

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, ALABAMA
APRIL 21, 2014
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL / INVOCATION / Reverend Charles Jackson of Macedonia Missionary Baptist Church

3. APPROVE MINUTES: Council meeting minutes / March 17, 2014 / As amended April 7, 2014
Council meeting minutes / April 7, 2014

PRESENTATION: Update by Matthew Brown on the Progress of the Metropolitan Planning Organization

PRESENTATION: Beautification 2nd Quarter Award / Hilton Garden Inn / Billy Meadows, General Manager

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Conaway

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

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

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott
Review minutes / April 9th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

B. Downtown Redevelopment Authority – Conaway
Review minutes / March 26th

C. Industrial Development Board – Davis

D. Library Board - Lake

E. Planning Commission – Scott

F. Recreation Board - LeJeune

G. Utility Board - Fry

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.) Prepaid Travel / Adrienne Jones/Resolution 2014-13
- b.) Support for ADEM Permit Modification to Include Construction & Demolition (C&D) Landfill for the City of Daphne’s Tallent Lane Facility...../Resolution 2014-14
- c.) Declaring Certain Property Surplus & Authorize Mayor to Dispose. /Resolution 2014-15
- d.) Declaring Certain Property Surplus & Authorize Mayor to Dispose. /Resolution 2014-16
- e.) Acceptance of Streets & Drainage / Bellaton, Phase Three..... /Resolution 2014-17

ORDINANCES:

2ND READ

- a.) Regulating Construction Best Management Practices for Residential Dwellings and Other Land Disturbance within the City of Daphne...../Ordinance 2014-14

1ST READ

- a.) Revising Section 9.1, Section 9.10 and Section 10.6 of the Employee Handbook...../Ordinance 2014-15
- b.) Establishing a Policy for Community Grants...../Ordinance 2014-16
- c.) Appropriation of Funds: Emergency Replacement Civic Center HVAC Chiller...../Ordinance 2014-17-A & B

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 17, 2014
CITY COUNCIL MEETING
BUSINESS MEETING
1705 MAIN STREET
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6:30 P.M.**

1. CALL TO ORDER:

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Bryant Evans from Eastern Shore Church of Christ Church gave the invocation

COUNCIL MEMBERS PRESENT:

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

Also present: Rebecca Hayes, City Clerk; Jay Ross, City Attorney; Richard Johnson, Public Works Director; Adrienne Jones, Community Development Director, David McKelroy, Recreation Director; Mike Hinson, Finance Director; Richard Merchant, Building Official; David Carpenter, Police Chief; Ashley Campbell, Environmental Programs Manager; Willie Robison, BZA; Larry Cooke, BZA; Selena Vaughn, Beautification Committee; Tomasina Werner, Beautification Committee; Dorothy Morrison, Beautification Committee and Downtown Redevelopment Authority; Andy Rutens, Galloway, Wettermark Attorneys.

Absent: Mayor Dane Haygood; Tonja Young, Library Director; Vickie Hinman, HR Director; Michael Hoyt, Municipal Judge.

3. APPROVE MINUTES:

March 3, 2014 Council meeting minutes

There were no corrections to the March 3, 2014 council meeting minutes, and stand approved as written.

March 10, 2014 Council Work Session minutes

There were no corrections to the March 10, 2014 council work session minutes, and stand approved as written.

PRESENTATION: Frieda Romanchuk / Master Gardeners Conference

Mrs. Romanchuk presented a power point presentation on the conference which will be held at the Civic Center, and the areas they will be visiting in the area. There will be about 200 people attending the conference.

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

Adrienne Jones gave the presentation.

Council President Pro tem Rudicell opened the Public Hearing at 6:42 p.m.

No one spoke for or against the proposed amendment to the land use ordinance / sign provisions.

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Mr. Ross, City Attorney, stated that the ordinance is recommendation from himself and Any Rutens on issues that could arise from the Lamar lawsuit. The proposed ordinance will clear up possible issues that could arise from litigation, and clear up language from future attacks, and strengthens the fact that Daphne does not permit off-premise signs.

Council President Fry closed the Public Hearing at 6:45

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Conaway

The minutes from the March 10th meeting are in the packet.

MOTION BY Councilwoman Conaway to transfer \$1,000 from Council’s available training budget monies to fund a Volunteer Appreciation Day Breakfast and awards. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY

Treasurers Report / February 28, 2014

The Treasurers Report as of February 28, 2014 is \$19,068,771.

Sales & Use Tax Collections / January 2014

\$974,225 was collected for the month January, which was up \$5,088 from budget for January. Collections are up \$3,782 year-to-date.

