supervisor and Adam Queen, Fire Lieutenant were this year’s recipients of a \$250 gift card from their choice of Daphne retailer. Next Safety Committee meeting on March 26, 2014 at 10:00 a.m.

HR projects/meetings:

- Meet with Ordinance Committee 3/12/2014 (Hazardous Weather policy)
- Service Award Luncheon March 26, 2014 (Bayfront)
- Safety Awards are ordered
- RSA meetings were held for City employees and Baldwin County members on February 26-28 at City Hall
- Annual Performance Evaluations due March 14 in HR

IV. CURRENT BUSINESS

A. Financial Reports

1. Treasurer's Report: February, 2014

The Treasurer's Report totaling \$19,068,771 was presented by Mr. Hinson. Discussion was made on how informative the new report format is. Discussion continued on all the funds. Mr. Hinson noted the unrestricted cash has 6 months of reserves to cover monthly operating expenses and debt payments and noted that December and January are shown on the bottom graph as the high points of the year for cash balance. Mr. Hinson noted he had been advised a healthy reserves should cover 2-3 months of expenses. Mayor Haygood commented he liked the new format of the Treasurer's Report and that it gave a better insight for the status of the City's funds. Mayor Haygood commented the low balance of \$57 on the Credit Card Donation Account. Mr. Scott commented on the history of the account. Mr. Hinson noted this fund has not received any donations since its creation. Mrs. Henson added that this account has incurred approximately \$500 in fees.

The Treasurer's Report as of February 28, 2014 in the amount of \$19,068,771 was presented.

2. Sales and Use Taxes: January, 2014

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs. Mrs. Henson noted that \$974,225 was collected for January 2014 which was up \$5,088 from budget. Mrs. Henson noted that Sales Tax collections was up \$3,782 year to date.

3. Lodging Tax Collections, January, 2014

Mr. Hinson reviewed the Lodging Tax Collections Report and noted the collections for January were \$43,198 which is up from January's collections - \$39,123. Mr. Hinson stated Finance Department has been busy with the audit but next month he should be able to submit an updated report format for Lodging Tax.

5. Report: New Business Licenses – February, 2014

Mrs. Phillips reviewed the Business Licenses Report. Mrs. Phillips noted that revenues were up and that February was a record month with 565 Business License issued, 511 renewals, 48 new businesses with 8 of those having a physical location in Daphne, and 6 prior year licenses. Mrs. Phillips handed out a map showing each of the 8 new businesses location. Mrs. Phillips continued reviewing Revenue's activity throughout the month of February. Mr. Scott noted that the Revenue department had previously had 3 employees and asked Mrs. Phillips was she considering asking for a third employee in the next budget. Mrs. Phillips answered yes and reviewed her daily activities and noted that a Revenue Officer should be spending approximately 30% out in the field, checking on businesses, coordinating audits with the County but because they only have two employees she was not able to do this field work. Discussion continued that Revenue currently has a temp employee assisting right now but that due to the type of work and interaction with the businesses a full time employee who is fully trained is needed.

Discussion continued that a third employee should be requested for the Revenue department.

6. Bills Paid Reports – February, 2014

The Bills Paid Report was presented in the packet. Discussion continued and questions were answered concerning several different payments: payroll related insurance company payments, Clark Temporary Services, Faulkner State-training for Fire Department, Debt payments, legal fees, ect.

Mrs. Henson noted that a detailed Bills Paid Report is also in the Council's workroom if further review is ever needed.

B. Volunteer Appreciation Breakfast

Mr. Scott discussed instead of appropriating additional funds that he recommended to transfer monies to fund a Volunteer Appreciation Breakfast that will be held at the Bayfront Pavillion. Mr. Scott reviewed the information in the packet and noted that the breakfast cost is \$525 and awards were estimated to cost \$225 for a total of \$750 needed. Mrs. Conaway noted that some other council members would want to participate in transferring some of their training monies. Discussion continued that in order to make sure sufficient funds were available for awards and incidentals that the total amount should be increased to \$1,000 and the monies should come from available funds from all Council's training budgets.

Motion by Mr. Scott to transfer \$1,000 from available funds from all Council's training budgets to fund a Volunteer Appreciation Breakfast and awards. Seconded by Mr. Joe Davis. Motion carried.

C. Admin Pay received by employees during the recent Ice Storm

Mayor Haygood discussed that during the recent ice storms City offices were closed for two days with essential personnel working. Mayor Haygood noted that some employees, particularly Public Safety, have come forward and stated the recent pay during this period was not equitable to all employees. Mayor Haygood noted this item will go to the Ordinance Committee to discuss policy changes in the employee handbook. Mayor Haygood noted that Human Resources & Finance had calculated pay for all employees who worked with pay being similar to employees receiving two days of vacation pay and noted the estimated net cost to the City would be \$41,000. Mayor Haygood stated this item will be discussed further at the Work Session following the Finance Committee meeting.

D. Library & Fire Station #3 : Facility Repairs (Ordinance)

Mayor Haygood discussed that the needs of two City buildings requiring facility repairs need to be addressed in the next weeks, not months, in order to maintain a safe working environment. Mayor Haygood noted the cost for the Fire Station #3 repairs are estimated to cost \$20,000 with an estimated long term cost estimate of \$3,000-\$15,000. Mayor continued to discuss the repairs needed at the Library and that the immediate cost is approximately \$35,000 with an estimated additional cost of \$50,000 for a long term fix to include replacing two old A/C units. Mayor Haygood stated this is an emergency request for an immediate appropriation request of \$20,000 for FS#3 and \$35,000 for the Library with the long term cost to be addressed later.

Mayor Haygood discussed the need for Council to suspend the rules and approve on the first read. Discussion continued on the Ordinance being considered an emergency need and being adopted on the first read.

Motion by Mr. Scott to appropriate \$55,000: \$20,000 for Fire Station #3 and \$35,000 for repairs at the Library for the HVAC. Seconded by Mr. Joe Davis. Motion carried.

V. OLD BUSINESS

VI. ADJOURN The meeting adjourned at 5:00 p.m.

Dane Haygood
Mayor

Vickie Hinman
Human Resources Director



The Jubilee City

Sherree Hilburn
Payroll and Benefits Coordinator

Sandi Cushway
Human Resources Assistant

March 6, 2014

HUMAN RESOURCES DEPARTMENT
ACTIVITY REPORT

Positions

Mechanic
Police Officer (3)
SWW
SWW, Sr.
Recreation Program Coordinator
PT Library Aide (2)
PT Human Resources Technician

Status

Reviewing applications
DOH: April 3, 2014
DOH: 3/13/2014
Promotion
Scheduling interviews
Advertising: 2/28/14-3/14/14
Pending

Safety Committee meeting was held on January 23, 2014. Walmart gift cards in the amount of \$10 have been ordered. They will be distributed as soon as possible. There were 234 employees eligible. These are for the July – December 2013 period. The names for the two annual safety awards were drawn. Eric Seals, Mechanical Maintenance Supervisor and Adam Queen, Fire Lieutenant were this year's recipients of a \$250 gift card from their choice of Daphne retailer.

Next Safety Committee meeting on March 26, 2014 at 10:00 a.m.

HR projects/meetings:

- Meet with Ordinance Committee 3/12/2014 (Hazardous Weather policy)
- Service Award Luncheon March 26, 2014 (Bayfront)
- Safety Awards are ordered
- RSA meetings were held for City employees and Baldwin County members on February 26-28 at City Hall
- Annual Performance Evaluations due March 14 in HR

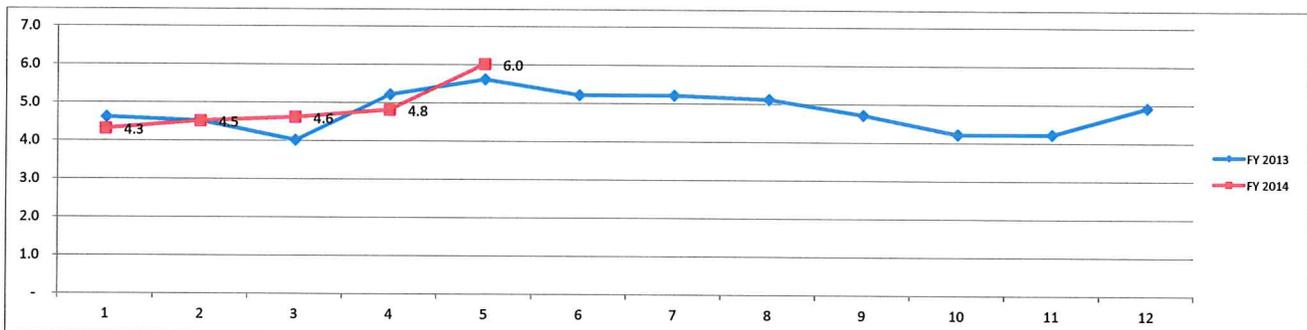
TREASURER'S REPORT

As of February 28, 2014

Account Type/Title	Bank / Brokerage	2/28/2014	1/31/2014	Increase (Decrease) from last Month	Balance Last Year Feb 2013	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	Compass Bank1	\$ 7,961,836	\$ 5,458,504	\$ 2,503,332		
INVESTMENT FUND	Raymond James	5,181,224	5,149,137	32,087		
AGENCY FUNDS (Municipal Court)	Compass Bank2	81,703	59,348	22,355		
Total Unrestricted Funds		13,224,763	10,666,989	2,557,774	\$ 11,725,335	\$ 1,499,428
				⊕		⊕
SPECIAL REVENUE FUNDS						
MUNICIPAL COURT	Compass Bank1	18,598	19,149	(551)		
SELF INSURANCE	Compass Bank1	29,781	21,227	8,554		
FLEX SPENDING	Compass Bank1	(4,469)	(1,739)	(2,730)		
4 CENT GAS TAX	PNC Bank1	122,400	130,695	(8,295)		
7 CENT GAS TAX	PNC Bank2	429,638	424,347	5,291		
TREE & FLOWER	Compass Bank1	11,200	11,200	-		
SAIL SITE	PNC3/Compass1	(178)	985	(1,163)		
BP OIL SPILL	Compass Bank1	426,768	426,768	0		
FEDERAL DRUG FORFEITURES	Compass Bank1	49,174	49,078	96		
LOCAL DRUG FORFEITURES	Compass Bank1	10,747	10,730	17		
LIBRARY	Compass Bank1	17,038	25,122	(8,084)		
CONCESSION STAND	Compass Bank1	(4,473)	(4,993)	520		
COURT TRAINING & EQUIPMENT	Compass Bank2	25,198	24,840	358		
COURT JUDICIAL ADMINISTRATIVE	Compass Bank2	59,388	56,897	2,491		
COURT CORRECTION	Compass Bank2	199,531	196,398	3,133		
LODGING TAX	Compass Bank1	1,034,997	1,035,301	(304)		
RENAISSANCE CENTER	Compass Bank1	-	-	-		
CREDIT CARD DONATION ACCT	Compass Bank3	57	181	(124)		
		<u>2,425,395</u>	<u>2,426,186</u>	<u>(791)</u>	2,663,734	(238,339)
CAPITAL PROJECT FUNDS						
CAPITAL RESERVE	Wells Fargo Bank1	1,370,318	1,454,947	(84,629)		
2012 CONSTRUCTION	Regions Bank	712,250	724,411	(12,161)		
		<u>2,082,567</u>	<u>2,179,358</u>	<u>(96,791)</u>	3,328,185	(1,245,618)
DEBT SERVICE FUNDS						
DEBT SERVICE	Wells Fargo Bank2	1,336,045	1,336,036	9	2,876,368	(1,540,323)
Total Restricted Funds		5,844,007	5,941,580	(97,573)	8,868,287	(3,024,280)
Total City Funds		\$ 19,068,771	\$ 16,608,569	\$ 2,460,202	\$ 20,593,622	\$ (1,524,851)

of Months of UNRESTRICTED Cash to cover monthly
Operating Expenses & Debt Service

6.0
4.8
5.6



SALES & USE TAXES

FY 2014 BUDGET vs ACTUAL

ACTUAL COLLECTIONS

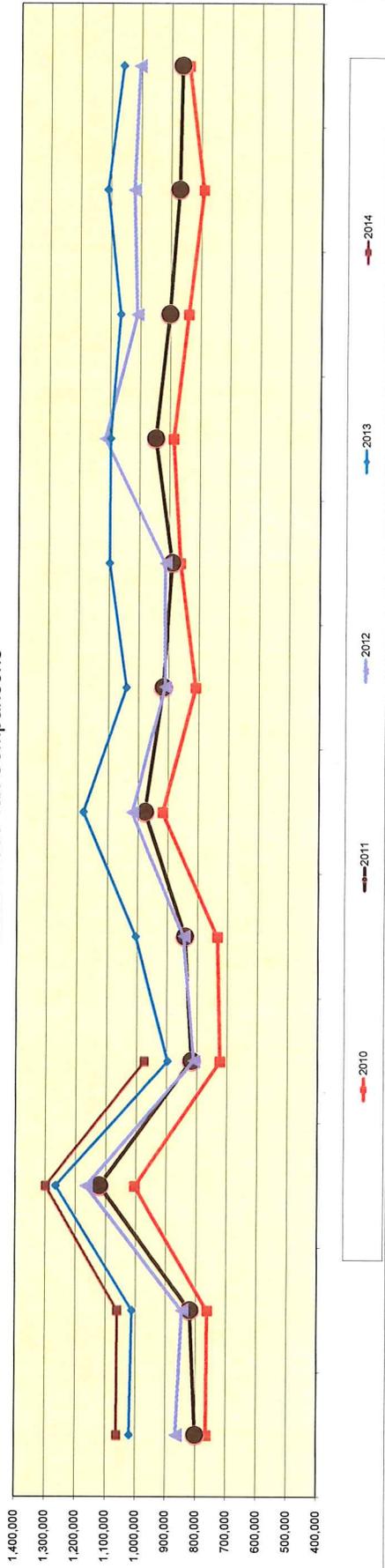
Month	7/8 Year														
	2010	2011	2012	2013	2014	Sparklines						Budget	Monthly Variance	YTD Variance	% of Budget
October	764,641.13	800,512.03	864,727.27	1,019,065.37	1,062,861.14							1,031,207	31,654.56	31,654.56	3.1%
November	761,955.37	819,834.09	845,342.45	1,011,813.96	1,061,121.86							1,028,397	32,725.11	64,379.67	3.2%
December	1,004,037.20	1,121,383.45	1,165,135.62	1,266,051.50	1,299,075.20							1,364,761	(65,685.73)	(1,306.06)	-4.8%
January	723,504.28	817,230.14	809,785.59	895,717.19	974,224.69							969,137	5,087.76	3,781.70	0.5%
February	733,335.60	840,768.01	845,101.34	1,004,349.50								1,033,479			
March	916,657.55	976,181.39	1,018,721.43	1,181,007.55								1,220,063			
April	809,588.73	916,536.59	911,438.60	1,039,769.87								1,101,677			
May	862,254.54	889,945.33	911,839.30	1,098,548.05								1,114,196			
June	887,262.68	946,206.78	1,114,149.53	1,097,507.32								1,213,130			
July	839,192.33	902,457.24	1,021,193.08	1,065,215.02								1,143,981			
August	790,713.80	871,437.04	1,021,267.76	1,110,126.44								1,153,572			
September	841,035.40	863,630.36	1,004,661.04	1,058,958.43								1,125,482			
Totals	9,934,178.61	10,766,122.45	11,522,363.01	12,848,130.20	4,397,282.89							13,499,081	3,781.70	0.1%	

Budgeted Dollar Increase FY13 vs FY14
 Budgeted Percent Increase FY13 vs FY14
5.1%

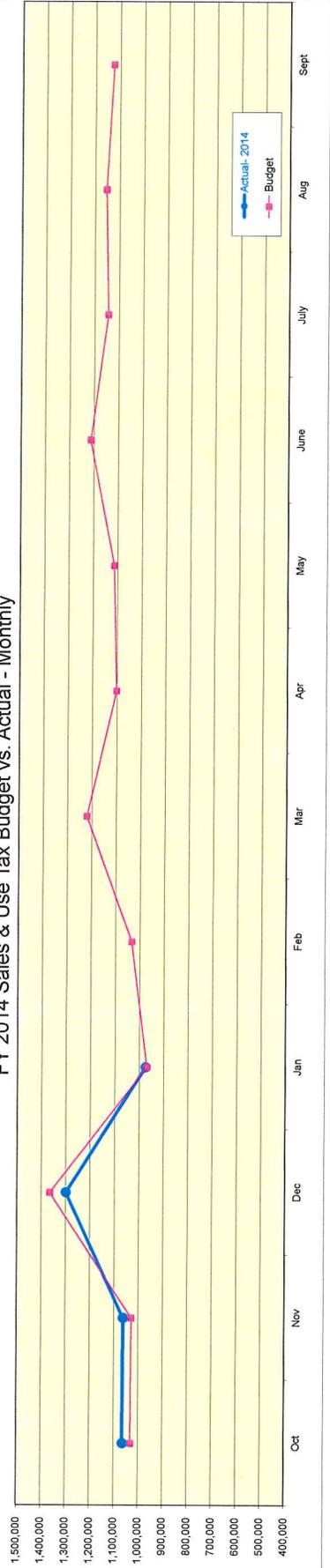
Fiscal Year Changes Year Over Year

Month	\$ Change												Percent Change											
	2010-2011	2011-2012	2012-2013	2013-2014	6/7 Year Sparklines						2010-2011	2011-2012	2012-2013	2013-2014	6/7 Year Sparklines									
October	35,870.90	64,215.24	154,338.10	43,795.77							4.7%	8.0%	17.8%	4.3%										
November	57,878.72	25,508.36	166,471.51	49,307.90							7.6%	3.1%	19.7%	4.9%										
December	117,346.25	43,752.17	100,915.88	33,023.70							11.7%	3.9%	8.7%	2.6%										
January	93,725.86	(7,444.55)	85,931.60	78,507.50							13.0%	-0.9%	10.6%	8.8%										
February	107,432.41	4,333.33	159,248.16								14.6%	0.5%	18.8%											
March	59,523.84	42,540.04	162,286.12								6.5%	4.4%	15.9%											
April	106,947.86	(5,097.99)	128,331.27								13.2%	-0.6%	14.1%											
May	27,690.79	21,893.97	186,708.75								3.2%	2.5%	20.5%											
June	58,944.10	167,942.75	(16,642.21)								6.6%	17.7%	-1.5%											
July	63,264.91	107,735.84	55,021.94								7.5%	11.9%	5.4%											
August	80,723.24	149,830.72	88,858.68								10.2%	17.2%	8.7%											
September	22,594.96	141,030.68	54,297.39								2.7%	16.3%	5.4%											
Annual \$ Change	831,943.84	756,240.56	1,325,767.19	204,634.87							8.4%	7.0%	11.5%	4.9%										