Lodging Tax Collections / January 2014

\$43,198 was collected for the month of January.

B. *BUILDINGS & PROPERTY COMMITTEE* - Davis

The committee met last Monday, and the minutes are in the packet. There are some projects in the works that will be coming to council in the future.

C. *PUBLIC SAFETY COMMITTEE* – Rudicell

No report. The next meeting will be April 9th.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Scott

The March 12th meeting has been rescheduled for this Wednesday, March 19th at 5:00 p.m.

E. *PUBLIC WORKS COMMITTEE* – LeJeune

The full committee voted in favor of Resolution 2014-11 approving the city’s participation in the Baldwin County Comprehensive Solid Waste Management Plan.

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5. REPORTS OF SPECIAL BOARDS & COMMITTSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

The February 6th minutes are in the packet. The next meeting will be April 3rd.

B. *Downtown Redevelopment Authority* – Conaway

The next meeting will be March 26th at 5:30 p.m.

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 board met March 13th, and the minutes will be in the next packet.

E. *Planning Commission* – Scott

The January 23rd minutes are in the packet along with the report from the February 27th meeting. The Site Review meeting is, and the regular Planning Commission meeting will be a week from Thursday at 5:00 p.m.

F. *Recreation Board* – LeJeune

No report.

G. *Utility Board* – Fry

The December 4th minutes are in the packet. The next meeting is March 26th at 5:00 p.m.

Rob McElroy, General Manager for Daphne Utilities, introduced Samantha Cobble the new events coordinator for the Utilities.

6. REPORTS OF OFFICERS:

A. *Mayor's Report*

No report.

B. *City Attorney's Report*

Requested council go into Executive Session at the end of the meeting, not to adjourn, but come back in case they need to have a vote and then adjourn.

C. *Department Head Comments*

David McKelroy – Recreation Director – spring sports are in full swing. They will be hosting McGill Toolens soccer tournament this weekend with 11 out of the 16 teams from out of state. April 3rd starts the Brown Brown Bag By the Bay series from 11:30a.m. – 1:30 p.m.

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Margaret Thigpen – Civic Center Director – reported Savvy Moms will be at the Civic Center March 19-22, Mobile Bottle Collectors Show will be April 4-5 and Ballroom Dance will be April 18th.

David Carpenter –Police Chief – reminded folks to lock their cars, and store valuables out of sight, because they have had a problem with theft of valuables and guns from cars.

Mike Hinson – Finance Director – reported that the auditors were on site last week, and they will now be working on the 125 page report.

City Clerk Report – Rebecca A. Hayes
No report.

7. PUBLIC PARTICIPATION

Mr. Kevin Spriggs – Owner of Eastern Shore Motel - spoke regarding the revisions to the sign ordinance. He is not pleased, because it does not go as far as it needs to go, but it is a start.

Mr.'s Johnny and Ricky Armstrong – Modern Signs – spoke regarding the current sign ordinance saying it was very limiting. They agree with the provisions for digital signage.

Mrs. Louise Grace – Oldfield Subdivision – spoke regarding Public Works help with replacing street lights that were out. She also spoke regarding a drainage problem on her street.

Mr. Matthew Atwood – Algae Systems – spoke regarding the work being done by Algae Systems saying Right now they have 12 full time employees based here on the Eastern Shore, and they are going to hire seven more people in the next few weeks, and they have a regular income. On a day to day basis they work with local contracting firms, and they have up to 20 people from contracting firms on site on any given day helping them build their project, and they have four leases in the local area. In the past 1.5 years they have felt really quite at home here in Daphne and Baldwin County. They have spent over \$3 million since they started here about one and a half years ago from everything from salaries, equipment, contracting firms, hotels and restaurants. They have people coming from all over the world. They just had folks come in from Japan today to look at the project and visit the site, and stay here locally. They have a long way to go, but they are getting there. They have a lot more money to spend here, and he just wanted to take the time to let council know that they love the community. They are thankful to be a part of this community, and if it was not for the leadership of the Daphne officials they would not be here today. He thanked council, and he looks forward to coming again and giving another update once they have had a little success, and actually start to turn the project on. He thinks it is impressive that there are a lot of people that go around talking about the project all over the world, particularly, Japan and other places that know where Daphne is, and they are always pleased when they come to visit and can't wait to come back.

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Mr. Henry Lawson – 104 Boosketuh Circle – spoke regarding the proposed sign ordinance saying there needs to be balance between residents and commercial, and he is against billboards.

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

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

MOTION BY Councilman Scott to waive the reading of Resolution 2014-11. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2014-11. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

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

Ordinance 2014-08 was pulled from the agenda and sent back to the Ordinance Committee for review.

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MOTION BY Councilman Scott to waive the reading of Ordinances 2014-09 and 2014-10. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2014-09. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2014-10. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to waive the reading of Ordinance 2014-11. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Ordinance 2014-11. *Seconded by Councilman Scott.*

Verbatim per amendment by Councilman Lake at the April 3, 2014 council meeting

I have a concern about this ordinance. First thing is the previous sign ordinance had no time constraints. This sign committee had six weeks, and two six week extensions, and he thinks they put that committee in an unfair position when they gave them that short of time to go through something that they gave the previous committee a whole year to go through. I heard one person say that the Daphne sign ordinance was to constraining, well, I have heard it said that the Daphne sign ordinance is the most liberal on the Eastern Shore. We actually have, when you compare our sign ordinance to other communities north and south of us ours is probably the least restrictive. When I heard the Daphne sign ordinance, I believe, is the great equalizer. I remember before the sign ordinance was passed Highway 98 was a hodge-podge, and it was very obstructive we had the arrow signs, you had a lot of things going on, and that was not conducive to businesses. We actually have a lot more local businesses on Highway 98 now than we did prior to that. One of the things I heard people say is Daphne's sign ordinance is anti-business and Daphne is anti-business. I have heard that so many times it makes me sick, because it is interesting that Dunkin Donuts came to Daphne, chose Daphne as one of their first locations, Publix's chose Daphne as one of their first locations in south Alabama, Fresh Market chose us as a first location, McDonald's is building a new store in Daphne, rebuilding their old store which was there since the 70's. When you look at all that flat businesses coming into Daphne and building and they say it is a good business environment or they wouldn't chose it. I think that the sign ordinance is one of the corner stones of the quality of life in Daphne. The citizens of Daphne moved here because we have a quality of life that they felt they wanted to have and live in the community. You look at what we have built over the last few years I believe it is one of the cornerstones. When you look at Tillman's corner, when

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MOTION BY Councilman Scott to suspend the rules to consider Ordinance 2014-13. Seconded by Councilman Davis.

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to waive the reading of Ordinance 2014-13. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2014-13. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

ORDINANCE 2014-12 WAS MADE A 1ST READ

MOTION BY Councilman LeJeune to enter into Executive Session to discuss pending litigation, and return to adjourn the meeting. The session will be for 30 minutes. Seconded by Council Scott.

The City Attorney certified that the foregoing is an appropriate reason to enter into Executive Session according to the Open Meetings Act.

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

Council entered into Executive Session at 7:42 p.m.

Council returned from Executive Session at 8:22 p.m.

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9. COUNCIL COMMENTS:

Councilwoman Conaway thanked those that served on the sign committee. She was in favor of some of the revisions, but you will not be in favor of everything. She appreciated all the hard work and hours that they put in on the revisions. She said the Lupus Walk was a success attended by a large number of people, and hopefully they will have more next year.

Council President Fry thanked everyone for their support and well wishes on the passing of his father two weeks ago. He really appreciated it, and he is glad to be back with everyone.

10. ADJOURN:

MOTION BY Councilman Scott to adjourn. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING
ADJOURNED AT 8:23 P.M.**

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes
City Clerk

Randy Fry,
Council President

**APRIL 7, 2014
CITY COUNCIL MEETING
BUSINESS MEETING
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DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Danny Theurer with Bay Community Church gave the invocation

COUNCIL MEMBERS PRESENT:

Tommie Conaway; John Lake; Randy Fry; Ron Scott; Robin LeJeune; Joe Davis.

ABSENT: Pat Rudicell.

Also present: Mayor Dane Haygood; Rebecca Hayes, City Clerk; Jay Ross, City Attorney; Richard Johnson, Public Works Director; Adrienne Jones, Community Development Director; David McKelroy, Recreation Director; Tonja Young, Library Director; Mike Hinson, Finance Director; Richard Merchant, Building Official; David Carpenter, Police Chief; Margaret Thigpen, Civic Center Director; Vickie Hinman, HR Director; Larry Cooke, BZA; Dorothy Morrison, Beautification Committee and Downtown Redevelopment Authority; Bob Segalla, Utility Board; Al Guarisco, Village Point Foundation; Andy Rutens, Galloway, Wettermark Attorneys.

Absent: Michael Hoyt, Municipal Judge.