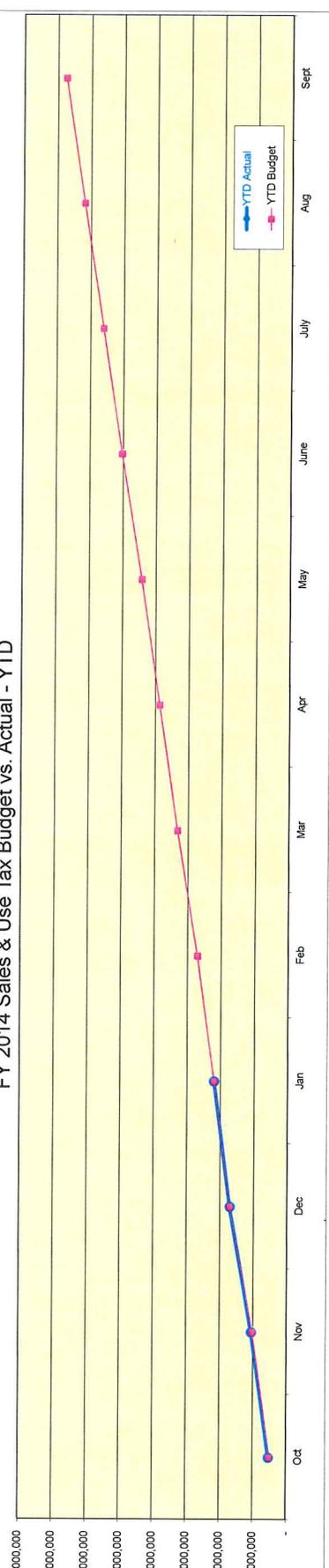
Sales & Use Tax Comparisons



FY 2014 Sales & Use Tax Budget vs. Actual - Monthly



FY 2014 Sales & Use Tax Budget vs. Actual - YTD

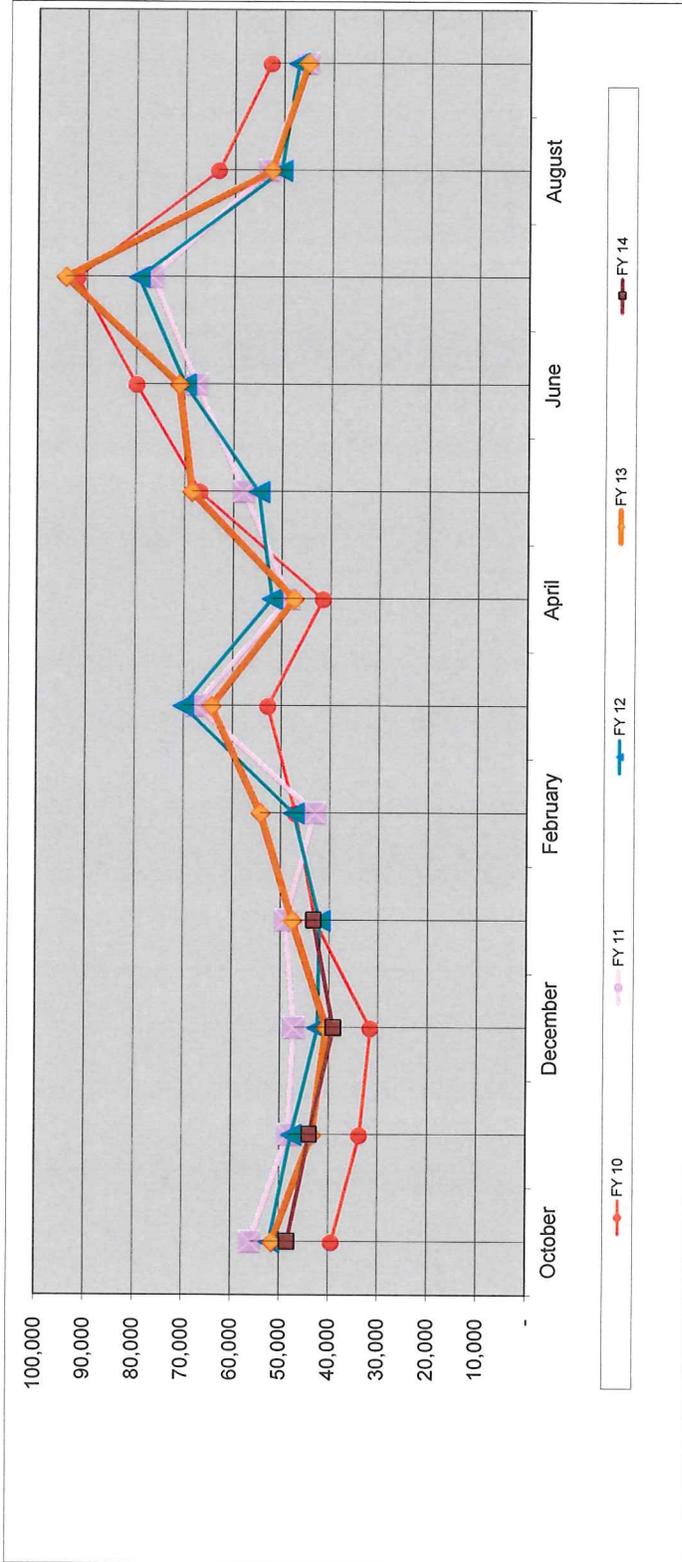


Monthly Lodging Tax Collections

	FY 10	FY 11	FY 12	FY 13	FY 14
Oct	39,405.56	56,001.39	52,002.53	51,578.40	48,382.05
Nov	33,763.37	48,329.73	47,568.08	43,459.48	43,912.92
Dec	31,571.38	47,210.56	42,279.22	40,495.14	39,122.53
Jan	42,883.70	49,006.12	41,917.34	47,548.01	43,198.04
Feb	46,998.32	43,052.68	47,346.50	54,207.03	
Mar	52,771.52	67,422.43	70,058.33	64,325.47	
Apr	41,531.05	48,487.83	51,939.06	47,434.55	
May	66,820.96	57,880.48	54,740.45	68,448.49	
Jun	79,822.84	67,544.77	69,822.91	71,090.69	
Jul	91,906.47	76,631.86	79,417.80	94,310.47	
Aug	63,323.58	52,820.33	50,417.73	52,427.99	
Sept	52,662.79	45,216.75	46,968.89	45,148.35	
Total	643,461.54	659,604.93	654,478.84	680,474.07	174,615.54

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

FY 2014 Budget
650,000
% Budget Collected,
1/31/2014
27%



BUSINESS LICENSE ACTIVITY - FEBRUARY 2014

NEW BUSINESS LICENSES (BY TYPE)		
NAICS	ACTIVITY	QTY
11	Agriculture, Forestry, Fishing and Hunting	
21	Mining, Quarrying, and Oil & Gas Extraction	
22	Utilities	
23	Construction	17
31-33	Manufacturing	
42	Wholesale Trade	1
44-45	Retail Trade	6
48-49	Transportation and Warehousing	1
51	Information	1
52	Finance and Insurance	4
53	Real Estate, and Rental & Leasing	1
54	Professional, Scientific, and Technical Services	4
55	Management of Companies & Enterprises	
56	Administrative, Support, Waste Mgmt, and Remediation Services	3
61	Educational Services	1
62	Health Care and Social Assistance	3
71	Arts, Entertainment, and Recreation	3
72	Accommodation and Food Services	
81	Other Services (not elsewhere specified, such as personal care)	3
TOTAL NEW BUSINESS LICENSES (BY TYPE)		48

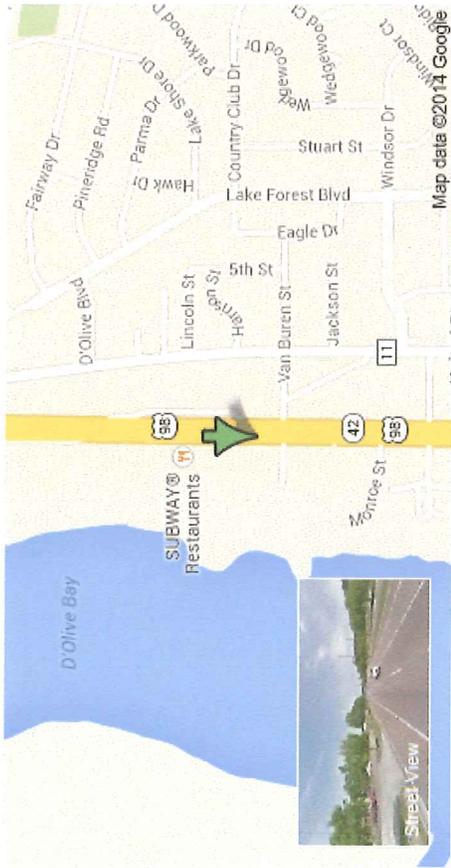
NEW BUSINESS LICENSES (BY LOCATION)	
Daphne (physical location)*	8
Daphne (no physical location)	9
Baldwin County	8
Mobile County	9
In State (not including Baldwin/Mobile counties)	10
Out of State	4
TOTAL NEW BUSINESS LICENSES (BY LOCATION)	48

*NEW BUSINESSES LOCATED IN DAPHNE		
NAICS	NAME & ADDRESS	
44	Sunrise Marine of Alabama, Inc. 28791 US HWY 98	1
45	Vapor Locked Vaporizers 602 US HWY 98, STE D	1
54	Crow, Shield, Bailey PC 7133 STONE DR	1
62	Dr. Kimberly Donnellan 7101 US HWY 90, STE 203	1
62	Dr. John Keebler 7101 US HWY 90, STE 203	1
62	Phlebocare Mobile 1203 US HWY 98, STE 2G	1
81	Glass Doctor of Baldwin Co. 26061 CAPITAL DR, STE D	1
81	Palm Beach Tan 28588 US HWY 98, STE 3	1
*TOTAL NEW BUSINESSES LOCATED IN DAPHNE		8

CLOSED BUSINESSES LOCATED IN DAPHNE		
NAICS	NAME & ADDRESS	
TOTAL CLOSED BUSINESSES LOCATED IN DAPHNE		0
NET GAIN/-LOSS BUSINESSES LOCATED IN DAPHNE		
		8

BUSINESS LICENSE COUNT through 02/28/2014	
Issued THIS MONTH:	
NEW Licenses	48
RENEWAL Licenses	511
PRIOR YEAR Licenses	6
Total Issued THIS MONTH	565
Total Issued THIS MONTH - PREVIOUS YEAR	466
Net Gain/-Loss Current VS Previous Yr MONTH	99
Total Issued YTD 2014	2,924
Total Issued in 2013	3,049
Net Gain/-Loss Current VS Previous Yr YTD	-125

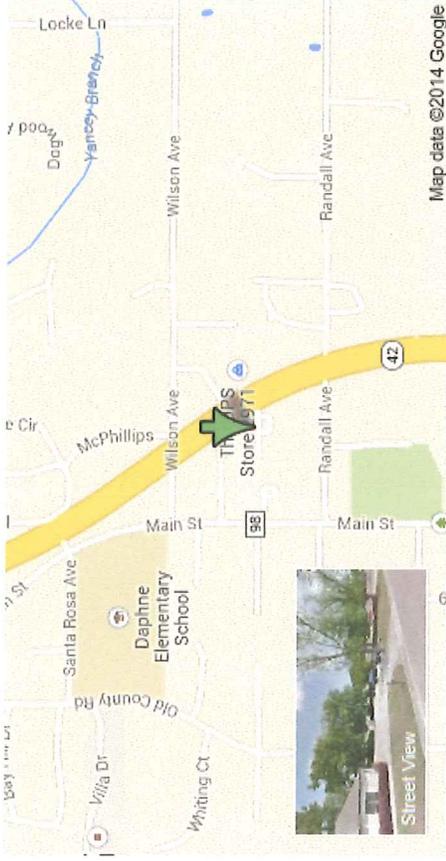
Sunrise Marine of Alabama, Inc.



28791 U.S. 98 Daphne, AL 36526

[Get directions](#)

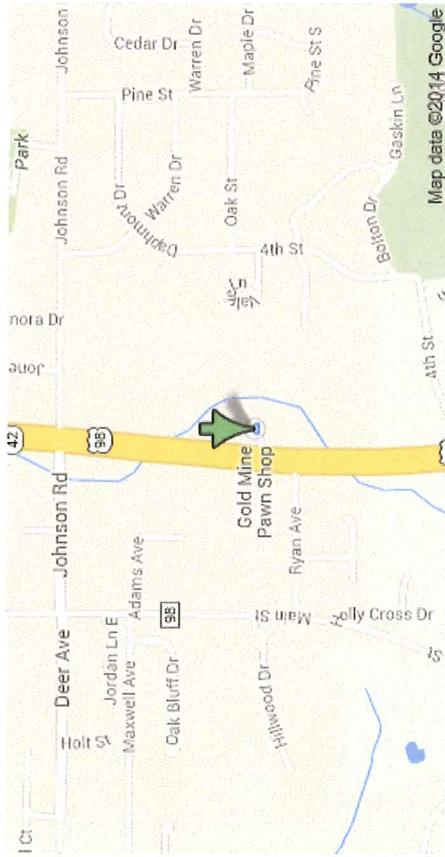
Crow, Shield, Bailey PC



7133 Stone Dr Daphne, AL 36526

[Get directions](#)

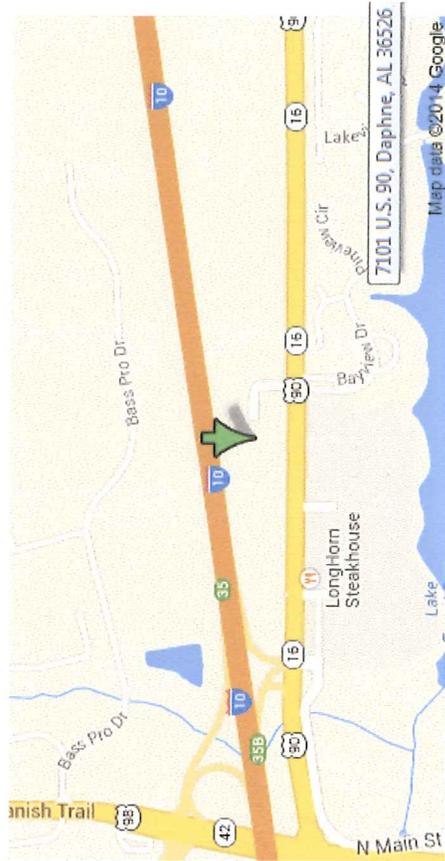
Vapor Locked Vaporizers (Suite D)



602 U.S. 98 Daphne, AL 36526

[Get directions](#)

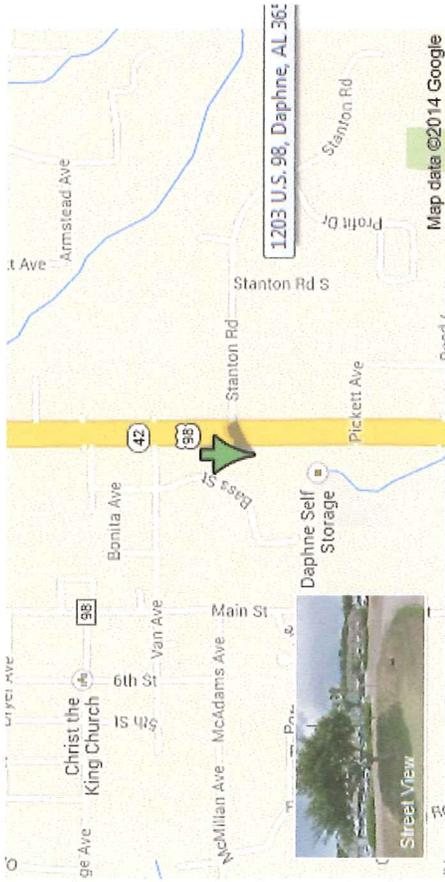
**Dr. Kimberly Donnellan (Suite 203)
Dr. John Keebler (Suite 203)**



7101 U.S. 90 Daphne, AL 36526

[Get directions](#)

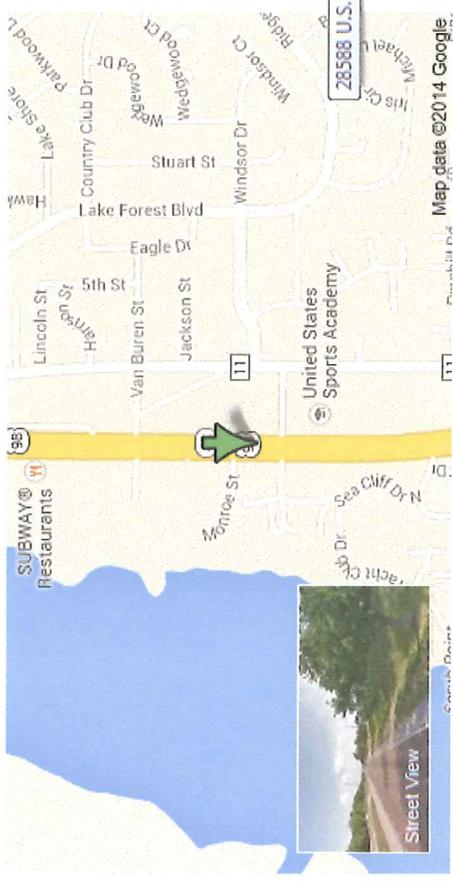
Phlebocare Mobile (Suite 2G)



1203 U.S. 98 Daphne, AL 36526

[Get directions](#)

Palm Beach Tan (Suite 3)



28588 U.S. 98 Daphne, AL 36526

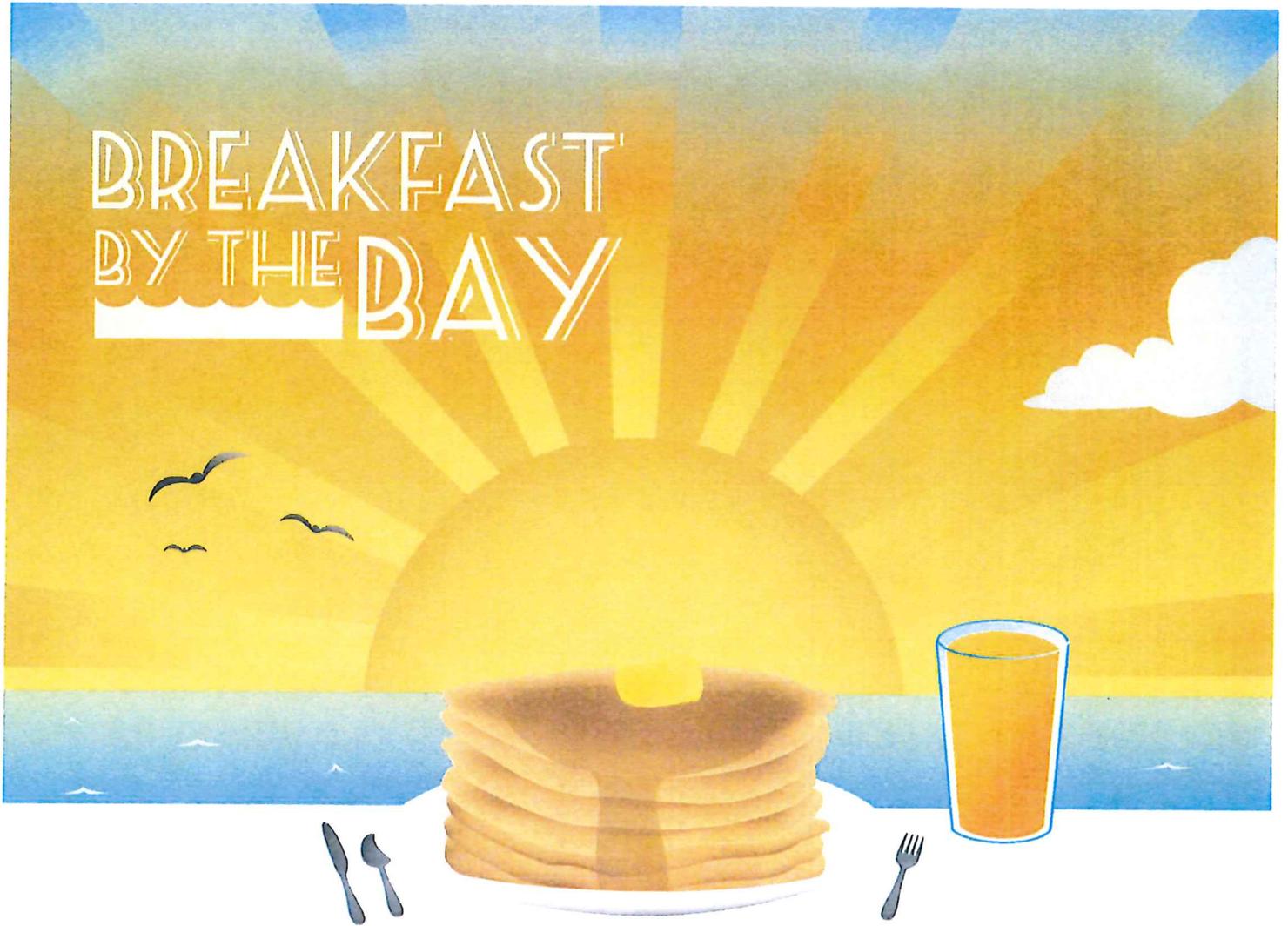
[Get directions](#)

Glass Doctor of Baldwin Co. (Suite D)



26061 Capital Dr Daphne, AL 36526

[Get directions](#)



You are cordially invited to a
VOLUNTEER APPRECIATION BREAKFAST
as an expression of the City's appreciation
on Wednesday, April 9th at 7:45 am
Bayfront Pavillion, Daphne, Alabama



Sugar Kettle Café
Menu Option
City of Daphne Volunteer Appreciation Breakfast

April 9, 2014 7:45 AM

Buffet Breakfast delivered and set up at Bay Front Park for 75 people

Scrambled Eggs **\$6.99/person**

Cheese Grits

Fresh Baked Biscuits

Bacon

Sausage Gravy

Prices include paper products as well as butter and jelly. We will provide Orange Juice for 45. There is a \$25.00 Delivery/Setup Fee. The city will be providing coffee service. The Sugar Kettle will provide you with chafing dishes and sterno to borrow. Someone will need to drop them back off when the breakfast is complete. The city will be responsible with providing servers and clean up. If any of this menu sparks your imagination to something different, just let me know. I can probably do whatever you would like. I look forward to hearing from you.

Michelle Young
251-626-5657

Vickie Hinman

From: Richard D. Johnson, P.E.
Sent: Friday, March 07, 2014 3:51 PM
To: Dane Haygood; Tonja Young; Vickie Hinman; Vickie Hinman; Mike Hinson, CPA; Mike Hinson, CPA
Cc: Frank Barnett
Subject: Library Air Quality Project - Consideration for Finance
Attachments: SP Engineering Redacted Report 03-05-2014.pdf

For finance, subject to the Mayor's Approval:

Immediate recommendation:

Appropriate \$4,600.00 to SP Engineering to engineer the revised system and produce drawings suitable for permitting to address the current Air Quality Issues at the Library (the have offered an expedited one-week turn around).

We already have a professional service agreement with SP Engineering . Furthermore, as soon as the design deliverables are received we would immediately go out for quotes/bids from Qualified HVAC Contractors.

Yours,

RDJ

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

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

directorpw@daphneal.com

Richard D. Johnson, P.E.
Public Works Director
rjohnson@daphneal.com
City of Daphne, Alabama - "The Jubilee City"



ROOT CAUSE ANALYSIS REPORT

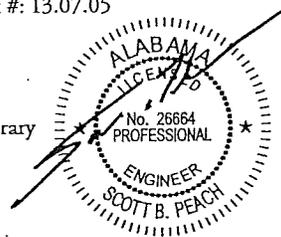
SP ENGINEERING, INC.

INDUSTRIAL | COMMERCIAL
HVAC | PLUMBING | ELECTRICAL | FIRE PROTECTION ENGINEERING

Mayor Dane Haygood
1705 Main St.
Daphne, AL 36526

March 5, 2014
Project #: 13.07.05

Project: Root Cause Analysis of IAQ Issues at the Daphne Public Library
US Highway 98, Daphne, AL 36526
Date of Inspections: Week of February 28, 2014



SP Engineering, Inc. (SPE) was contracted by the City of Daphne to provide a root cause analysis as the first of a three-phased approach to investigating HVAC (heating, ventilation, and air conditioning) and indoor air quality (IAQ) related issues at the Daphne Public Library. The first phase is this report, the second phase is the engineering of plans based on the approved recommendations of this report, and the third is the construction of said revisions. Following is our report with the root cause analysis, general recommendations, and budget estimates.

ABSTRACT

The roughly 20 year old library HVAC system is mostly rooftop units (RTU) with exception of a newer portion of the facility (not included in the scope of this report) and the Children's Library, which is served by 4 ton split system in a basement below it.

First, the basement below the Children's Library (CL) We recommend finishing the basement off correctly and installing a mini-split system to serve it and keep it dehumidified. Our budget estimate for these repairs with 50% accuracy is \$25,000. SP Engineering would expedite a one week turn around to engineer the revised system and produce drawings suitable for permitting for \$4,600, which is not included in the estimate above.

Second, the remainder of the facility. Our budget estimate for these repairs with 50% accuracy is \$35,000. SP Engineering would produce drawings suitable for permitting (and bidding if the city desired), that engineered the revised system, for \$4,600, which is not included in the estimate above.

We recommend immediate action for the Children's Library. SP Engineering accompanied Johnson Controls Service on the initial call in July of 2013, and they are ideally suited for a negotiated contract, but there are many other service contractors that could expedite the work and we would be happy to aid the City in the selection.

SURVEY

SPE has conducted equipment, people, and indoor air quality (IAQ) surveys throughout the week of February 24, 2014. The surveys included examining the HVAC system - the return air plenum, the supply air ductwork, the thermostat controls and their locations, comparing the locations of registers, diffusers, and grilles according to the original plans. We logged the indoor air quality of 3 locations¹: children's library, the basement below the children's library (hereafter referred to as the "basement"), and the adult fiction section. And, we also measured outside air (OA) intake airflows at each of the six (6) roof top units (RTU).

¹ A calibrated Fluke 975 Airmeter was used. It logs Dry Bulb, Wet Bulb, Relative Humidity, CO, CO₂, and Dew Point

Vickie Hinman

From: Richard D. Johnson, P.E.
Sent: Friday, March 07, 2014 3:01 PM
To: Dane Haygood; Mike Hinson, CPA; Mike Hinson, CPA; Vickie Hinman; Vickie Hinman
Cc: 'Chief Bo White'; Frank Barnett
Subject: FS #3 - Remediation - Finance Committee Recommendation
Attachments: FS 3 Bio Sweep reduced 03-07-2014.pdf

For finance subject to the Mayor's Approval:

Appropriation (Emergency):

Bio-Sweep of the Gulf Coast – Initial Remediation	\$18,235.00
Bio-Sweep of the Gulf Coast – Quarterly Maintenance/Certification (FY14)	\$ 500.00
Granger – 2 - FRIEDRICH Dehumidifier, 70 pt., 115V (or equiv.)	\$ 1,080.00
Total Request:	\$19,815.00

Bio-Sweep was the only local (Baldwin County) vendor with License and Certifications in Mold Remediation. Other clean up companies were unwilling so certify and indemnify that once remediated the Facility will be safe for human habitation. We will quote out the Dehumidifiers to insure best quote price. The preventative maintenance will insure continued monitoring and certification. FD will need to budget for the service starting in FY15 if deemed of value and protection for the City.

Yours,

RDJ

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

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

directorpw@daphneal.com

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

Vickie Hinman

From: Richard D. Johnson, P.E.
Sent: Wednesday, March 05, 2014 3:09 PM
To: wiersigj@yahoo.com
Cc: Frank Barnett; Michele Hanson; Vickie Hinman; Mike Hinson, CPA
Subject: Fire Station #3 - City of Daphne

Jerry:

Thank you for your prompt consultation. What I need for you concerning Mold Remediation for F.S. #3 is:

An estimate for professional remediation services for the Mold Remediation that include:

1. Detail description of services to be provided
2. Timeline for the work
3. Detail explanation of what Certifications you will provide insuring the building, post remediation, is safe for human habitation
4. Cost for this work.

A recommendation of the changes that the City must make insure that the problem does not re-occur – i.e. – installation of dehumidifiers, filter upgrades, thermostat controls, etc...

An estimate for a quarterly monitoring, preventative maintenance and mold abatement service:

1. Detail of services to be provided
2. Reports and Certifications provided
3. Yearly cost

I will be making recommendations to the City's Finance Committee on March 10, 2014 so I need this information by Friday the 7th. Submission by email will be acceptable.

Yours,

RDJ

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

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

directorpw@daphneal.com

Knight Building Inspection Services
Complete Mold Inspection & Sampling Report

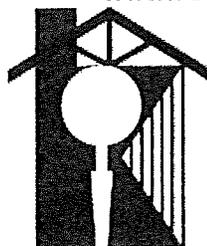


8945 Lawson Rd., Daphne, AL 36526
Inspection prepared for: City of Daphne & Daphne Fire Station No. 3
Date of Inspection: 2/19/2014 Time: 12:00PM-1:00PM
Weather: Cloudy/61%RH/80°F

Initial Mold Inspection Report:
14-130M COD
Supporting Lab Sampling Report(s):
14-130M Expanded Fungal Report &
14-130M Swab Report

Inspector: Patrick Knight
LHI Lic #10725 - LHI, CMI
Phone: 1-225-384-0279 Fax: 1-877-683-8289

Email: Patrick@KnightBIS.com
www.KnightBIS.com



**KNIGHT
BUILDING
INSPECTION
SERVICES**

NOTICE TO THIRD PARTIES: This report is the exclusive property of Knight Building Inspection Services, LLC and the Client(s) listed above and is not transferable to any third parties or subsequent buyers. Any mold inspection and sampling reported have been performed with a written contract agreement that limits its scope and usefulness. Unauthorized recipients are therefore advised not to rely upon this report, but rather to retain the services of an appropriately qualified mold inspector of their choice to provide them with their own mold inspection and sampling report.

Buildings & Property Committee Meeting
Monday, March 03, 2014
5:30 PM
Daphne City Hall- Executive Conference Room

Committee Minutes

Present: Councilman Joe Davis, Councilman Pat Rudicell, Margaret Thigpen, Sarah Toulson (Recording Secretary), Mike Hinson, Richard Johnson, Mayor Dane Haygood, Selena Vaughn (Village Point Foundation), Vickie Hinman, Al Guarisco, Kenny Hamak

Absent: Richard Merchant, Rick Whitehead, Frank Barnett, Suzanne Henson, Councilman Randy Fry

The meeting brought to order at 5:30 pm by Chairman Joe Davis.

1. Approval of Minutes: February 3, 2014

<p>Motion by Mr. Rudicell to adopt the February 3, 2014 minutes as written. Seconded by Mr. Davis. Motion carried unanimously.</p>
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2. Civic Center & Bayfront report (February): Margaret Thigpen

Margaret Thigpen distributed and discussed her February report. February 2014 revenue totaled \$21,487.25, slightly under February 2013 levels. This was due in part to Mardi Gras celebrations being split between February and March this year. Year to Date revenues stood at \$72,613.50, below figures listed for FY2013. Additionally, Ms. Thigpen reported total deposits for February stood at \$28,339.50, and that the Civic Center has seen 13 events during February, for a total of 13 days used, with one six-day event cancelled.

Ms. Thigpen then turned to Bayfront Pavilion, reporting revenues for February totaling \$3,898.00, slightly above February 2013 levels, and year-to-date revenues totaling \$25,378.00, an increase from 2013 numbers.

Ms. Thigpen listed a number of recently passed and upcoming events scheduled at the Civic Center which are listed on her report herein. In addition, she reported that she was in an information gathering stage to repair a substantial leak in the Civic Center roof.

3. Building inspection monthly reports (February): Not given

Chairman Davis reviewed the building report information submitted to the committee, pointing out that 89 permits were filed during February. Total job cost was \$2,322,190.00 with permit fees totaling \$17,455.92.

Chairman Joe also mentioned an ongoing issue made apparent by the listing of a “Spanish Fort” address in Daphne’s Timber Creek. He reported that he was working with local authorities and the Daphne post office to correct this problem.

4. Replacement of HVAC Units for Recreation Building: Richard Johnson

Mr. Richard Johnson gave a brief description of the situation, stating that the HVAC units in question were older, and expected to break down within the near future. Recreation Director David McKelroy currently has \$14,000 set aside in the budget to replace one unit. It is the recommendation of Frank Barnett, the Maintenance Supervisor, and Mr. Johnson that the Council appropriate funds to move ahead with the replacement of all three units for an appropriated amount of \$21,000.

After some questioning for clarification, action on this item was postponed until the April 2014 Buildings and Property Committee meeting.

5. Village Point Foundation: Selena Vaughn

Selena Vaughn introduced Al Guarisco to provide support in answering the Committee’s questions, then provided an update on VPF activities. First, she addressed the desire to purchase property adjacent to Bayfront Park, and asked Mayor Haygood to assist in getting figures for purchase of the properties ready for scrutiny by the Committee.

Ms. Vaughn then reported that she and Mr. Guarisco had met with a landscape architect who has agreed to provide the VPF with design services to help make decisions regarding trail location, signs, trash receptacles, and other desired improvements. The Committee members encouraged Ms. Vaughn to give the Council an early look at these plans to collaborate on the presented ideas.

With no further business to discuss, the meeting was adjourned at 6:26, motion by Mr. Davis and seconded by Mr. Rudicell.

**REPORT
OF
SPECIAL BOARDS**

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF FEBRUARY 6, 2014 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairman stated the number of members present constitutes a quorum and the regular meeting of the Board of Zoning Adjustment called to order at 6:03 p.m. and asked for roll call.

Members Present:

Larry Cooke
Frank Lamb
Billy Mayhand
Philip Durant
Willie Robison, Chairman
Thomas Warner

Members Absent:

William Scully

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Johnson, Recording Secretary
Tony Hoffman, BZA Attorney

Chairman called for the **Approval of Minutes** of the December 5, 2013 meeting. There were no corrections, additions or deletions.

The Minutes were approved.

Chairman called the next item on the agenda, **Appeal #2014-01 Montri Marino**, a request for a variance proposing to place a twelve foot greenbelt along the U.S. Highway 98 right-of-way in lieu of along perimeter of site. The property is 28120 U.S. Highway 98, which is zoned B-1, Local Business.

Ms. Jones displayed a Power Point Presentation. The applicant has stated they have a hardship due to the shape of the property, a significant slope on the south end, and the property boundary sets eighty feet away from the edge of the street pavement. The power line in the pictures basically shows you where the edge of the right-of-way is, and a site plan has been submitted detailing the boundary of the right-of-way, the property lines and layout of the building footprint, which will go before the Planning Commission pending the outcome tonight. Factors that limit the full use of the property are the shape and topographic, and the lot is irregularly shaped.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF FEBRUARY 6, 2014 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

Ms. Jones said she is not convinced adding the twelve foot landscaping greenbelt creates an unnecessary hardship or burden on the property, but approval would not cause substantial detriment to the public good or circumvent the intent of Article 19-8, Landscape requirements, and either on-site or off-site the greenbelt will equally serve to enhance the appearance of the development and aid in storm water management.

Chairman opened the floor for discussion.

Mr. Shummer, a representative for Mr. Marino, stated the twelve-foot buffer is supposed to be along the right-of-way line on the property, but this site has a ten-foot rear building setback, and a fifty-foot front building setback that limits the location of the building, which the building is pretty much on the front and rear building setbacks. When ALDOT purchased the right-of-way on U.S. 98 through here for some reason they got an enormous amount, which may have been because of the drainage feature to the south where there is a drainage pipe that extends out close to the right-of-way line. Eighty two-feet from the edge of the pavement to the property line is where we are asking to be allowed to put the landscaping, and that will serve the intent of the ordinance, beautify the site and not impact any of the utilities to be maintained. The power line easement along the property line is fifteen feet within the right-of-way, and even with the twelve-foot of landscaping it still will not be under the power lines because that is how far away the property line is from the road. It will make for a more functional, usable site, and ALDOT does not have an issue with landscaping the right-of-way as long as there is no irrigation and none is proposed. Richard Johnson, Public Works Director does not have any issues with us putting landscaping on the right-of-way. We feel this will enhance the site and make it more useable without setting a precedent for a lot of this shape.

In reading ALDOT's letter the Board questioned the City's and future owner's obligations regarding maintenance of the landscaped area, procedures for future changes to the landscaping, and would precedent be set in granting this variance.

Mr. Shummer stated the State does have an agreement in place with the City which may or may not need to be amended, Mr. Johnson has requested a letter of understanding with the owner to have control over any trees planted, but maintenance of the landscaping would be the responsibility of the owner, which he will gladly sign stating that he will maintain it.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF FEBRUARY 6, 2014 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Ms. Jones stated for a commercial development landscaping is supposed to be maintained in perpetuity. If new owner or any business wishes to modify their landscaping then major revisions have to go through the Planning Commission, and variances run with the land, they will not have to come back to you for modifications to landscaping. There are not many lots along U.S. Highway 98 with this unique shape. Community Development reviews those plans and if there are major upgrades they are sent to the Planning Commission for review.

The Chairman thanked Mr. Shummer and asked was there anyone else that would like to speak. Being none, the Chair closed the floor for public participation and entertained a motion.

A Motion was made by Mr. Cooke and Seconded by Mr. Lamb to approve Appeal #2014-01, Montri Marino, a variance request to place a twelve foot greenbelt along the U.S. Highway 98 right-of-way, in lieu of, along perimeter of site. There was no discussion on the motion.

Upon roll call vote, the motion carried unanimously.

Mr. Cooke	Aye
Mr. Mayhand	Aye
Mr. Lamb	Aye
Mr. Durant	Aye
Mr. Robison	Aye
Mr. Warner	Aye

Chairman called the next item on the agenda, Appeal #2014-02, Annie Rudolph, a request for a variance proposing to allow auto cleaning and detailing as a home occupation. The property is 701 Daphmont Drive, which is zoned R-1, Low Density, Single Family Residential.