3. APPROVE MINUTES:

March 17, 2014 Council meeting minutes

Councilman Lake requested that the minutes be amended to include verbatim his comments regarding adoption of Ordinance 2014-11. Councilman Scott said he would like to see the amendment before approving the minutes. Council President Fry laid the minutes over until the April 21st council meeting.

PROCLAMATION: National Volunteer Week” April 6-13, 2014

Mayor Haygood read the proclamation, and Councilman Fry reminded the volunteers about the Volunteer Appreciation Day Breakfast on April 9th at 7:45 a.m. at Bayfront Park Pavilion.

Council President Fry recognized Boy Scout Troop 82 present this evening working on one of their badges.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Conaway

The next meeting will be April 21st instead of the 14th.

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B. BUILDINGS & PROPERTY COMMITTEE - Davis

The committee met before the council meeting and the minutes will be in the next packet. The next meeting will be May 5th at 5:30 p.m.

C. PUBLIC SAFETY COMMITTEE – Rudicell

No report. The next meeting will be April 9th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

The minutes of the March 12th meeting are in the packet. The committee voted to send Ordinance 2014-14 “Regulating Construction Best Management Practices for Residential Dwellings and Other Land Disturbance within the City of Daphne to council with a recommendation for adoption. The next meeting is April 9th at 5:00 p.m.

E. PUBLIC WORKS COMMITTEE – LeJeune

The minutes for the March 17th meeting are in the packet along with the March 5th Beautification and February 10th Museum minutes. The next meeting will be April 21st following the Finance meeting.

5. REPORTS OF SPECIAL BOARDS & COMMITTEES:

A. Board of Zoning Adjustments – Adrienne Jones

The March 6th minutes are in the packet. The next meeting will be the first Thursday of May.

B. Downtown Redevelopment Authority – Conaway

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

C. Industrial Development Board – Davis

The next meeting will be April 28th at 6:00 p.m. He will be attending a leadership trip with the chamber, and learned a lot about IDB, marketing and salesmanship.

D. Library Board – Lake

The corrected January minutes and February 13th minutes are in the packet along with pictures of implementation of the LSTA grant funds.

E. Planning Commission – Scott

The February 27th minutes are in the packet along with the report from the March 27th meeting. The Planning Commission meeting will be the fourth Thursday of April.

F. Recreation Board – LeJeune

No report. The next meeting will be Wednesday at 6:30 p.m.

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G. Utility Board – Fry

The next meeting will be April 30th at 5:00 p.m.

6. REPORTS OF OFFICERS:

A. Mayor's Report

- a.) Parade Permit / Christ the King Catholic School / 1 Mile Race / May 2, 2014
- b.) Parade Permit / Southern Napa / 5K Run / May 10, 2014
- c.) Parade Permit / Daphne United Methodist Church / 5K and 1 Mile Fun Run / April 26, 2014

MOTION BY Councilman Lake to approve the Parade Permits for: Christ the King Catholic School / 1 Mile Race / May 2, 2014; Southern Napa / 5K Run / May 10, 2014; Daphne United Methodist Church 5K and 1 Mile Fun Run / April 26, 2014. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

B. City Attorney's Report

C. Department Head Comments

David McKelroy – Recreation Director –

Margaret Thigpen – Civic Center Director –

David Carpenter –Police Chief –

Mike Hinson – Finance Director –

City Clerk Report – Rebecca A. Hayes

- a.) ABC License / Southern Napa / 140 – Special Events Retail
 - b.) Directional Sign Variance / Christ the King Church
 - c.) AL League Convention Voting Delegate / May 3-6, 2014 / Mobile, AL
 - d.) Motion to transfer \$650 to Councilman Lakes Training Account
- a.) ABC License / Southern Napa / 140 – Special Events Retail

MOTION BY Councilman Scott to approve the ABC License for Southern Napa / 140 – Special Events Retail. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

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b.) Directional Sign Variance / Christ the King Church

MOTION BY Councilman Scott to approve the request for a Directional Sign Variance for Christ the King Church as shown (*photos are spread out upon these minutes*) (one (1) foot under street sign predicated upon the Downtown Redevelopment Authority having no objection, they meet April 23, 2014, and if there is a problem the request will come back to council. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

c.) AL League Convention Voting Delegate / May 3-6, 2014 / Mobile, AL

MOTION BY Councilman Scott to appoint Mayor Dane Haygood as the voting delegate at the AL League Convention / May 3-6, 2014, and Councilwoman Conaway as 1st Alternate. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

d.) Motion to transfer \$650 to Councilman Lakes Training Account

MOTION BY Councilman LeJeune to transfer \$650 from his training budget into Councilman Lake's training budget. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

7. PUBLIC PARTICIPATION

Ms. Jennifer Miller – 10358 Tampary Street – spoke in opposition of the proposed Hardee's restaurant coming at Highway 181 and Highway 90. She said people already cut through their neighborhood, and this would increase traffic. She was concerned that the Mayor used his power to have the admin staff approve the plans instead of going through the regular process, and it is pointless to say anything about the project because the Mayor is the developer.