Ms. Jones displayed a Power Point Presentation. She stated the subdivision is all residential with the exception of a few businesses at the beginning of Johnson Road near Highway 98. The ordinance does not specifically permit or prohibit auto detailing as a home occupation. However, it does say that no home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic, or any other condition which would constitute an objectionable use of residentially zoned property. So the Board is being asked to consider this auto detailing shop as a home occupation.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF FEBRUARY 6, 2014 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Ms. Jones stated the closest sub header to it in the ordinance is a cleaning service. The business if approved would have to adhere to all other home occupation provisions set forth under Article 31-1(a-i). I reserve my recommendation until we hear this appeal.

Chairman opened the floor for discussion.

Mr. Jamie Rudolph, a representative for Ms. Annie Rudolph, stated what he is trying to get approval for his detail shop. So far he does not have any complaints, and he is working more than ever detailing cars, doing good deeds detailing elderly people cars, and a lot of people wanted to come speak, but could not because of the weather. However, a couple did send in a letter to help. Nobody should worry about traffic, noise or anything because the cars are in and out quickly, everything is done professionally.

The Board questioned Mr. Rudolph's about plans for enhancement of the business in closing in the carport or the entire driveway.

In response to the Board's questions about plans to enhance the business, particularly closing in the carport or the entire driveway, Mr. Rudolph stated he planned to continue detailing there until he can move away and get something else, that he has enclosed one side and has a tent on the other side so that once he finishes detailing a car he puts it under the tent until the customer picks it up. The driveway is big enough to do more than one car, truck, trailer or bike at a time, and he does not plan to do any more enclosures.

The Board noted that this is a nice residential area, but wondered about the trash around his work area where the carport is enclosed with plastic, they also questioned who else would be working with there.

Mr. Rudolph stated that he had already cleaned the area up. He was doing it all alone, but now has hired another man to help him out, who was a family member, but is not now due to divorce, because keeping the area clean is important to him and his neighbors. He pays his water bill paid, he knows what he wants to do, this is his passion, and he feels he does a good job.

The Chairman explained that Article 31-1 states employment shall be limited to members of the family residing in the dwelling, and there shall be no employment of employees other than member of the resident family. In no case shall more than two persons be engaged in a home occupation. Also, no remodeling or anything to the structure is allowable over twenty percent of the floor area.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF FEBRUARY 6, 2014 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

The Chairman stated it might be a stretch to say that this is a cleaning service. There are times when we want to do something that we cannot do even when we want to better ourselves, and one of the neighbors had sent a letter stating her encouragement of him to make something of himself. However, city ordinances are in place to protect the integrity of a neighborhood.

Mr. Rudolph stated he would take care of that [meeting requirements of the ordinance]. He is trying to do what is right, the right way, and he can do what is needed. He had already put up the plastic for the water to do detailing inside.

Ms. Jones questioned are you planning to do anything else other than the plastic enclosure?

In response to Mr. Jones' question about other modifications besides the plastic enclosure, Mr. Rudolph answered to keep anyone from stealing supplies later he wants to put up a garage door to shut the area off.

Ms. Jones stated I do not think that is twenty percent. If approved the applicant would be required to adhere to the rules: no expansion, no additions, no alterations rules, therefore, he would not be able to do that.

The Chairman explained perhaps this would be better suited for the entrance to Johnson Road not in the middle of the neighborhood.

Mr. Rudolph stated he was only a few blocks away from Profit Drive, a commercial area, with businesses that were just built. It is time for a change. Young guys see his business and efforts and it makes them want to do better.

The Chairman thanked Mr. Rudolph and asked was there anyone else that would like to speak for or in opposition of this appeal. Being none, the Chair closed the floor for public participation.

The Board made reference to having no staff recommendation until after hearing the appeal. Also they discussed if this was approved and the applicant sold would it be passed on to the new home owners or was it in fact in perpetuity.

Ms. Jones stated it would not be passed on. It was for this business only, and that she would let the Board decide without a recommendation.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF FEBRUARY 6, 2014 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

The Chairman stated the floor is closed for public participation. The Chair will entertain a motion.

A Motion was made by Mr. Lamb and Seconded by Mr. Mayhand to approve Appeal #2014-02, Annie Rudolph, a variance request to allow auto cleaning and detailing as a home occupation. There was no discussion on the motion.

Upon roll call vote, the motion failed.

Mr. Cooke	Nay
Mr. Mayhand	Nay
Mr. Lamb	Nay
Mr. Durant	Nay
Mr. Robison	Nay
Mr. Warner	Nay

Chairman explained to Mr. Rudolph that the request was denied and that it can be appealed to Baldwin Circuit Court within 15 days of this meeting by submitting a written letter to Community Development. Chairman called for a Motion to Adjourn.

A Motion was made by Mr. Lamb and Seconded by Mr. Mayhand to adjourn.

The motion carried unanimously.

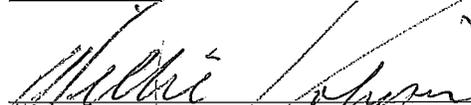
The meeting was adjourned at 6:43 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: March 6, 2014



Willie Robison, Chairman

The City of Daphne
Planning Commission Minutes
Regular Meeting of January 23, 2014
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

The regular meeting of the City of Daphne Planning Commission was called to order at 5:02 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Monty Montgomery
Charles Smith
Don Terry, Secretary
Larry Chason, Chairman
Ed Kirby, Vice Chairman
Ron Scott, Councilman
Hudson Sandefur
Chief James "Bo" White (left @ 7:12 p.m.)

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Jay Ross, City Attorney
Kevin Boucher, Attorney
Lonnie Jones, Code Enforcement Officer
Richard Johnson, Public Works Director
Rex Rentz, Code Enforcement Officer, Utilities Board of the City of Daphne

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

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Sandefur *for approval of the regular meeting minutes of December 19, 2013. There was no discussion on the motion. The Motion carried. Mr. Terry and Chief White abstained due to their absence at the meeting.*

Mr. Scott commented that according to procedures adopted by the City Council and outlined in *Robert's Rules of Order*, a motion is not necessary for approval of minutes. If the Chair asks for discussion and there are no comments and/or corrections, the minutes are approved.

After Commission discussion, the Chairman asked for questions, comments or corrections to the minutes of **the work session of January 7, 2014. If there are none, the minutes are approved as submitted.**

**The City of Daphne
Planning Commission Minutes
Regular Meeting of January 23, 2014
Council Chamber, City Hall - 5:00 P.M.**

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

An introductory presentation was given by Mr. David Trott, owner, of a four-lot family division consisting of approximately nine point seven acres located at the intersection of County Road 54 east and Trott Lane for the purpose of selling lot 2, building on lot 1, and deeding lot 3 and 4 to his children.

Chairman opened the floor to public participation. No one came forth. He closed public participation and asked for Commission questions or comments and a motion for approval.

A Motion was made by Mr. Kirby and **Seconded** by Mr. Terry **to grant preliminary/final plat approval to Trott Subdivision. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation for the City of Daphne Zoning and Street Map updates.

Ms. Jones asked to continue the agenda item to the end of the meeting. Chairman agreed.

The next order of business is site plan review for the Douglas Road Water Storage Facility.

An introductory presentation was given by Mr. Rob McElroy, the General Manager of the Utilities Board of the City of Daphne, of a water storage facility, north of U.S. Highway 90, three hundred fifty feet west of Douglas Road. For security reasons, the water tank is netted in the trees and hidden in plain sight by a fence. The only access to the facility is by a utility worker once a day for water samples.

Chairman commented at sitepreview, it was discussed that the Utilities Board would like access to remain low key, but would consider the use of some type of hard surface.

Mr. McElroy answered that the easement is not a right-of-way, but rather a meandering easement that is the access to the adjacent property. Mr. Strom, the project engineer, commented it is a privately held easement extending from the unnamed east/west right-of-way.

Chairman asked for Commission questions or comments.

Mr. Scott asked for clarification. Mr. Johnson responded it is a privately owned sixty-foot ingress/egress easement maintained by the property owner which is accessed from a City maintained right-of-way.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of January 23, 2014
Council Chamber, City Hall - 5:00 P.M.**

Mr. Johnson stated once this site plan is approved, it may become a liability for the City. The adjacent property owner can now ask for acceptance of the right-of-way for maintenance. Mr. McElroy stated the Utilities Board is willing to pave and maintain the existing ingress/egress easement, but does not wish to incur the cost of the installation of drainage and/or curb & gutter. Mr. Johnson asked that the Utilities Board pave only the existing roadbed, preserve the mature trees, and ask the City to accept maintenance of the right-of-way.

Chairman asked for Commission questions or comments and a motion for approval.

A Motion was made by Mr. Kirby and **Seconded** by Mr. Sandefur *to grant Planning Commission approval of a water storage tank in an R-3 zoned district and site plan approval of the Douglas Road Water Storage Facility, contingent upon pavement of the twelve-foot access by the Utilities Board of the City of Daphne with the assistance of the Public Works Department. There was no discussion on the motion. The Motion carried unanimously.*

The next order of business is preliminary/final plat review for Malbis Plantation, Inc.

An introductory presentation was given by Mr. Dan Anderson, representative of CVS Pharmacy, of a two-lot subdivision southwest of the intersection of Alabama Highway 181 and U.S. Highway 90. He referenced work session discussion and the denial at a previous meeting in which there was a request for the submission of additional documents. The owner has complied with the request at the time of application in accordance with your regulations. He referenced the ALDOT 2013 Operations Manual, Minimum Standards, as a guide used for review on a case-by-case basis, Section 5, states "an access shall be a distance of six hundred and sixty feet from an intersection"; however, the ALDOT established by virtue of the issuance of a permit that four hundred and seventy-three feet is adequate; (if it were a distance more than that it would be extremely dangerous). He referenced Section 17-2 of the Land Use and Development Ordinance, Master Plan Submittal, states "Any subdivision or development which is to be developed in phases or units shall require a master plan of the proposed subdivision or development which shall be submitted to the Planning Commission." We are only subdividing property to develop a parcel of land, not phases or units, which does not constitute the submission of a master plan. CVS cannot be vouch for and/or discuss the potential development of the remaining property. It has been given at the Commission's request as one of the required documents. We have met all of the regulations and should be approved.

Chairman asked for Commission questions or comments.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of January 23, 2014
Council Chamber, City Hall - 5:00 P.M.**

Mr. Montgomery asked who will own the property.

Mr. Anderson responded I represent CVS Pharmacy in the development of this parcel. The developer will have a ground lease, but Malbis Plantation will maintain ownership and control of the parcels.

Mr. Kirby stated a master plan is conceptual and may change. This is a subdivision of property: we have only dealt with an ALDOT permit, traffic study, and sidewalks when dealing with a site plan. These issues will be addressed during site plan review by Baldwin County. The requirement of the submission of an ALDOT permit and master plan at the previous meeting has been accomplished.

Chairman stated he contacted Vince Jackson, the Baldwin County Planning Director, to discuss: the conditional use, special exception, site disturbance permit, the subdivision plat, and the lack of a public hearing regarding drainage and traffic. The special exception will allow parking in the setbacks. This and the variance from the state highway setbacks may compromise any future widening of Highway 181. He also referenced the National Register, his concern about it, and indicated that CVS needed more land to build a store.

Mr. Yarbrough stated the plat has been reviewed and approved by Baldwin County, subject to the approval of the City of Daphne. The conditional use and special exception were granted by the Baldwin County Planning Commission. They have issued a land disturbance permit. Their regulations did not require a public hearing on drainage and traffic.

Chairman asked for Commission questions or comments.

Mr. Scott stated the Baldwin County Planning Commission granted a conditional use to allow for a greater than eight thousand square foot building to be constructed on this site, and a special exception for the setbacks. This particular site should be used for business, but the owner is subdividing the property to develop the parcels in phases; therefore, the plat should be denied for noncompliance until such time the owner submits a qualified master plan. Mr. Ross stated the owner has met the stipulation set by the Commission by the submission of a master plan. Mr. Scott asked the date of the pending litigation of the Vlahos and Malbis Lane POA vs. Baldwin County. Mr. Ross stated it has been continued to March 6, 2014.

Chairman opened the floor to public participation.

Mr. Lawler, representative for the Vlahos and Malbis Lane POA, spoke in opposition and discussed the pending litigation, submission of the master plan, the new subdivision application, and the conditional use.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of January 23, 2014
Council Chamber, City Hall - 5:00 P.M.**

Mr. Lawler stated the approval of the special exception and the variance from the setbacks was a gross inequity for monetary purposes. A future widening of Highway 181 would require a condemnation, and the purchase of this property & improvements. This matter lies within the jurisdiction of the application and the subdivision regulations apply in the extraterritorial planning jurisdiction and the strict compliance thereof with regard to setbacks, crosswalks, sidewalks and/or landscaping. Compliance should follow your Ordinance and a waiver can only be given based on extraordinary topography or the shape of said property and/or adjacent property. Neither of which does applies to this site.

Mr. George Kalasountas, 9563 Malbis Lane, as a shareholder asked for support of the development.

Chairman commented that he thought a representative for Malbis Plantation should have been present at this meeting.

Ms. Gertrude Malbis, 9655 Malbis Lane, mentioned that the board for Malbis Plantation has changed. The master plan was developed by the previous board and may not be accepted by the new members.

Mr. Kevin Spriggs, 29640 State Highway 181, expressed concern about traffic at this intersection and reiterated the need for a master plan of this property rather than piece meal.

Ms. Betty Godwin, 9780 Malbis Lane, spoke in opposition, and referenced the Comprehensive Plan. She commented on her appreciation for the Commission members diligently listening and respecting the articles contained within this document regarding: the quality of life, work/living environment, traffic, crosswalks, sidewalks, and the preservation of trees. The approval of the construction of a one thousand three hundred square foot building by Baldwin County is not responsible planning.

Ms. Leeann Lanham, 29240 Vlahos Lane, asked the Commission to consider the traffic issues at this intersection when making their decision.

Ms. Felicia McAllister, 9595 Malbis Lane, asked the Commission to deny the subdivision plat based on the traffic concerns at this intersection.

Mr. Normand McAllister, 9595 Malbis Lane, representative for the homeowners' association of Vlahos and Malbis Lane, discussed the relocation of the access, the master plan, and requested to delay action until there is a decision on the pending litigation with the Vlahos and Malbis Lane POA vs. Baldwin County.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of January 23, 2014
Council Chamber, City Hall - 5:00 P.M.**

Mr. Anderson reiterated the developer has the right to develop the property because ALDOT has approved the curb cut and the addition of a median cut; the conditional use and the special exception has been granted by Baldwin County; and due to adherence to the City of Daphne subdivision regulations.

Chairman asked for additional comments. None were presented. He closed public participation and asked for Commission questions or comments.

Mr. Montgomery commented that a board member should have been present to answer questions and/or comments about the master plan. Mr. Scott agreed.

Chairman stated in the extraterritorial planning jurisdiction, the stricter of the two sets of regulations shall apply. This subdivision has not been presented to the Baldwin County Planning Commission. Also, the vote of the Baldwin County Commission was four to three to approve the conditional use. The applicant should consider annexing into the City of Daphne.

Mr. Kirby reiterated there is still confusion in that we are only dealing with subdividing property and not site plan review.

Chairman asked if approval of the plat could be postponed until a decision is made on the pending litigation. Mr. Anderson stated our due diligence to the developer is approval of the plat by March 2014. Mr. Scott stated based on the comments regarding the traffic and setbacks, you should consider it. Chairman stated you should consider tabling the subdivision plat until a representative from Malbis Plantation is present to hear the comments and answer questions from the Commission.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Kirby **to table the preliminary/final plat for Malbis Plantation Subdivision, until the regular meeting of March 27, 2014.**

During discussion, Ms. Jones asked the Chairman to request a waiver of the thirty-day rule. Mr. Anderson agreed.

Commissioners discussed amending the motion to request in writing the presence of the owner, Malbis Plantation, at the regular meeting of March 27, 2014. Mr. Scott did not accept.

The Motion carried. Seven members voted in the affirmative and one dissented (Mr. Kirby).

Mr. Scott made reference to Mr. Lawler's comments and asked if jurisdiction is one of the things that he asked the court to determine in the pending lawsuit with Baldwin County. Mr. Ross stated he has asked for a determination on the validity of the conditional use approval and jurisdiction.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of January 23, 2014
Council Chamber, City Hall - 5:00 P.M.**

The next order of business is an administrative presentation for a mobile food catering establishment.

An introductory presentation was given by Ms. Karen Barge of a mobile food catering establishment located at 1010 Stanton Road, southeast of U.S. Highway 98 and Stanton Road.

The Commissioners and the representative discussed the matter of mobility and/or placement of a nonpermanent structure for business purposes permitted on a temporary basis at this site.

Chairman asked Ms. Barge to address the setbacks, driveway, and the location of trailer, water/sewer, signage, and parking on a drawing to present the documentation at the regular meeting of February 27, 2014 for review. He asked for Commission questions or comments.

The matter was continued.

Ms. Jones requested a five minute recess.

The Commission adjourned at 7:12 p.m. and reconvened at 7:17 p.m.

Chief White asked to be excused at 7:12 p.m.

The next order of business is an administrative presentation for the City of Daphne Zoning and Street Map updates.

Ms. Jones presented a request for the acceptance of the zoning and street map updates.

Chairman asked for Commission questions or comments and for a motion recommending acceptance.

A Motion was made by Mr. Kirby and **Seconded** by Mr. Scott *to grant approval of the Street Map and of an affirmative recommendation by the Planning Commission to the City Council of Daphne for the adoption of the City of Daphne Zoning Map. The Motion carried unanimously.*

The next order of business is a public hearing on the proposed revisions to the Sign Provisions.

Ms. Jones gave an introductory presentation of the final draft of revisions to the Sign Provisions. The zoning amendment ordinance consists of several sections, referencing: definitions, signage in which no permit is required, signage prohibited in all districts, signs that do require permits, electronic signage, real estate, builder, subdivision/directional signs (on-premise), and the Eastern Shore Park and Jubilee Retail Overlay.

The City of Daphne
Planning Commission Minutes
Regular Meeting of January 23, 2014
Council Chamber, City Hall - 5:00 P.M.

Ms. Jones stated you may vote to adopt each section, the document in its entirety, or amend a section.

Chairman asked if sections are adopted separately or in its entirety will it still move forward to the City Council. Ms. Jones stated yes.

The Commission discussed nits, the need for a nit gun, a thirty-second hold, and political signs in non-maintained portions of the right-of-way. During discussion, Mr. Kirby made the comment that the adoption of electronic signs is a mistake.

Chairman asked for Commission questions or comments and a motion for approval.

A Motion was made by Mr. Kirby and **Seconded** by Mr. Smith *for the favorable recommendation by the Planning Commission to the City Council of Daphne of the acceptance of Sections 1 through 4 and 6 & 7 of the proposed amendments to Ordinance 2011-54, Land Use and Development Ordinance, Sign Provisions. There was no discussion on the motion. The Motion carried unanimously.*

Chairman asked for Commission questions or comments and a motion for approval.

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur *for the favorable recommendation by the Planning Commission to the City Council of Daphne of the acceptance of Section 5 of the proposed amendments to Ordinance 2011-54, Land Use and Development Ordinance, Sign Provisions. The Motion carried. Six members voted in the affirmative and one dissented (Mr. Kirby).*

Mr. Ross stated there are several issues relative to the Lamar Signs lawsuit which include: an application for an electronic sign, add language that if no decision is made on an application for a permit by the Code Enforcement Officer within thirty (30) days, the applicant has the right to appeal to the Board of Zoning Adjustment, pursuant to Article XXI, Section 21-1(f); on-premise/off-premise signage relative to real estate open house signs and non-commercial yard and/or garage sale temporary signs shall be placed on street frontage on site. All others shall be considered an off-premise sign and will be removed.

In regard to the City Attorney's proposal regarding signs, a **Motion** was made by Mr. Scott and **Seconded** by Mr. Montgomery *for the favorable recommendation by the Planning Commission to the City Council of Daphne of the acceptance of the various articles relative to the amendments to Ordinance 2011-54, Land Use and Development Ordinance, Sign Provisions. There was no discussion on the motion. The Motion carried unanimously.*

The next order of business is public participation.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of January 23, 2014
Council Chamber, City Hall - 5:00 P.M.**

Chairman asked for public participation. No one came forward. He closed public participation.

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

Mr. Ross clarified for the Commission, after reviewing the pending litigation with Baldwin County and the Malbis Lane POA, the attorney does not ask the court to make a determination of jurisdiction. The issue was raised that is in a historical district. It is not. Ms. Jones has been subpoenaed by Mr. Lawler to raise the safety issues about traffic and crosswalks in that area. In the matter of the pending litigation with Tiawasee Trace POA, the attorney is asking for declaratory and not compensatory damages by declaring abuse of discretion. The case is now being handled by Adams and Reese and may require a brief executive session at the next meeting. Mr. Scott asked was the Council included in the lawsuit. Mr. Ross stated no.

The next order of business is commissioner's comments.

None were presented.

The next order of business is director's comments.

None were presented.

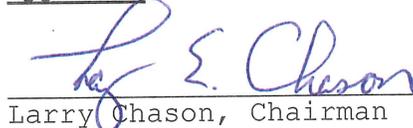
There being no further business, the meeting was adjourned at 7:41 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: February 27, 2014



Larry Chason, Chairman



CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 27, 2014 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

1. **CALL TO ORDER** **DATE OF REPORT: FEBRUARY 28, 2014**
2. **CALL OF ROLL** **LARRY CHASON, ED KIRBY, DON TERRY, CHARLES SMITH, RON SCOTT AND HUDSON SANDEFUR**

3. **APPROVAL OF MINUTES:**
*Review of minutes for the regular meeting of January 23, 2014. **(APPROVED AS SUBMITTED)***

4. **OLD BUSINESS:**

A. **SITE PLAN REVIEW:**

1. **File SP13-07: (APPROVED)**

Site: **Marino Place**

Zoning(s): ***B-1, Local Business***

Location: **East of U.S. Highway 98**

Area: **0.926 Acres ±**

Owner: **Montri Marino**

Engineer: **Barton & Shumer Engineering - David Shumer**

5. **NEW BUSINESS:**

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

1. **File SDPF14-02: (APPROVED)**

Subdivision: **Bienvenue Estates**

Zoning(s): ***Unzoned, Baldwin County District 7, in the Extraterritorial Planning Jurisdiction of Daphne***

Location: **27550 Rigsby Road**

Area: **4.11 Acres ±, (2) lots**

Owner: **Julia Baldwin**

B. **SUBDIVISION REPLAT REVIEW:**

1. **File SRP14-01: (APPROVED)**

Subdivision: **Replat of Lots 1, 2 & 5 of Orchard Farms Subdivision for Church of His Presence**

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

Location: **On the west side of Alabama Highway 181**

Area: **29.62 Acres ±, (1) lots**

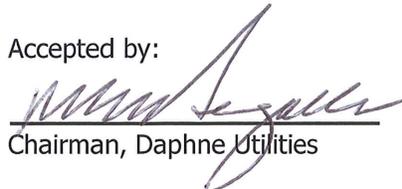
Owner: **Church of His Presence, Inc. - John A. Kilpatrick, Senior Pastor**

Engineer: **Hutchinson, Moore & Rauch - Scott Hutchinson or Stuart Smith**

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 27, 2014 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

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 ♦ December 4 (for November), 2013 ♦ 5:00 p.m.

I. Call to Order

The regular November 2013, Board meeting for the Utilities Board of the City of Daphne was held on December 4, 2013 and called to order by Chairman Robert Segalla, at 5:02 p.m., proceeded by the Roll Call:

II. Roll Call

Members Present:

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

Others Absent:

Others Present:

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

Others Absent:

Danny Lyndall – Operations 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 October 30, 2013:

The Chairman inquired if there were any corrections noted for the submitted Minutes from the October 30, 2013, Utilities Board meeting. No corrections were made.

MOTION BY Lon Johnston to approve the Minutes for October 30, 2013 as submitted; Seconded by Fenton Jenkins.

AYE: FRY, HAYGOOD, JENKINS, JOHNSTON, SEGALLA

ABSENT:

ABSTAIN:

MOTION CARRIED

V. OLD BUSINESS –

VI. NEW BUSINESS -

A. 1st Annual Daphne Utilities' Christmas Art Contest

Rob McElroy announced and introduced the winner of the 1st Annual Daphne Utilities Christmas Art Contest as Ms. Colbie Lewis from Daphne High School.

B. Irrigation Meter Rates

Rob McElroy reviewed the current irrigation meter readings and rate structure and remained amenable to the Board's direction. The Chairman expressed that he's received complaints about the minimum and for the Board to discuss and decide at the next board meeting.

The Chairman advised that the agenda may need to be revised in order to accommodate a schedule conflict.

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle gave a status update to the Board on the case with Logic and had nothing further to add to his report.

Mr. Jenkins requested to revisit the irrigation meter rates subject to question the duration of the meter costs. Mr. McElroy explained the cost strategy and marketing of the irrigation meters. He clarified that the promotional cost of the irrigation meters would be discontinued only if water restrictions become necessary. Mr. Johnston asked about the cost of installing an irrigation meter. Mr. McElroy stated that he would notify the Board at the next Board meeting.

VIII. FINANCIAL REPORT

Before reviewing the financials for the Board, Teresa Logiotatos referred to Earl Bolden to present an analysis on office supplies that has been previously questioned. She then reviewed the monthly financials and answered questions from the Board.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Rob McElroy advised the Board of two retirements from Daphne Utilities. He also invited the Board to observe the Yelding Park at night as the Maintenance Department has decorated the park for the holidays.

B. Operations Report

In Danny Lyndall's absence, Mr. McElroy offered to try to answer any questions the Board may have relating to the submitted Operations Report.

C. Engineering & Consulting Reports

Melinda Immel of Volkert & Associates had no addition comments to add to her report. However, she did express her thanks for Daphne Utilities' participation of the Daphne Elementary School fall festival where her daughter attends kindergarten

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

X. BOARD ACTION – PREVIOUSLY ADDRESSED.

XI. PUBLIC PARTICIPATION – The Chairman opened the floor for public participation.

Judy and Winston Wells of 404 Village Drive, Daphne addressed the Board regarding a problem with a leak in their home along with the bill. Drew Klumpp reviewed the Daphne Utilities' procedure and practice for these type of situations and will examine to see if there is anything further that can be done.

Mr. McElroy advised the Board of the holiday conflict with the January 8th (for December board meeting) and requested the Board to consider cancelling the December board meeting entirely and to include the December financials with the January board book to be reviewed at the January 29, 2014 board meeting.

MOTION BY Fenton Jenkins to cancel the January 8th for the December 25, 2013 meeting and review the combined financials at the January 29, 2014 board meeting; Seconded by Mayor Dane Haygood.

AYE: FRY, HAYGOOD, JENKINS, JOHNSTON, SEGALLA

ABSENT:

ABSTAIN:

MOTION CARRIED

Deloris Brown advised the Board of the newest employee of Daphne Utilities under Jim Caudle and James McPherson and introduced Frank Penn.

XII. EMPLOYEE GRIEVANCE HEARING – to be addressed in Executive Session.

XIII. BOARD COMMENTS – None.

XIV. EXECUTIVE SESSION – for grievance hearing

Mr. Speegle advised the Board that an estimated 75 minutes will be required for executive session to review the employee grievance hearing.

MOTION BY Lon Johnston to adjourn at 5:48 p.m. to Executive Session for an Employee Grievance Hearing for an estimated 75 minutes as stated by Daphne Utilities' Board Attorney Jerry Speegle; seconded by Mayor Dane Haywood.

AYE: Fry, Haygood, Jenkins, Johnston, Segalla

NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

The Chairman advised the attendees that no business would be conducted after the Executive Session.

The Board reconvened at 7:52 pm.

MOTION BY Mayor Dane Haygood to conditionally reinstate the employee as discussed in Executive Session subject to acceptance of the terms and conditions, the terms of which will remain confidential; seconded by Fenton Jenkins.

AYE: Fry, Haygood, Jenkins, Johnston, Segalla

NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

The Chairman requested Mr. Speegle to prepare the document as discussed.

XVI. ADJOURNMENT -

MOTION BY Randy Fry to adjourn.

AYE: Fry, Haygood, Jenkins, Johnston, Segalla

NAY:

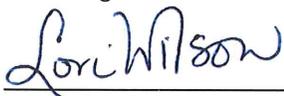
ABSENT:

ABSTAIN:

MOTION CARRIED

The meeting adjourned at 7:54 pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities

**REPORT
OF
OFFICERS**

RESOLUTIONS

&

ORDINANCES

RESOLUTION NO. 2014-11

CITY OF DAPHNE

**PARTICIPATION IN THE BALDWIN COUNTY
COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN**

WHEREAS, the Baldwin County Commission, as required by §22-27-1, et seq., Code of Alabama (1975), and without limitation, and Alabama Department of Environmental Management (ADEM), Administrative Code, Division 13 Land Division – Solid Waste Program, has prepared a new Baldwin County Comprehensive Solid Waste Management Plan (Plan) for submission to ADEM covering the entire Baldwin County jurisdiction, including unincorporated Baldwin County and Baldwin County’s 14 municipalities; and

WHEREAS, the Baldwin County Commission is set to adopt the Plan during its regular meeting held and conducted on June 3, 2014; and

WHEREAS, the Baldwin County Development and Environmental Director has engaged Daniel Wells, P.E., CDG Engineering and Associates, Inc., to review the Plan; and

WHEREAS, the South Alabama Regional Planning Commission (SARPC), has completed the Needs Assessment for the Comprehensive Solid Waste Management Plan and concurs with the Plan; and

WHEREAS, the Baldwin County Commission and Baldwin County Solid Waste Department will conduct public hearings to solicit input, and have consolidated citizen comments and concerns into the development of the final Plan; and

WHEREAS, should any of Baldwin County’s 14 municipalities choose not to participate in this Plan, said respective municipality is required to submit their own Solid Waste Management Plan to ADEM by September 30, 2014; now therefore

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, that we hereby choose to participate, and approve our participation, in the Baldwin County Comprehensive Solid Waste Management Plan.

FURTHER, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that we hereby approve the Baldwin County Comprehensive Solid Waste Management Plan for Baldwin County, Alabama, and the Mayor and other appropriate officers are hereby authorized to execute any and all instruments approving the Plan and confirming the municipality’s participation.

APPROVED AND ADOPTED BY CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,
THIS ____ day of _____, 2014.

DANE HAYGOOD
MAYOR

ATTEST:

REBECCA A. HAYES
CITY CLERK

**CITY OF DAPHNE
ORDINANCE NO. 2014-08**

**AN ORDINANCE REGULATING
CONSTRUCTION BEST MANAGEMENT PRACTICES
FOR RESIDENTIAL DWELLINGS AND OTHER
LAND DISTURBANCE WITHIN THE CITY OF DAPHNE**

WHEREAS, the City Council of the City of Daphne, Alabama deems it to be in the best interest of public health, safety and the general welfare of its citizens to establish regulations for construction best management practices; and

WHEREAS, it is in the best interest of the citizens of the City of Daphne and the continued development of the area to implement satisfactory controls for construction best management practices including but not limited to erosion and sediment controls for residential dwellings and other land disturbance within the City of Daphne.

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

SECTION I: TITLE ORD. NO. 2014-08 CONSTRUCTION BEST MANAGEMENT PRACTICES FOR RESIDENTIAL DWELLINGS AND OTHER LAND DISTURBANCE WITHIN THE CITY OF DAPHNE.

SECTION II: JURISDICTION

The provisions of this Ordinance shall apply to all lands within the corporate limits of the City of Daphne.

SECTION III: PURPOSE

The intent of this Ordinance is to provide minimum standards to ensure effective storm water management, drainage management, and construction best management practices for individual residential dwellings and any other activity that results in more than one thousand (1000) square feet land disturbance within the City of Daphne other than activities that would require the issuance of a site disturbance permit from the Community Development Department and the exceptions for land disturbances as noted in Section V.

SECTION IV: DEFINITIONS

For the purposes of this Ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in this Ordinance:

1. "ADEM" means the Alabama Department of Environmental Management.

2. "Alabama Handbook" means the latest edition of the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas. A copy of the latest edition can be found on the Alabama Soil and Water Conservation Committee's (ASWCC) web page (www.swcc.state.al.us) .

3. "Best Management Practices" or "BMPs" mean implementation and continued maintenance of appropriate structural and non-structural practices and management strategies to prevent and minimize the introduction of pollutants to Stormwater and to treat Stormwater to remove pollutants prior to discharge.

4. "Building Inspector" means a City employee who under general supervision, performs technical review of plans and building permit applications for completeness and general compliance to State regulations, model codes and local Ordinances. The building inspector conducts field inspections of building construction, reconstruction and alterations at various stages and at completion to assure compliance with approved plans and specifications.

5. "City" means the City of Daphne, Alabama.

6. "Clearing" means any activity that removes the vegetative surface cover.

7. "Code Enforcement Officer" means the City employee who carries out the City's code enforcement program whereby individuals in violation of City codes and related regulations are identified, investigated, and corrected utilizing appropriate enforcement measures.

8. "Common Plan of Development or Sale" means any announcement or piece of documentation (e.g., sign, public notice, or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (e.g., boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. Individual lots within a common plan of development are required to acquire ADEM NPDES General Permit coverage for Construction Activity since cumulatively, the lots have potential to disturb more than one acre at a time.

9. "Community Development Director" means the City employee who plans, organizes and reviews the activities and operations of the Community Development Department including planning and community and neighborhood enhancement.

10. "Construction Activity" means the disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities which may result in soil erosion. Construction activity does not include agricultural and Silvicultural (forestry) practices.

11. "Construction Best Management Practices Plan" or "CBMP Plan" means a plan that includes research, planning considerations, systems, procedures, processes, activities and practices implemented for the prevention and/or minimization of pollutants in Stormwater to the maximum extent practicable, and collection, storage, treatment, handling, transport, distribution, land application or disposal of construction Stormwater and onsite management of construction waste generated by the Construction Activity, and to comply with the requirements of the City of Daphne.

12. "Erosion" means the process by which land surface is worn away by the action of wind, water, ice and/or gravity.

13. "Final Stabilization" means the application and establishment of the permanent ground cover (vegetative, erosion resistant hard or soft material or impervious structures) planned for the site to

permanently eliminate soil erosion to the maximum extent practicable. Established vegetation will be considered final if 100% of the soil surface is uniformly covered in permanent vegetation with a density of 85% or greater. Permanent vegetation shall consist of: permanent grasses, planted trees, shrubs, landscaped flower beds, perennial vines; an agricultural or a perennial crop of vegetation appropriate for the region. Final stabilization applies to each phase of construction.

14. "Grading" means excavation or fill of material, including the resulting conditions thereof.

15. "Land Disturbing Activity" means any and all activities which results in more than one thousand (1000) square feet of land disturbance and/or change to the existing storm water drainage characteristics of land.

16. "NPDES" means National Pollutant Discharge Elimination System.

17. "Ordinance" means this ordinance regulating construction best management practices for residential dwellings and other land disturbance within the city of Daphne.

18. "Permittee" means any person who obtains a Land Disturbance Permit from the City of Daphne Building Department.

19. "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; sediment, solid wastes and other residues that result from constructing a building or structure; and/or noxious or offensive matter of any kind.

20. Priority Construction Site means any site that discharges to a waterbody which is listed on the most recently EPA approved 303(d) list of impaired waters for turbidity, siltation, or sedimentation, any waterbody for which a TMDL has been finalized or approved by EPA for turbidity, siltation, or sedimentation, any waterbody assigned the Outstanding Alabama Water use classification in accordance with ADEM Admin. Code. 335-6-10-.09, and any waterbody assigned a special designation in accordance with ADEM Admin. Code. 335-6-10-.10.

21. "Qualified Credentialed Professional" or "QCP" means a professional engineer (PE), or a Certified Professional in Erosion and Sediment Control (CPESC) as determined by CPESC, Inc. Other registered or certified professionals such as a registered landscape architect, registered land surveyor, registered geologist, registered forester, Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), or Certified Professional and Soil Scientist (CPSS) as determined by ARCPACS, and other Department accepted professional designations, certifications, and/or accredited university programs that can document requirements regarding proven training, relevant experience, and continuing education, that enable recognized individuals to prepare CBMPPs, to make sound professional judgments regarding Alabama NPDES rules, the requirements of this chapter, planning, design, implementation, maintenance, and inspection of construction sites, receiving waters, BMPs, remediation/cleanup of accumulated offsite pollutants from the regulated site, and reclamation or effective Stormwater quality remediation of construction associated land disturbances, that meet or exceed recognized technical standards and guidelines,

effective industry standard practices, and the requirements of this chapter. The QCP shall be in good standing with the authority granting the registration or designation. The design and implementation of certain structural BMPs may involve the practice of engineering and require the certification of a professional engineer pursuant to Alabama law.

22. "Sedimentation" means the process by which eroded material is transported and deposited by the action of wind, water, ice and/or gravity.

23. "Silviculture" means the care and cultivation of forest trees; forestry.

24. "Site Containment Inspector" means the City employee who under general supervision, performs technical review of CBMP Plans, Erosion and Sediment Control Plans and land disturbance permit applications for completeness and general compliance to Federal and State regulations, and local Ordinances. The Site Containment Inspector conducts field inspections of permitted land disturbance sites, during construction and at completion to assure compliance with approved plans and specifications.

25. "Stabilize" means the application and establishment of the ground cover (vegetative, erosion resistant hard or soft material or impervious structures) planned for the site to eliminate soil erosion to the maximum extent practicable.