Mrs. Tomasina Werner – Daphne – announced the Lake Forest Improvement meeting is tomorrow at the Yacht Club at 6:30 p.m., and they are having a special speaker Michele Kurtz. She is the community consultant of the Homeowners Hurricane Insurance Initiative. They have been successful in getting the Clarity Law passed which has to do with coastal insurance rates. They are trying to get the rates to be compatible with the rest of the state. They have been successful in having that done. They are the only group working for fairness in coastal Alabama insurance premiums.

Ms. Jan Hill – St. Basil Street – spoke in opposition to the Hardee's restaurant at Highway 181 and Highway 90. She feels that the founders did not envision a row of fast food restaurants in historic Malbis, but business that were open from 9-5. She does not want the squealing tires,

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loud radios and trash that fast food places promotes. She implored the Mayor to move the business.

Mr. Paul Hill – St. Basil Street – asked Councilman Davis and Mayor Haygood to go stand on Mrs. Sandra Harrington’s back porch and look at where the Hardee’s is going to be, and then they would know what the residents are talking about. He said if the Mayor proceeds with building the restaurant then he needs to build an eight foot brick fence like Zaxby’s.

Mr. Steve Mills – Malbis – spoke in opposition to the Hardee’s restaurant at Highway 181 and Highway 90 saying that it is not what the community needs, because they cannot get through right now with Zaxby’s, and on some weekends you can’t get through that area. It is a bad situation that is going to be worse, and he would like the Mayor to reconsider putting the Hardee’s in that area.

Ms. Sandra Harrington – Corner of St. Basil and Emanuel – spoke in opposition to the Hardee’s restaurant at Highway 181 and Highway 90 saying that when they bought their property they were told that there would be businesses there, but they would be businesses like ice cream shops, cleaners, shops underneath and condo’s on top, and now she has a Zaxby’s and a service station with a car wash behind her, and the noise is really bad, and the trash is a problem, and if she has a Hardee’s at her back door these things will be worse. She invited the Mayor and Council to come to her home to stand on her back porch and look to see how close that would be, it is right at her back door.

Ms. Michele – 29761 St. George, Historic Malbis – said that a lot of the resident’s concerns were about transparency. They would like to be more informed about what is going on. She feels like some things are being done a little shady, at least putting a lot of question, a black cloud over the office of the Mayor. They are not sure of exactly what is going on, but they know that they have a huge traffic problem. They have for years tried to get speed bumps and traffic control measures for their neighborhood, but have been denied. People cut through St. Basil and St George all the time to avoid the corner at the Shell Station. They are concerned for the safety of the children, and asked that speed bumps and traffic studies be done before any more businesses are put up. She asked the city to address a turning lane at Highway 90 and Highway 181.

Mr. Don. Johnson – 29741 Jason Malbis Boulevard - spoke in opposition to the Hardee’s restaurant at Highway 181 and Highway 90 saying that he voted for the mayor when he ran for council, and the Mayor thanked him for coming out. Mr. Johnson suggest to the Mayor that he listen to this one comment and do the right thing and whatever the Mayor does to make sure that he knows that some of them voted for him and this is their home. The last thing he wants to hear on a Friday night is “Do you want some fries with that”, that is just something he does not want to hear. He asked the Mayor to please reconsider this development.

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Mr. Kevin Spriggs – 23 Signal Hill, Spanish Fort – Owner of Malbis Shell Station & LA Subs – 29640 State Route 181 – Part of Historic Malbis – corrected a misstatement made earlier saying that if people think that the developers of the Historic Malbis Subdivision didn't think there would be fast food, potential national retailers in the B-2 zone district then they are wrong. He knew the developers quite well, and negotiated quite a bit with them, and their vision was to have a subdivision where the residential and the commercial would be in close proximity so that the residents could enjoy the benefits of having commercial enterprises close at hand within walking distance. It was his insistence with the developer, and he had to pay an additional \$50,000 to have this happen, but it was his insistence that the developer extend Emanuel Street into the commercial district so that they could have direct access to the community behind him. It was very important to him that people in the community could access his business without getting out in the traffic. What is happening is all the subdivisions that went bankrupt in 2008 and 2009 to the south and east are under development again so the traffic problems are going to increase there. They are going to have to take actions, and they have started to take some actions, and the city has been cooperative with them in that respect to try to restrict the cut through traffic. The cut through situation is caused by Highway 181 becoming jammed during peak times. He does not feel the Hardees will be a detriment to his business or the community, however, he is concerned about Hardees management practices, and whether or not they will be a good citizen like he, Zaxby's and the Drs. Office tries to be. The Malbis Architectural Review Board will hire an outside firm to make sure that all the standards that the other businesses had to meet are met. He will be part of that process and will make sure this happens. He said that fast food places are explicitly allowed in the covenants.

Mr. Cam Jones – Relative to someone that lives in the subdivision – wanted to look at things objectively and said that the original plans were for a single building with multiple shops in it and was planned in 2011. Mr. Haygood was elected in 2012, and there is not supposed to be any interest of conflict, however, it was changed to a fast food restaurant after the fact. He asked why was there no due diligence done on the restaurant approval with this conflict. He agrees that the fast food industry would negatively impact the community, and he wishes the council would reconsider.

Mayor Haygood said he is glad to see each and every person at the meeting tonight. He thinks the process needs people, and the citizens to come and be a part. It is great to see the room filled. He wishes they could have had this discussion in a different venue. He would like each one of them to know that starting on March 17th he engaged their POA, and has asked a number of times for a meeting to be able to discuss their concerns, and try to address them, but to this point neither the POA or ARB has been able to schedule a meeting to have this discussion. When he engaged in this process he had no clue that there would be push back in the community. There is a Zaxby's, which is a fast food restaurant on the adjacent corner, and this is a B-2 zone, and it is explicitly allowed in the covenant restrictions. He is certainly glad to have this conversation. The one thing that concerns him is the pretense that brought most of them here which was a flyer that was disseminated, and he was provided a copy, and unfortunately it does not address the concerns as much as to try to paint a picture of him in a way that he does not think is warranted

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BUSINESS MEETING
1705 MAIN STREET
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nor correct, and he would like the opportunity to continue this dialogue. He will be available after the meeting as long as there is anyone around who wants to discuss the matter.

Council President Fry encouraged the residents to meet with the Mayor. He clarified a couple of things one is this issue did not come before the City Council, because no zoning change was involved. The only time the City Council has a vote on something is if a zoning is changing from one zone to another zone. This was already zoned for B-2 so there has been no action taken by the City Council on the matter. He encouraged them or a representative for the community to come to the Public Safety meeting on Wednesday at 4:30 p.m., and if there are serious traffic concerns that they can do something about they can explore those options, and do what they can to help them in terms of getting the count and the speed of the traffic.

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Approve Applying for a CDBG Grant /
Dauphine Acres / Whispering Pines Area /Resolution 2014-12

**MOTION BY Councilwoman Conaway to waive the reading of Resolution 2014-12.
*Seconded by Councilman Lake.***

MOTION CARRIED UNANIMOUSLY

**MOTION BY Councilwoman Conaway to adopt Resolution 2014-12. *Seconded by
Councilman Lake.***

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

- a.) Amending the Land Use & Development Ordinance /
Sign Provisions /Ordinance 2014-12

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MOTION BY Councilman Scott to waive the reading of Ordinances 2014-12. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2014-12. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

1ST READ

- a.) **Regulating Construction Best Management Practices for Residential Dwellings and Other Land Disturbance within the City of Daphne. /Ordinance 2014-14**

ORDINANCE 2014-14 WAS MADE A 1ST READ

9. COUNCIL COMMENTS:

Councilwoman Conaway is looking forward to the Volunteer Appreciation Day Breakfast on Wednesday.

Councilman Lake said that he lobbied Congressman Callahan years ago for improvements to the intersection at Highway 90 and Highway 181. He said calibration of the lights along that stretch need to be addressed and has lobbied Congressman Bonner and Byrnes for the same issues in that area.

Councilman Davis appreciated the feedback from the community. He said these are the kind of people that need to serve as volunteers. The city will grow whether it wants to or not and what they have to do is make sure that they have plans to address the infrastructure, the transportation and the safety issues. They need to be ready to lobby at the appropriate levels that will be meeting later on in April with regard to the funding of the State Highway monies, and they need to step up and show justification. He will be meeting with the residents in Historic Malbis to address their concerns.