26. "Stormwater" means runoff, accumulated precipitation, process water, and other wastewater generated directly or indirectly as a result of Construction Activity, the operation of a construction material management site, including but not limited to, precipitation, upgradient or offsite water that cannot be diverted away from the site, and wash down water associated with normal construction activities. Stormwater does not mean discharges authorized by the Department via other permits or regulations.

27. "Storm Water Management" means all natural and man-made elements used to convey storm water from the first point of impact within the construction site to a suitable outlet location.

28. "Temporary Stabilize" means the application and establishment of temporary ground cover (vegetative, erosion resistant hard or soft materials or impervious structures) for the purpose of temporarily reducing raindrop impact and sheet erosion in areas where final stabilization cannot be established due to project phasing, seasonal limitations or other project related restrictions.

29. "Wetland" means land where saturation with water is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface (Cowardin, December 1979).

30. "Wetland Delineation" means the act of establishing the boundary between wetlands and uplands (or non-wetlands).

SECTION V: APPLICABILITY & EXCEPTIONS

This Ordinance shall apply to residential dwellings and any other land disturbance activity which disturbs one thousand (1000) square feet or greater within the City of Daphne; and, undertaken by any person on any land within the City of Daphne's city limits except for the following:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
2. Any land disturbance which requires a Right-of-Way Permit from the Public Works Department of the City of Daphne.
3. Existing nursery, agricultural and Silvicultural operations.
4. Any land disturbance activity which requires a Site Disturbance Permit from the City of Daphne's Community Development Director or his or her designee.

SECTION VI: PERMIT APPLICATION REQUIRED

1. A permit for residential dwellings and other land disturbance activity which disturbs one thousand (1000) square feet or greater within the City of Daphne shall be required. No person, firm, business or corporation shall engage in any Land Disturbing Activity prior to obtaining a land disturbance permit from the City of Daphne Building Department. Unless the land disturbance permit is issued prior to the building permit, for new construction and additions, the land disturbance permit is incorporated into the building permit and the building permit must be obtained prior to land disturbance.
2. All applications for land disturbance permits shall be accompanied by a Construction Best Management Practices Plan. It is not required that the CBMP Plan be prepared by a QCP, unless the site is required to have ADEM NPDES General Permit coverage. The plan shall meet all minimum requirements set out in the most current edition of the Alabama Handbook.
3. A permit shall be issued to either the titled owner of the said real property or the permittee charged with the contractual obligation of the Construction Activity. A fee of one hundred dollars (\$100.00) shall be charged and collected by the City of Daphne Building Department for the issuance of the land disturbance permit.

SECTION VII: CONSTRUCTION BEST MANAGEMENT PRACTICES PLAN MINIMUM REQUIREMENTS

For the purposes of this Ordinance, the following are the minimum requirements for the Construction Best Management Practices Plan:

1. Land disturbance that results in a total land disturbance of one acre or greater and sites less than one (1) acre but are part of a Common Plan of Development or Sale shall have permit coverage under the ADEM NPDES Construction General Permit prior to the issuance of the City of Daphne Land Disturbance Permit and/or Building Permit. At a minimum the site's CBMPP shall meet all conditions and qualifications of the General Permit and BMP design should be based on the guidance in the Alabama Handbook.
2. Best Management Practices (BMPs) shall be required for all land disturbing activities. It shall be the sole responsibility of the contractor/or permittee to promptly implement effective BMPs in accordance with the permittee's land disturbance permit and submitted Construction Best Management Practices Plan prior to commencing the Land Disturbing Activity. The permittee shall be solely responsible for ensuring that all BMPs are implemented and maintained for the entire duration of the Land Disturbing Activity. The permittee shall also be solely responsible for ensuring that the BMPs are in

accordance with established industry standards, good engineering practices, and all standards as set out in the Alabama Handbook.

3. The permittee shall ensure proper onsite containment and disposal of all construction building materials, supplies, trash, debris, fertilizers, pesticides, herbicides, detergents sanitary waste and any other solid waste.

4. The permittee shall ensure proper onsite containment and disposal of any pollutants resulting from equipment and vehicle washing, concrete, paint and other washout water.

5. The permittee shall minimize the discharge of any pollutants resulting from a spill or leak from, including but not limited to vehicles, mechanical equipment, and chemical or fuel storage.

6. The permittee shall stabilize all construction entrances and exits to minimize off-site tracking of sediment from vehicles.

7. The permittee shall minimize the generation of dust during construction.

8. The permittee shall minimize the disturbance of steep slopes, unless infeasible.

9. The permittee shall minimize the amount of soil exposure and compaction during construction activity.

10. The permittee shall Temporarily Stabilize disturbed areas immediately whenever work toward project completion and Final Stabilization of any portion of the site has temporarily ceased on any portion of the site and will not resume for a period exceeding thirteen (13) calendar days.

11. The permittee shall provide the necessary measures to ensure that drainage structures important to overall Storm Water Management and control are not adversely affected by clearing, grading, or any other land disturbing activities and shall permanently stabilize any right-of-ways disturbed by during construction.

12. All onsite areas disturbed during construction shall be permanently stabilized prior to issuance of a Certificate of Occupancy. Any offsite disturbances shall with land owner permission be permanently stabilized prior to issuance of Certificate of Occupancy.

13. The permittee shall, with property owner permission, remove any offsite sediments from adjacent properties and stabilize any areas disturbed during the removal. If the removal involves streams or wetlands, proper Federal and State permits shall be required prior to removal.

14. Any permitted land disturbance site that has continued compliance issues and/or offsite impacts may be issued a Stop Work Order; ceasing all activity except BMP installation and maintenance. At that time the permittee may be required to submit an updated CBMP Plan prepared by a Qualified Credentialed Professional.

SECTION VIII: INSPECTION AND MAINTENANCEREQUIREMENTS

For the purposes of this Ordinance, the following are the minimum requirements for the CBMPP Inspections:

1. The permittee shall ensure proper implementation, daily observation, regular inspection and continual maintenance of effective Best Management Practices to prevent offsite impacts and impacts to downstream water quality.

2. In the event the Best Management Practices are found to be in need of maintenance or improvements, the permittee shall commence and implement all necessary maintenance and corrective measures to the Best Management Practices within forty-eight (48) hours of notice unless prevented by unsafe weather conditions.

SECTION IX: SENSITIVE AREA PROTECTION

Sensitive areas within the City that require enhanced environmental protection are listed below:

1. Priority Construction Site: Any Priority Construction Site that is less than an acre with continued compliance issues and/or offsite impacts may be issued a Stop Work Order; ceasing all activity except BMP maintenance. At that time, the permittee may be required to submit an updated CBMP Plan prepared by a Qualified Credentialed Professional.

2. Streams & Shorelines: During CBMP Plan review, if it is determined that the site may impact State waters or shore lines, the City may require that the permittee have the site evaluated by the state and federal permitting agency to determine whether a state or federal permit will be required to complete site work. If it is determined that a permit will be required, then the permit must be acquired by the prior to issuance of any City permit.

3. Wetlands: During CBMP Plan review, if it is determined that the site may impact potential wetlands, the City may require that the permittee have a Wetland Delineation performed at his or her cost. If a determination is made that the site will impact wetlands then all state and federal permits must be acquired by the prior to issuance of the City's permit.

SECTION X: ENFORCEMENT

Failure to comply with any section of this Ordinance is hereby deemed a violation and shall be sufficient cause for the City of Daphne, through either a Building Inspector, Site Containment Inspector or Code Enforcement Officer, to issue an order suspending all work (a "Stop Work Order") on the land disturbing site until satisfactory measures are taken to comply with this Ordinance.

SECTION XI: CRIMINAL PROSECUTION

1. Any person that has violated or continues to violate this Ordinance shall be liable to criminal prosecution to the fullest extent of the law, and be punished by a fine of not less than fifty dollars (\$50.00), but not more than five hundred dollars (\$500.00), or imprisonment not to exceed one-hundred and eighty days (180), or both.

2. The City may recover all attorneys' fees court costs and other expenses associated with enforcement of this Ordinance, including sampling and monitoring expenses.

SECTION XII: MINIMUM PENALTIES

1. Penalty for Violation-Fines: The following schedule of fines is hereby established by the City pursuant to this Ordinance and the laws of the State of Alabama. In addition to the fines so established, the Defendant shall pay, in addition to such fine amount, any court costs which are in effect at the time of such

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

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

- a. First Offense \$100.00 Plus Court Cost
- b. All Subsequent Offense Court Appearance, Fines and Court Cost

In addition to the other remedies so provided herein, the City retains the right to bring an action for injunctive relief to require the payment of damages to City properties, including but not limited to streets, and right of ways, resulting from the permittee’s failure to implement and/or maintain construction site BMPs.

SECTION XIII: REPEALER

Ordinance No. 2008-54 is specifically repealed in its entirety and any other Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed in so far as they conflict.

SECTION XIV: SEVERABILITY

Should any section or provision of this article be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

SECTION XV: 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 _____, 2014.

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

CITY OF DAPHNE ORDINANCE NO. 2014-09

AN ORDINANCE FOR REGULATING ILLICIT DISCHARGES TO THE CITY OF DAPHNE'S MUNICIPAL STORM DRAIN SYSTEM

WHEREAS, the City Council of the City of Daphne, Alabama deems it to be in the best interest of public health, safety, and the general welfare of its citizens to establish regulations for illicit discharges to its municipal storm drain system; and

WHEREAS, this Ordinance for Regulating Illicit Discharges to the City of Daphne's Municipal Storm Drain System (this "Ordinance") establishes methods for controlling the introduction of pollutants into the City's municipal separate storm sewer system (the "MS4") in order to comply with requirements of the National Pollutant Discharge Elimination System (the "NPDES") MS4 Phase II permit process.

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

SECTION I: TITLE ORD. No. 2014-09 "*ILLICIT DISCHARGE ORDINANCE*"

SECTION II: JURISDICTION

The provisions of this Ordinance shall apply to all lands within the corporate limits of the City of Daphne.

SECTION III: PURPOSE

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Daphne through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Ordinance establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the NPDES permit process. The objectives of this Ordinance are:

1. To regulate the introduction of pollutants to the MS4 by stormwater discharges by any user.
2. To prohibit illicit connections and discharges to the City's MS4.
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Ordinance.

SECTION IV: DEFINITIONS

For the purposes of this Ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in this Ordinance:

1. Authorized Enforcement Personnel: Environmental Programs Manager, Site Containment Inspector, and the Code Enforcement Officer or their designee from the City designated to enforce this Ordinance.

2. Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

3. Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

4. City: The City of Daphne, Alabama.

5. Construction Activity: The disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities which may result in soil erosion. Construction activity does not include agricultural and silvicultural (forestry) practices.

6. Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

7. Illegal Discharge: Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section VII, 1 (a-c) of this Ordinance.

8. Illicit Connections: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, swimming pool discharge, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an City or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an City.

9. Industrial Activity: Activities subject to NPDES Industrial Permits as defined in the

Code of Federal Regulations, 40 CFR, Section 122.26 (b) (14).

10. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by the EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

11. Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of stormwater.

12. Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

13. Pollutant: Anything which causes or contributes to pollution. Pollutants may include , but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; sediment, solid wastes and other residues that result from constructing a building or structure; and/or noxious or offensive matter of any kind.

14. Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

15. Storm Drainage System: Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

16. Stormwater: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

17. Stormwater Pollution Prevention Plan or SWPPP: A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

18. Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

SECTION V: APPLICABILITY

This Ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City.

SECTION VI: ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION VII: DISCHARGE PROHIBITIONS & EXEMPTIONS**1. Prohibition of Illegal Discharges.**

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

a. The following discharges are exempt from discharge prohibitions established by this Ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration in to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, firefighting activities, and any other water source not containing pollutants.

b. Discharges specified in writing by the City as being necessary to protect public health and safety.

c. Dye testing is an allowable discharge, but requires a verbal notification to the City prior to the time of the test.

2. Prohibition of Illicit Connections.

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION VIII: SUSPENSION OF MS4 ACCESS**1. Suspension due to Illicit Discharges in Emergency Situations.**

The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a

suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

2. Suspension due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City.

SECTION IX: INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing discharges to the MS4. If warranted, NPDES stormwater permitted sites, may be required to connect its non-stormwater discharges to the sanitary sewer for additional treatment to minimize the potential for pollutants entering the City's MS4.

SECTION X: MONITORING OF DISCHARGES

1. Applicability

This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

2. Access to Facilities

a. The City's Authorized Enforcement Personnel shall be permitted to enter and inspect facilities subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City.

b. Facility operators shall allow the City's Authorized Enforcement Personnel ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

c. The City's Authorized Enforcement Personnel shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's stormwater discharge.

d. The City's Authorized Enforcement Personnel has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used

to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or verbal request of the City. The costs of clearing such access shall be borne by the operator.

f. Unreasonable delay in allowing the City's Authorized Enforcement Personnel access to a permitted facility is a violation of a stormwater discharge permit and of this Ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Ordinance.

g. If the City's Authorized Enforcement Personnel has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from the court of competent jurisdiction.

SECTION XI: REQUIREMENTS TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The City has requirements within the latest version of the *Construction Best Management Practices Ordinance* and *Article 18 of the Land Use and Development Ordinance* that identifies Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.

SECTION XII: WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or

adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION XIII: NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify one of the City's Authorized Enforcement Personnel in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the same City Authorized Enforcement Personnel within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained at the facility for at least three years.

SECTION XIV: ENFORCEMENT

Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may mandate compliance by written notice of violation to the responsible person ("Notice of Violation"). Such Notice of Violation may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work must be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

This Ordinance is also subject to enforcement by the issuance of a Municipal Offense

Ticket or summons and complaint pursuant to the ordinance titled "Establish Penalties and Enforcement Procedures for Violation of Municipal Ordinances." Each day of documented non-compliance constitutes a separate violation of this Ordinance.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION XV: COST OF ABATEMENT OF THE VIOLATION

Within ten (10) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than twelve (12) equal payments. Interest at the rate of percent per annum shall be assessed on the balance beginning on the first (1st) day following discovery of the violation.

SECTION XVI: INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this Ordinance, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION XVII: ALTERNATE COMPENSATORY ACTION IN LIEU OF ENFORCEMENT

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City may impose upon a violator alternative compensatory action, such as storm drain stenciling, attending compliance workshops, creek cleanup, etc.

SECTION XVIII: VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION XIX: CRIMINAL PROSECUTION

Any person that has violated or continues to violate this Ordinance shall be liable to criminal prosecution to the fullest extent of the law, and be punished by a fine of not less than fifty dollars (\$50.00), but not more than five hundred dollars (\$500.00), or imprisonment not to exceed one-hundred and eighty days (180), or both.

The City may recover all attorneys' fees court costs and other expenses associated with enforcement of this Ordinance, including sampling and monitoring expenses.

SECTION XX: MINIMUM PENALTIES

1. Penalty for Violation-Fines

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

2. Schedule of Fines

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

- a. First Offense \$ 50.00 plus Court Cost
- b. All Subsequent Offense Court Appearance with Fine & Court Cost

SECTION XXI: REMEDIES NOT EXCLUSIVE

The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

SECTION XXII: SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance. All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

SECTION XXIII: 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 _____, 2014.

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2014-10**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 23, 2014 favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinances No. 2011-73, 2012-19, 2012-54 and 2013-11 and 2013-55; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinances 2011-73 and 2012-19 and 2012-54 and 2013-11 and 2013-55; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 3, 2014; and

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

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

SECTION I: ZONING DISTRICT MAP

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

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H Exhibit “A”, Ordinances No. 2011-73 and 2012-19, 2012-54, 2013-11 and 2013-55 is hereby repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE _____ DAY OF _____, 2014.

**Dane Haygood,
Mayor**

ATTEST:

**Rebecca A. Hayes,
City Clerk**

EXHIBIT "A"

ZONING & STREET MAP UPDATES

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

- During this period the City limits remain 16.62 sq. miles.
- The city has not accepted additional roads or rights of way for maintenance.
- Twenty one new lots have been created in the City.
- Ninety seven (97) acres have been zoned for future residential development.
- Over 17 acres (17.9) have been zoned for future non-residential development.

Instrument	Approval	Action	Size
Rezoning---			
Ordinance 2013-40 <i>TC sub</i>	08/05/13	Rezone B-2 to R-6 (G)	97.49 acres
Ordinance 2013-62 <i>Christ the King</i>	11/18/13	Rezone R-2, B-2 to B-1	11.78 acres
Ordinance 2013-63 <i>Martin Pierce</i>	11/18/13	Rezone R-3 to B-2	5.2 acres
Street Acceptances---	none		

Subdivisions--- Probate Slide Number	Date of PC Approval Recorded after last map revision	New lots created (from original lot)	Corporate Limits?
2483-A <i>TC Com. P2, NW Quad, ResL4, ResP4A</i>	03/28/13	1	Yes
2491-B <i>Summer Oaks Townhomes</i>	04/25/13	12	Yes
2484-A <i>Resub L2 Webb FLP Sub</i>	05/02/13	1	Yes
2491-C <i>The Courtyards Sub</i>	06/27/13	3	Yes
2488-E <i>Nero Subdivision</i>	07/25/13	1	ETJ
2489-D <i>Wilson Acres Sub</i>	07/25/13	1	Yes
2490-F <i>Replat L11 pt and 12 Whispering Pines</i>	08/29/13	0 replat	Yes
2493-B <i>Resub L2A of L2, Wilson Ave BP</i>	09/26/13	3	Yes
2483-D <i>Ervin Subdivision</i>	05/02/13	1 additional lot	
Approved but not recorded	as of 12/02/13	--	--
*Honda Division	11/21/13	1	
*Gipson	10/25/13	1	ETJ
*Lazzari	10/25/13	1	ETJ
Tasheiko	10/25/13	3	ETJ

- Not shown on maps

**CITY OF DAPHNE
ORDINANCE NO. 2014-11**

**AN ORDINANCE TO AMEND THE CITY OF DAPHNE'S LAND USE AND
DEVELOPMENT ORDINANCE / SIGN PROVISIONS**

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

WHEREAS, the City Council of the City of Daphne in a joint meeting with the Planning Commission held a public hearing on signage on the 7th day of February, 2013; and,

WHEREAS, the Mayor identified sixteen specific items for signage consideration including: a-frame sign, roadside promotional signage, banners, building wall signs, inflatables, tents, political signs, commercial real estate signs, digital signage, new store/grand opening signs, monument/pylon signage, street banner lamp post, coming soon/under construction, real estate builder or subdivision signage, 3-d objects, on premise signage (informational/directional); and,

WHEREAS on the 18th day of June, 2013, the City Council appointed a seven member sign committee that met weekly between July 2nd and September 24th to discuss and vet each of the sixteen signage considerations; and,

WHEREAS, the Sign Committee voted and made its final report of recommendations to the City Council on the 24th of September regarding proposed amendments to and related to various provisions regarding signage of the City of Daphne; and,

WHEREAS, the City of Daphne Planning Commission held a public hearing during its regularly scheduled Commission meeting on the 19th day of December, 2013 to gather input from the public regarding the Sign Committee's recommendations, and,

WHEREAS, the City of Daphne Planning Commission held a special work session on the 7th day of January, 2014, for further discussion of pending changes regarding the sign ordinance; and,

WHEREAS, the City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 23rd day of January, 2014, and has made a favorable recommendation for adoption to the City Council; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on March 3, 2014.