Mayor Haygood said there are seven (7) unsewered areas in the city, and that one project represents about 50% of the cost, and if they can find out a way to knock out that area, if they could end up sewerage all of the City of Daphne that would be a wonderful accomplishment if they are able to get there. He knows that was a passion that Mayor Yelding held and wanted to accomplish during his term, and he hopes that they are able to get it implemented. He thanked Mrs. Conaway for scheduling a constituents meeting to help facilitate

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that goal. He wanted to encourage everybody to come to the Brown Bag by the Bay on Thursdays through May at May Day Park from 11:30 – 1:30 and the Sunday Sunset Series in the evening two of which will be at City Hall. The Mayor said Daphne is the 9th fastest growing metropolitan area in the nation from 2012-2013 with the statistics the Census Bureau puts out year to year, and Daphne is the 14th fastest growing metropolitan area since the 2010 census that is basically the Daphne, Fairhope, Foley MSA, but represents all of Baldwin County. The area grew by some 4,685 people by the estimates of the Census Bureau from July 1, 2012 – 2013, and they have to get prepared, they have to work on these projects. Some road projects will be handled through the Metropolitan Planning Organization which is a vehicle to employ Federal funds and to control where they are allocated in the area Highway 181 and Highway 90 are both State roads and not under the city’s control, but they have to work as advocates to make sure that the transportation networks can continue to handle the growth that is coming. There is a quality of life and people will continue to want to move here.

Council President Fry appreciated all the feedback from the residents and thanked them for coming out. He encouraged them to come to the council meeting every first and third Monday’s.

MOTION BY Councilman Scott to enter into Executive Session to discuss pending litigation, and return to adjourn the meeting. The session will be for 20 minutes. *Seconded by Councilwoman Conaway.*

The City Attorney certified that the foregoing is an appropriate reason to enter into Executive Session according to the Open Meetings Act.

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

Council entered into Executive Session at 8:10 p.m.

Council returned from Executive Session at 8:25 p.m.

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10. ADJOURN:

MOTION BY Councilman Scott to adjourn. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING
ADJOURNED AT 8:22 P.M.**

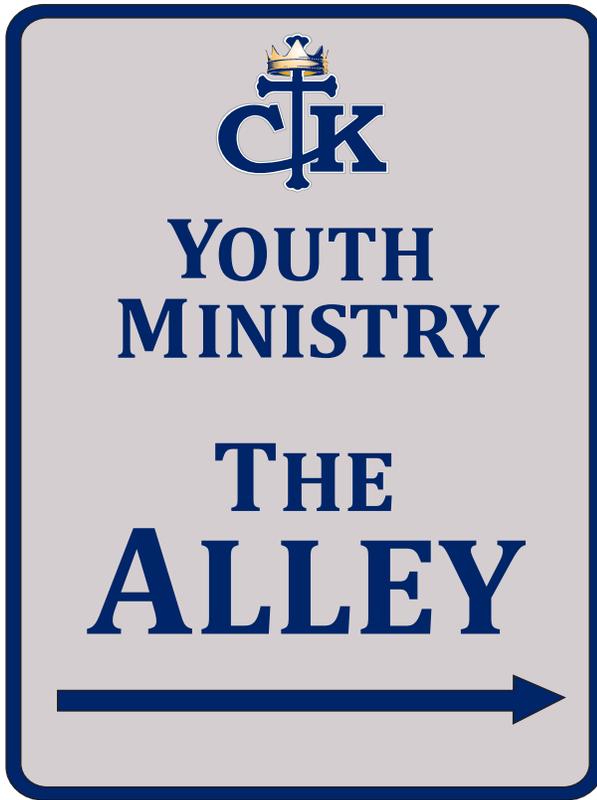
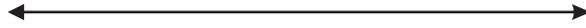
Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes
City Clerk

Randy Fry,
Council President

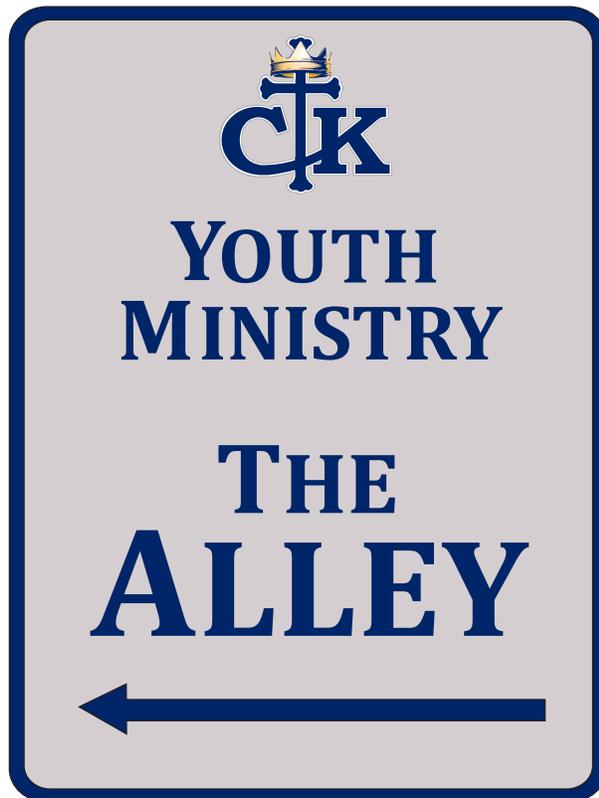
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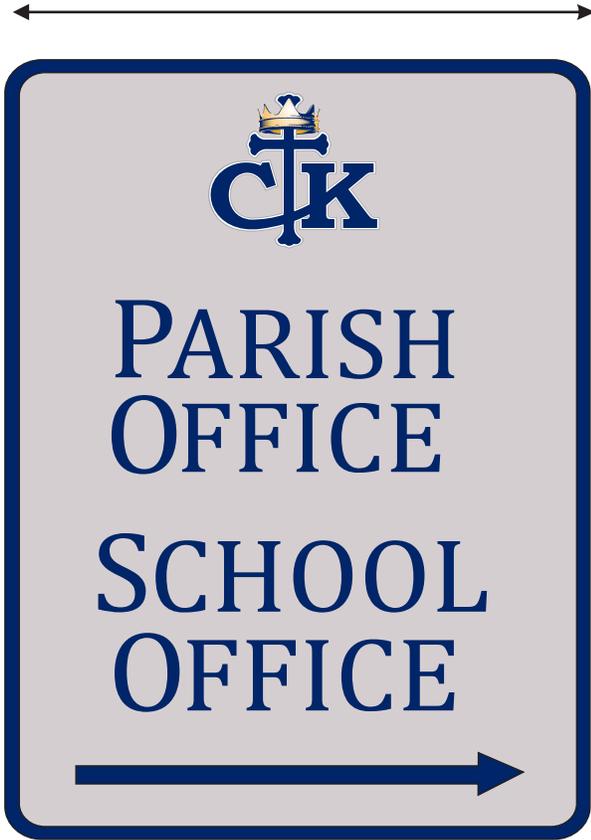


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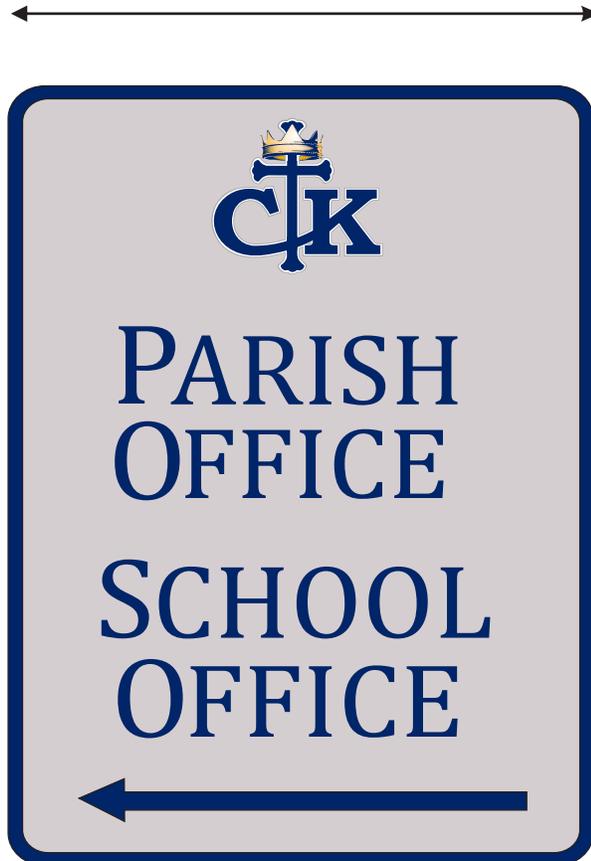


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**REPORT
OF
STANDING COMMITTEES**

Buildings & Property Committee Meeting
Monday, April 07, 2014
5:30 PM
Daphne City Hall- Executive Conference Room

Committee Minutes

Present: Councilman Joe Davis, Councilman Randy Fry, Margaret Thigpen, Sarah Toulson (Recording Secretary), Christine Ciancetta, Richard Johnson, Richard Merchant, Mayor Dane Haygood, Selena Vaughn (Village