ORDINANCE 2014-11 AMENDING THE LAND USE & DEVELOPMENT ORDINANCE/SIGN PROVISIONS

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

SECTION 1.0---AMEND ORDINANCE 2011-54, THE LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 8, DEFINITION OF TERMS TO ADD TERMS AND DEFINITIONS AS FOLLOWS:

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

Advertising statuary sign. Any sign which is modeled or a sculptured likeness of an animate or inanimate object intended to be used as an advertising device. This would include an imitation, representation, or similitude of a person or thing which is sculptured, molded, modeled or cast in any solid or plastic substance, material, or fabric which for advertising or identifying purposes is erected on or attached to the ground. See also Three-Dimensional (3-D) sign or emblem.

Ambient light. Light existing on all sides: encompassing.

Banner, Event. A banner containing a sign or message regarding a public event or a season of celebration.

Banner, Neighborhood. A banner containing a sign or message identifying the neighborhood association or *non-profit* educational institution within a neighborhood where they are located.

“Coming Soon” sign. An advertising sign calls attention to an establishment, merchandise, product, or service which is sold, provided, manufactured, or furnished on the premise as “coming soon.”

Decorative street banner. A banner which is mounted on street light poles or utility poles on privately owned property. The purpose of which is to (1) advertise on-premise or (2) promote projects of community or civic or regional fairs or celebrations or special events, seasonal or holiday decorations, or projects of community organizations or other public events, that may be of interest to the entire City.

Digital sign. An electronic sign used to advertise products or information. Digital signage includes LCD, LED, plasma and front-projection displays to target audiences. A network of digital displays that are centrally managed and addressable for advertising. Also

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referred to as (synonyms): Dynamic Signage, Digital Signs, Electronic Signage, Digital Media Advertising, Digital Signage Network. See also Electronic sign.

Electronic sign. An electronic sign used to advertise products or information. Digital signage includes LCD, LED, plasma and front-projection displays to target audiences. A network of digital displays that are centrally managed and addressable for advertising. Also referred to as (synonyms): Dynamic Signage, Digital Signs, Electronic Signage, Digital Media Advertising, Digital Signage Network. See also Digital sign.

Foot candle. A unit for measuring illumination that equals one lumen per square foot.

Luminosity. The quality or state of being luminous: brightness.

New construction sign. A sign for new construction, renovation or expansion of an existing building as specified herein.

Nit. A nit is a measurement of light emissions and surface area.

Promotional tent. Any tent that is sited within a development which is customized to contain characteristics of an advertising sign or identifies or draws attention to a business, profession, or industry, to the type of products sold, manufactured, or assembled, or to the type of services or entertainment offered or available on the premises.

Sign walker(s). A person who wears, holds, or balances a portable sign, or who wears a commercial logo or other identification on shirts, hats and other apparel that conveys a commercial advertisement message to vehicular traffic.

Three dimensional (3-D) logo sign or emblem. Any 3-dimensional form shaped into a work of art, fountain, sculpture, or similar object that is sited within a development which does either of the following: contains characteristics of an advertising sign or identifies or draws attention to a business, profession, or industry, to the type of products sold, manufactured or assembled, or to the type of services or entertainment offered or available on the premises. See also advertising statuary sign.

**SECTION 2.0---AMEND LAND USE & DEVELOPMENT ORDINANCE,
ARTICLE 33, SECTION 5, SIGN FOR WHICH NO PERMIT IS NEEDED, AS
FOLLOWS:**

2.01---ADD WORDS SHOWN AS UNDERLINED:

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

2.02---DELETE SUBSECTION (E) TEMPORARY PROMOTIONAL SIGN ALLOWANCE FOR COMMERCIAL AND RETAIL ESTABLISHMENTS:

~~(e) — Temporary Promotional Sign Allowance for Commercial and Retail Establishments:~~

~~The following signage shall be permitted. That which is not specifically provided herein is expressly prohibited: (1) — Council Authorization Required: Temporary signs and banners not exceeding fifty (50) square feet in area, temporary decorative flags, tethered inflatable items, bunting, pennants and streamers for recognizing holidays and other occasions authorized by the City Council. (2) Promotional Weekend and Nationally Recognized Holidays: On the last Friday of each month, commencing no earlier than six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday (Labor Day, Memorial Day, or the Fourth of July) and/or any other State recognized holiday, retail and commercial establishments duly licensed to do business within the corporate limits shall be permitted to display a reasonable number of three (3) of the following items provided; however, all such items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply. Temporary decorative signs, pennants, banners (not to exceed two (2), twenty (20) square feet each), streamers, bunting, balloons, and flags. (Reference: Section 33-5, Subsection (g), for provisions governing use of flags). Each commercial or retail establishment shall be permitted to choose any three (3) types of signage from the foregoing list on each weekend specified and shall be limited to the use of only those three (3) types of items chosen during any given promotional weekend.~~

2.03---DELETE SUBSECTION (F) POLITICAL SIGNS AS FOLLOWS:

~~(f) Political Signs: Political signs shall be displayed for the duration of a campaign and shall be removed within five (5) days following the election. A candidate shall not place signs prior to qualifying to run for office with the qualifying entity administering the election. Such signage shall be subject to the requirements of Ordinance 1989-04, Establishing Sign Control during Political Campaigns. Signs located within residential districts shall not exceed four (4) square feet in area.~~

2.04---RECLASSIFY RESIDENTIAL REAL ESTATE SIGNS AS SUBSECTION (e) AS FOLLOWS:

~~(d)~~(e) Residential real estate signs

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

**2.05---INSERT COMMERCIAL REAL ESTATE SIGNS UNDER
SUBSECTION (d) AS FOLLOWS:**

(d) Commercial real estate signs

(1) On Undeveloped Property

- a. A commercial real estate sign advertising undeveloped or vacant real property for sale, lease, or rent will be permitted provided the area of each sign shall not exceed ~~thirty-two square feet (32 sq. ft.)~~, sixteen (16 sq. ft.) square feet, ten feet (10 ft.) in height, is non-illuminated, and is within the confines of the development. An additional commercial real estate advertising sign may be permitted at each street frontage, but shall be no closer than 500 (five hundred) feet along the same street with no more than four such signs per premise.
- b. In the event that such premises is five (5) acres or greater or abuts Interstate 10 right-of-way said commercial real estate advertising sign shall be allowed up to sixty-four square feet (64 sq. ft.), ten feet (10 ft.) in height, is non-illuminated, and is within the confines of the development.

(2) On Developed Property

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

- a. Ground sign: a commercial/industrial (C/I) and all business zones, (B-1, B-2 and B-3), provided the area of each sign shall not exceed thirty-two (32) square feet, ten (10) feet in height, is non-illuminated, and is within the confines of the development.
- b. Window sign: Indoor signage or window signs which advertise commercial real estate may cover no more than twenty (20) percent of the window glass surface area of the front of the building or portion of the building wherein the window sign is proposed and not to exceed an aggregate area of one hundred (100 sq. ft.) square feet.
- c. Wall sign: A commercial real estate wall sign advertising developed real property for sale, lease, or rent will be permitted not to exceed three hundred and fifty square feet (350 sq. ft.) or thirty percent (30%) of the frontal area of the building or portion of the building.

2.06---DELETE 33-5(f) POLITICAL SIGNS:

~~Political signs shall be displayed for the duration of a campaign and shall be removed within five (5) days following the election. A candidate shall not place signs prior to qualifying to run for office with the qualifying entity administering the election. Such signage shall be subject to the requirements of Ordinance 1989-04, Establishing Sign Control during Political Campaigns. Signs located within residential districts shall not exceed four (4) square feet in area.~~

2.07---AMENDED 33-5 TO ADD AS SUBSECTION (f) NEW CONSTRUCTION SIGNS [MOVED FROM 33-10 (g) PERMITTED SIGNS AND AMENDED] AS FOLLOWS:**(f) New construction signs**

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

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

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

(3) "Coming Soon" sign. An advertising sign calls attention to an establishment, merchandise, product, or service which is sold, provided, manufactured, or furnished on the premise as "coming soon." One such sign shall be permitted to the owner for the development for each individual business premises, shopping center premises, commercial/industrial business, subdivision, planned unit development,

mobile home park and mobile home subdivision, where in accordance with General Provisions noted above.

- (4) Additional Provisions for Advertising Signs. A temporary advertising sign will be permitted to the owner for the development for each individual business premises, shopping center premises, commercial/industrial business, subdivision, planned unit development, mobile home park and mobile home subdivision, provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, and is within the confines of the development.
- (5) A name identification sign will be permitted on each premise for a new business or a business starting in a new location where the premises is without a permitted permanent sign for a period of not more than sixty (60) days or until mounting of a permanently permitted sign. An under construction, "coming soon" or name identification sign may be placed on premise after receiving a permit from the Code Enforcement Officer and approval of a building permit from the Building Official or a new or amended business license from the Revenue Officer, as applicable and shall be removed upon issuance of a certificate of occupancy or upon final inspection of the Building Official, as applicable, but no later than the first day of the grand opening of the facility.

2.08---REPEAL *ORDINANCE 1989-04* (AN EXISTING CITY ORDINANCE AND INCORPORATE SAID LANGUAGE INTO SIGN PROVISIONS).

2.09---INSERT POLITICAL SIGNS AS SUBSECTION (g) AND RE-NUMBER EACH SUBSEQUENT SUB HEADERS AS FOLLOWS:

(g) Political Signs

The City, in order to promote the health, safety, convenience, order, prosperity, and general welfare of the residents, to ensure equal opportunity to political candidates during the election process, and to maintain the beauty and natural attraction of the local environment, hereby ordains and enacts into law a sign control ordinance applicable to political campaigns. The requirements of this article shall be supplementary to any other ordinances, rules and regulations of the City and the state currently in force and effect. This article is hereby adopted pursuant to authority granted by Code of Ala. 1975, §§ 11-52-1—11-52-84. The purpose of this article is to establish rules and regulations for sign control during local political campaigns.

- (1) Applicability. Political signs are exempt from the permit requirements of the land use and development ordinance of the City.
- (2) Painting on or attaching to public property, or utility property. Political signs shall not be erected, constructed, posted or painted on any publicly maintained city, county, state or federal right-of-way, utility pole, tree, bench, fence, awning, or stand pipe; nor attached to any city, county, state or federal roadway marker, directional sign or informational sign.
- (3) Attaching to business or commercial establishment signs. Political signs shall not be attached to any existing identification, announcement or pricing sign for any business or commercial establishment.
- (4) Impeding traffic. Political signs shall not be located in such a manner as to materially impede the view of any street or highway intersection or to adversely affect ingress or egress from parking lots or driveways.
- (5) Districts in which authorized, non-illuminated. Two (2) non-illuminated political signs per lot or parcel may be placed on private property in any zoning district in the City.
- (6) Maximum size in residential districts. Political signs in residential districts shall not exceed four (4) square feet in area or four (4) feet in height.
- (7) Maximum size in business, commercial and industrial districts. Political signs in business, commercial and industrial districts shall not exceed sixteen (16) square feet in area or eight (8) feet in height.
- (8) Use of party balloons. Customary size party balloons imprinted with a political ad may be tethered to any political sign, provided such balloons do not rise more than four (4) feet above the sign to which they are attached and that not more than two (2) such balloons are attached to any one (1) sign.
- (9) Period of placement. Political signs may be displayed for the duration of a campaign and shall be removed within five (5) days following the election. A candidate shall not place signs prior to qualifying to run for office with the qualifying entities administering the election.
- (10) Failure to remove—Fining of candidate. If political signs are not removed within five (5) days after the election, candidates whose names appear on such signs shall be subject to a fine of twenty-five dollars (\$25.00) per sign and each day such sign shall continue to be left after the election shall constitute a new offense.

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

- (g) (h) Flags:
- (h) (i) Directional Signs and Symbols:
- (i) (j) Memorial Signs and Historical Markers:
- (j) (k) Professional, Announcement or Occupational Signs:

2.10--AMEND 33-5 TO DELETE TEMPORARY PROMOTIONAL BANNER AND ADD TEMPORARY PROMOTIONAL SIGNS AS FOLLOWS:

(o) Temporary promotional Banner signs:

~~One temporary promotional banner in compliance with Section 33-5, Signs Prohibited in All Districts, no greater than twenty (20) square feet may be attached to and parallel to the face of the building wall for a period, not to exceed thirty (30) calendar days. (See Article 8, Definition of Terms, Temporary Use).~~

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

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

1. Placement

- (i) Must be located on premise on private property.
- (ii) Shall not obstruct the view of or impede pedestrian or vehicular traffic along any right-of-way or interior driveway.
- (iii) Shall not be located on accessory structures or buildings.

2. Prohibitions

- (i) Bench signs, ladder-type signs, sign walkers, snipe signs and any portable or moveable sign that is not expressly allowed in the sign provisions.
- (ii) Signs in a state of disrepair and poorly maintained.

3. A-frame Sandwich Board Signs

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

- i. One a-frame sandwich board may be allowed per primary entrance unless in multi-tenant establishment with common entry way. Only one (1) per building per entrance per street frontage.
- ii. Said sign placement should not obstruct view or flow of pedestrian or vehicular traffic.
- iii. One such sign allowed within twenty feet (20-ft) of the front entrance of single tenant establishment.
- iv. For a multi-tenant establishment with one common entry way, A-frame sandwich boards are disallowed.
- v. A multi-tenant establishment with individual exterior entry may be allowed within five feet (5-ft) of that entrance.
- vi. Sign faces added together shall be no greater than twenty-five square feet (25 sq. ft.) in area.
- vii. Each A-frame sign as permitted herein shall be moved and properly stored out of sight during non-business hours and/or inclement weather and shall be used during hours of business only.

4. Advertising Package for Retail and Commercial Establishments

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

- i. A weekend advertising package may be displayed as follows:
 - a) No earlier than six (6) a.m. on Friday, the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday and/or any other State recognized holiday.
 - b) All items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply.
 - c) Advertising package may include no more than three (3) of the following items:

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1. Balloons;
 2. Yard signs - 3 yard signs count as 1 item;
 3. Pennants - 3 sets count as 1 item;
 4. Streamers - 3 sets count as 1 item;
 5. Bunting - 3 sets count as 1 item;
 6. Flags - (Flags used for this purpose shall be separated by a minimum distance of twenty feet (20-ft)); or
 7. One promotional banner not to exceed sixteen (16) sq. ft. in size may be located at each street frontage.
- ii. A holiday advertising package for retail and commercial establishments may only be displayed as follows:
- a) May commence display no earlier than six (6) a.m. on a National holiday and/or any other State recognized holiday.
 - b) All items shall be removed from the premises at the close of the final business day of said holiday and in compliance with weekend holiday advertising as described above.
 - c) A holiday advertising package may include no more than three (3) of the following items:
 1. Balloons;
 2. Yard signs - 3 yard signs count as 1 item;
 3. Pennants - 3 sets count as 1 item;
 4. Streamers - 3 sets count as 1 item;
 5. Bunting - 3 sets count as 1 item;
 6. Flags (Flags used for this purpose shall be separated by a minimum distance of at least twenty feet (20-ft));
 7. One tethered inflatable three dimensional (3-D) object as prescribed in Section 33-10(g) Promotional Banners, Large Promotional Tents and Tethered 3-Dimensional Inflatables; or,
 8. One promotional banner not to exceed sixteen square feet (16 sq. ft.) in size may be located at each street frontage.

2.11---AMEND 33-5 TO ADD SUBSECTION (p) SMALL PROMOTIONAL TENTS AS FOLLOWS:

p. Small Promotional Tents:

Promotional tents may also be known as either outdoor pop-up tent, tent sign promotion, branded promotional tent, branded outdoor pop-up tent, branded tent sign promotion, logo, promotional, marketing, branding, open air tent or stand. A small promotional tent is equal to or less than one hundred forty-four (144) square feet in area and may be allowed without obtaining a permit from the Code Enforcement Officer. Promotional tents exceeding this size shall not be erected until a permit has been issued by the Code Enforcement Officer in accordance with the provisions in Section 33-10(g) Promotional Banners, Large Promotional Tents and Tethered 3-Dimensional Inflatables.

2.12---AMEND 33-5 TO ADD SUBSECTION (q) DECORATIVE STREET BANNERS AS FOLLOWS:

q. Decorative Street Banners:

- i. **One decorative street banner may be placed on each light standard (ex. light pole or street lamp) on any school or religious campus, business park, office park, retail shopping center and/or commercial park, provided that the same are maintained in good condition. Said decorative street banner must be posted on-premise on private property and shall not advertise products, goods or services.**
- ii. **Each decorative street banner shall be no more than thirty (30) inches in width or sixty (60) inches in length, must be professionally produced and made of canvas, vinyl, nylon or cloth material, and must maintain a minimum clearance of twenty (20) feet from the land below.**
- iii. **Only the City of Daphne shall have the right to post a street banner upon a public right of way.**

SECTION 3.0---SIGNS PROHIBITED IN ALL DISTRICTS.

3.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, *ARTICLE 33, SECTION 6, SIGNS PROHIBITED IN ALL DISTRICTS, SUBSECTION (d) PROHIBITED SIGN TYPES AS FOLLOWS:*

Prohibited sign types: ~~Portable signs, bench signs, snipe signs, sandwich signs, except as allowed in Section 33-5, Subsections (d)(e) or ladder-type signs.~~ Portable signs; bench signs; snipe signs; ladder-type signs; sign walkers; and, sandwich signs, except as allowed in Section 33-5, Subsection (o)(3).

SECTION 4.0---PERMITTED SIGNS.**4.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, *ARTICLE 33, SIGN PROVISIONS, SECTION 10 PERMITTED SIGNS* .****4.02---ADD TO INTRODUCTORY PARAGRAPH AS FOLLOWS:**

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

4.03---AMEND 33-10 (b) FORMATTING TO CREATE SUBSECTION HEADERS TO EXISTING LANGUAGE AS FOLLOWS:

Name indication signs:

- 1.** Signs indicating the name of any fixed dwelling or mobile home subdivision; mobile home park; apartment, townhouse, condominium or planned unit development; office park, shopping center, industrial park or other residential or business complex permitted in any district; and signs for any use permitted by right, with planning approval, or special exception in any residential district, are permitted.
- 2.** Such signs shall not exceed fifty (50) square feet in area per face, two (2) faces, and a maximum of twenty-one (21) feet in height. One (1) such sign may be placed perpendicular to each City street frontage to be served.
- 3.** Premises classified as "General Business (Shopping Center)" in Section 33-11, Schedule of permitted sign requirements, shall be permitted one (1) sign, the area of which shall be determined according to the following formula: one (1) square foot of signage per thousand (1,000) square feet of the building; however, such sign shall not exceed one hundred fifty (150) square feet in area per face, two (2) faces, fifteen (15) feet in width, and a maximum of twenty-one (21) feet in height. Additionally, those so classified shall be permitted one sign not to exceed fifty (50) square feet in area per face, two (2) faces, maximum of twenty-one (21) feet in height. One (1) such sign may be placed perpendicular to each City street frontage to be served, of which is not supporting the larger sign.

4.04---AMEND 33-10 (b) TO ADD SUBSECTION 4 AS FOLLOWS:

- 4. One three-dimensional logo sign or emblem may be used in lieu of the above mentioned freestanding name identification sign except for establishments with multiple City street frontages. Such sign is prohibited in a multi-tenant arrangement or general business (shopping center). Any off-premise 3-D logo sign(s) and advertising statutory sign(s) shall be prohibited.**
- a. The maximum height shall not exceed four (4) feet and the maximum area shall not exceed sixteen (16) square feet. The supporting pedestal or base shall not exceed a height of two (2) feet or a width of four (4) feet. Where allowed, one (1) such sign may be placed perpendicular to each City street frontage to be served. In the event that the business has multiple street frontages, one three-dimensional logo sign or emblem may be utilized on one frontage and a freestanding sign may be placed additional road frontages. The minimum setback of which shall be no less than fifteen (15) feet from the nearest property line.**
- b. Measuring three-dimensional logo sign or emblem. Three-dimensional or irregularly-shaped signs shall be measured by determining the surface area of the face of a minimum imaginary rectangle parallel to the plane of view that completely encloses all of the extremities of the largest side of the sign, excluding its supports. The rectangle shall enclose the extreme limits of each word and written representation, including any series of letters, emblems or figures of similar character, including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.**

4.05---AMEND 33-10 (b) TO ADD SUBHEADING TO EXISTING LANGUAGE AS FOLLOWS:

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

Amend 33-10 (c) Wall-mounted signs as follows:

Each establishment in a shopping center or each business premises in B-1, Local Business, B-2, General Business, B-3, Professional, and C/I, Commercial/Industrial, districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of ~~three hundred (300) square feet or twenty (20) percent~~ **three hundred fifty (350) square feet or thirty (30) percent** of the surface frontal area of its building or portion of building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

4.06---MOVED (g) NEW CONSTRUCTION SIGNS TO 33-5 SIGNS FOR WHICH NO PERMIT IS REQUIRED SUBSECTION (F).

4.07---ADDED (g) PROMOTIONAL BANNERS, LARGE PROMOTIONAL TENTS AND TETHERED 3-DIMENSIONAL INFLATABLES LANGUAGE AS FOLLOWS:

(g) Promotional Banners: a promotional banner is a strip of cloth, paper, canvas, or similar material, on which a professionally printed message, slogan or emblem is painted, drawn or otherwise projected, colored or shaped with only such material for a backing for the purpose of advertising or drawing attention to a product, object, facility, activity or idea. A banner may be used to advertise a unique event or special recurring business marketing promo and to be removed upon completion of that event and/or promotion.

1. **The promotional banner is not intended to replace a permanent business identification sign nor to circumvent the sign permit application process.**
2. **A single tenant building and/or multi-tenant building with individual entrances shall be allowed to utilize a sixteen (16) square foot promotional banner for up to twenty eight (28) days per calendar year. The business shall acquire a no cost permit from Code Enforcement prior to posting the promotional banner. Said temporary banner use shall not count against any promotional weekend, holiday, or event as allowed by Council.**
3. **Said banner may be located as follows: attached, connected or tethered to the building façade; or, supported by stakes or other similar devices. No banner may be located in the road right-of-way or alleyway; or located so as to obstruct the view or impede pedestrian or vehicular traffic. A plot plan showing the proposed location of the banner and the distance from the nearest property lines and public right-of-way shall accompany the permit application.**
4. **One promotional tent greater than one hundred-forty four square feet (144 sq. ft.) in area may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said tent should be located within the minimum setbacks of the property and sufficiently anchored or tethered to ensure safety. A plot plan showing the proposed location of the tent and the distance from the nearest property lines and public right-of-way shall accompany the permit application. Small promotional tents or those equal to or less than one hundred-forty four square feet (144 sq. ft.) in area are exempt from these provisions.**

5. One tethered inflatable three dimensional (3-D) object may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said inflatable shall be setback at least one hundred feet (100-ft) from the property line. The maximum height shall not exceed fifty feet (50-ft). A plot plan showing the proposed location of the 3-D tethered inflatable and the distance from the nearest property lines and public right-of-way shall accompany the permit application.
6. Either one promotional tent or one tethered inflatable three dimensional (3-D) object may be allowed at one time. A promotional tent greater than one hundred-forty four square feet (144 sq. ft.) shall not be erected at the same time that a tethered 3-D inflatable object is displayed.

4.08---AMEND 33-10 (h) CONVENTIONS AND GRAND OPENINGS AS FOLLOWS:

~~(h) Conventions and Grand Openings: Temporary signs and banners not exceeding fifty (50) square feet in area and temporary decorative flags, bunting, pennants and streamers for recognizing conventions and grand openings. Said temporary decorations and signs shall be kept in good condition and shall be permitted no more than fourteen (14) days.~~

Grand Openings, Grand Re-openings, and Conventions Marketing Packages:

1. Upon obtaining a permit from the Code Enforcement Officer, one marketing package as described herein is allowed per street frontage for each lot, business or residential development.
2. In the event of a grand re-opening of an existing business, a marketing package may be allowed for a duration of fourteen (14) days.
3. In the event of a grand opening of a new business, a marketing package may be allowed for a duration of thirty (30) days.
4. Any convention marketing shall be on premise and may be on display for a time commensurate with and remain for the duration of the convention.
5. A grand opening marketing package may include a combination of five (5) of the following marketing signs:
 - i. One promotional not to exceed thirty two (32 sq. ft.) square feet in size may be located at each street frontage;

- ii. Promotional flags (shall be separated by at least 20-ft);
- iii. One tethered inflatable three dimensional (3-D) object, the maximum height shall be no more than fifty (50-ft) feet, and shall be setback at least one hundred (100-ft) from the property line; and,
- iv. Three (3) other items from the following list:
 - a. Balloons; or
 - b. Yard signs - three yard signs count as one item;
 - c. Pennants - three sets count as one item;
 - d. Streamers - three sets count as one item; or,
 - e. Bunting - 3 sets count as 1 item.

SECTION 5.0---ELECTRONIC SIGNAGE.

5.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 33, SIGN PROVISIONS, SECTION 10 ADD SUBSECTION (j) ELECTRONIC SIGNS FOR BUSINESS OR RELIGIOUS ESTABLISHMENTS AND CREATE SUBSECTIONS 1 AND 2 AS FOLLOWS:

(j) Electronic signs:

General prohibition: Electronic signs are prohibited within the corporate limits with the following exception(s):

(1) Electronic Signs for Business or Religious Establishments

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

a. Sign Permit and Landscaping Required

- i. **Any electronic and/or digital sign or sign component shall obtain a permit from the Code Enforcement Officer prior to installation. No electronic or digital sign shall be considered properly installed unless associated landscaping has been implemented in accordance with a landscape plan approved by the Director of Community Development.**

- ii. A landscape plan designed by a qualified professional shall be submitted to the Department of Community Development prior to or at the same time as the sign permit application is submitted to the Code Enforcement Officer. Disapproval of the landscape plan may result in disapproval of the sign permit or a delay in approval thereof. Any disapproval of a landscaping plan expressly associated with the installation of an electronic or digital sign shall be appealed to the Board of Zoning Adjustment.

- iii. Any landscaping expressly associated with a permit application for a digital or electronic sign shall include at least the following items:
 - a. A minimum of two (2) understory (medium) trees (3) inches in caliper and eight (8) feet in height at planting to be planted on each side of the monument sign post. It is recommended that trees be obtained from a licensed source.

 - b. Multi-stemmed understory trees shall be a minimum of ten (10) feet in height and must have at least three (3) stems; each with a minimum caliper of three-fourth (¾) inches. Shrubs pruned into tree form variations shall not be credited toward tree planting requirements. On-site trees of adequate size may be credited toward these requirements if said trees provide adequate aesthetic value to the landscaping.

 - c. Foundation planting shall be placed at the base of monument sign. Shrubs shall be a minimum of three (3) gallons at planting, but should be of a variety that will not grow to obstruct view of the sign. These include, but are not limited to the following: Ligustrum, Indian Hawthorn, Tree Yaupon and Camellia. Ground cover planting shall be established with pots sized four inches or greater. Grass shall be composed of solid sod. Seed and mulch shall not be accepted.

b. Prohibited Locations

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

c. Prohibited Effects

- i. **Scrolling or traveling of a message on changeable copy is prohibited.**
- ii. **Image shall be static, shall not be animated, intermittent, and/or full video. Flashing, strobing, and/or racing shall be prohibited. No sign can be designed or displayed to imitate traffic safety lights and/or signs.**
- iii. **Changeable copy shall not and shall not appear to flash, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise move.**
- iv. **No animation, no sequential messaging, no streaming video, no sound, no sequencing to appear as motion.**

d. On Premise digital and/or electronic sign provisions

The following provisions shall apply:

- i. **May be incorporated into the body of a monument sign and shall not be placed at any other location on site; shall not exceed sixty percent (60%) of the monument sign or pylon sign face; shall not exceed thirty square feet (30 sq. ft). per sign face.**
- ii. **Any monument sign that incorporates digital and/or electronic signage shall not exceed twelve feet (12-ft) in height. No pylon sign shall be permitted to incorporate digital and/or electronic signage as such is prohibited in the City of Daphne.**

(e) Mode of Operation

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

- i. **Changeable copy**

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

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

(f) Brightness

- i. **All electronic signs shall have functioning ambient light monitors and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. In**

no event shall an illuminated digital sign emit more than 6,000 (six thousand) nits per foot candle in full daylight and 300 (three hundred) nits/foot candle between dusk and dawn.

- ii. Settings or interface controlling settings must be made available to Code Enforcement upon request. Settings shall include but are not limited to any settings or schedules related to brightness, luminosity, copy change or other settings which could affect compliance with electronic sign provisions as set forth in this ordinance.
- iii. Regardless of any other requirement, illuminated signs shall not project light that exceeds one tenth (1/10) of a foot candle above the ambient light at any property line bordering any residential zone district.
- iv. Sign must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the City that it is not complying with the standards of this ordinance.

(2) Public entities, limited to the Daphne Civic Center, Recreation, and Library Complex and Schools of the Baldwin County School System shall be allowed to maintain electronic signs on the premises of such entities for the sole purpose of providing (1) information regarding onsite activities or (2) community information of general public interest (i.e.: City Council meetings, public service announcements (P.S.A.s), provided, however that such signs comply with the following requirements:

SECTION 6.0--- REAL ESTATE BUILDER/SUBDIVISION DIRECTIONAL SIGNS.

6.01 AMEND LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 33, SIGN PROVISIONS, SECTION 10 ADD SUBSECTION (m) REAL ESTATE BUILDER/SUBDIVISION DIRECTIONAL SIGNAGE AS FOLLOWS:

- (m) Real Estate Builder/Subdivision Directional Signage: Inasmuch as residential developments continue to arise within the City limits, real estate builder advertising signs shall be allowed to be placed at each entrance to the subdivision with a permit from the Code Enforcement Officer and in accordance with the following conditions:

1. **Each real estate builder/subdivision directional sign shall be located on private property not in the right of way; and,**
2. **The permit for such sign is subject to annual renewal when maintained in good repair; however, all signs shall be removed by the permit holder when no additional lots are available for sale; and,**
3. **Said sign shall not exceed thirty two square feet (32 sq. ft.). No more than one such sign will be permitted per entrance, and the placement of any additional real estate builder/subdivision directional sign shall be separated by a minimum distance of five hundred feet (500-ft).**

SECTION 7.0---EASTERN SHORE PARK AND JUBILEE RETAIL OVERLAY.

7.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 37, EASTERN SHORE PARK OVERLAY, SECTION 15, SIGN PROVISIONS SUBSECTION B. PERMITTED SIGNS AS FOLLOWS:

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

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

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

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

7.02---AMEND TITLE OF SUBSECTION (j).(j) ~~New construction signs~~ Temporary Signage**7.03---ADD SUBSECTION (j)(4) AS FOLLOWS:****(4) Large promotional tents and tethered 3-d inflatables:**

- i. **One promotional tent greater than one hundred-forty four square feet (144 sq. ft.) in area may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said tent should be located within the minimum setbacks of the property and sufficiently anchored or tethered to ensure safety. A plot plan showing the proposed location of the tent and the distance from the nearest property lines and public right-of-way shall accompany the permit application. Small promotional tents or those equal to or less than 144 square feet in area are exempt from these provisions.**
- ii. **One tethered inflatable three dimensional (3-D) object may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said inflatable shall be setback at least one hundred feet (100-ft) from the property line. The maximum height shall not exceed fifty feet (50-ft). A plot plan showing the proposed location of the 3-D tethered inflatable and the distance from the nearest property lines and public right-of-way shall accompany the permit application.**
- iii. **Either one promotional tent or one tethered inflatable three dimensional (3-D) object may be allowed at one time. A promotional tent greater than one hundred-forty four square feet (144 sq. ft.) shall not be erected at the same time that a tethered 3-D inflatable object is displayed.**

7.04---LAND USE & DEVELOPMENT ORDINANCE, *ARTICLE 39, JUBILEE RETAIL OVERLAY, SECTION 16, SIGN PROVISIONS* AMEND AS FOLLOWS:

Subsection (b) Permitted signs

(6) Wall-mounted signs:

Each establishment/business premises under sixty-five thousand (65,000) square feet of building area in B-1, Local Business and B-2, General Business districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of ~~three~~

~~hundred fifty (350) square feet or thirty (30) percent four hundred~~ (400) square feet or forty (40) percent of the surface frontal of the surface frontal area of the building. Each establishment sixty-five thousand (65,000) square feet of building area or larger may acquire a permit for wall mounted signage of a size not to exceed six and one-half (6.5) percent of the surface frontal area of the building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

7.05---AMEND *SUBSECTION (b) PERMITTED SIGNS* AMEND TITLE OF SUBSECTION (9) AND ADD LANGUAGE AS FOLLOWS:

(9) ~~New Construction~~ **Temporary Signage**

(d) **Large promotional tents and tethered 3-d inflatables:**

- i. **One promotional tent greater than one hundred-forty four square feet (144 sq. ft.) in area may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said tent should be located within the minimum setbacks of the property and sufficiently anchored or tethered to ensure safety. A plot plan showing the proposed location of the tent and the distance from the nearest property lines and public right-of-way shall accompany the permit application. Small promotional tents or those equal to or less than one hundred forty-four square feet (144 sq. ft.) in area are exempt from these provisions.**
- ii. **One tethered inflatable three dimensional (3-D) object may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said inflatable shall be setback at least one hundred feet (100-ft) from the property line. The maximum height shall not exceed fifty feet (50-ft). A plot plan showing the proposed location of the 3-D tethered inflatable and the distance from the nearest property lines and public right-of-way shall accompany the permit application.**
- iii. **Either one promotional tent or one tethered inflatable three dimensional (3-D) object may be allowed at one time. A promotional tent greater than one hundred-forty four square feet (144 sq. ft.) shall not be erected at the same time that a tethered 3-D inflatable object is displayed.**

SECTION 8.0 SEVERABILITY

If any section, subsection, clause, provision or part of this Ordinance shall be held to be invalid or unconstitutional in a court of competent jurisdiction, such holding or holding shall not affect any other section, subsection, clause, provision or part of this Ordinance which is in itself and of itself valid and constitutional.

SECTION 9.0 EFFECTIVE DATE

This Ordinance shall take effect and be in force effective April 1, 2014 subject to publication as required by law.

SECTION 10.0 REPEALER

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

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2014.

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

CITY OF DAPHNE

ORDINANCE NO. 2014-12

**AN ORDINANCE AMENDING ARTICLE XXXIII OF THE CITY OF
DAPHNE'S LAND USE AND DEVELOPMENT ORDINANCE**

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

WHEREAS, the City of Daphne Planning Commission held a special work session on the 7th day of January, 2014, for further discussion of pending changes regarding the sign ordinance; and,

WHEREAS, the City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 23rd day of January, 2014, and has made a favorable recommendation for adoption to the City Council; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on March 17, 2014.

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

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance by replacing the Section 33-2(a)(1) with the following:

(a) General Prohibition:

(1) Signs Prohibited:

No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the Code Enforcement Officer. Before any permit shall be issued an application on prescribed forms, which shall indemnify and hold harmless the City of Daphne of all damages, all demands or expenses of every character which may in any manner be caused by the erection and use of said sign or sign structure, shall be filed together with drawings and specifications as may be necessary to fully advise and acquaint the Code Enforcement Officer with the location, size, construction, materials, manner of illuminating, and securing or fastening, and the number of signs being requested. The applicant is required to provide all necessary information in order for the Code Enforcement Officer to determine if the sign is an "on-premises" or "off-premises" sign.

A decision by the Code Enforcement Officer shall be made within thirty (30) calendar days from the date the application is received. If no decision is made within the thirty (30) day period, the applicant has the right to seek a decision from the Board of Zoning Adjustment pursuant to Article XXI, Section 21-1(f). Further, an application for a business license shall be a prerequisite for applying for a sign permit.

SECTION II: This Section hereby amends the City of Daphne Land Use and Development Ordinance by replacing Section 33-5(d) with the following:

(d) Residential Real Estate Signs:

(1) General Provisions:

Real estate signs, temporary in nature, non-illuminated, not exceeding six-and-one-half (6-1/2) square feet in area, advertising real estate for sale or lease or rent, or announcing contemplated improvements of real estate; one (1) sign for each street frontage will be allowed on the site and shall be removed within ten (10) days, upon closing.

(2) Violations:

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

SECTION III: This Section hereby amends the City of Daphne Land Use and Development Ordinance by replacing Section 33-5(k) with the following:

(1) In order to properly and effectively control signs, this subsection is deleted in its entirety.

SECTION IV: CONFLICT WITH OTHER ORDINANCE

That any Ordinance heretofore adopted by the City Council, which is in conflict with this Ordinance, is hereby replaced to the extent of such conflict.

SECTION V: SEVERABILITY

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

SECTION VI: EFFECTIVE DATE

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

SECTION VII: REPEALER

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

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ON THIS THE ____ DAY OF _____, 2014.

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

ORDINANCE 2014-13

An Ordinance Appropriating Funds

Facility Repairs

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

WHEREAS, repairs and improvements for the Library in the amount of thirty five thousand dollars (\$35,000) and Fire Station #3 in the amount of twenty thousand dollars (\$20,000) are needed

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2014 Budget is hereby amended to include a total General Fund appropriation in the amount of \$55,000 for the purpose of facility repairs for the Library and Fire Station #3 and the Mayor is hereby authorized to execute any documents required in order for the City of Daphne to effectuate said necessary facility repairs.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2014.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk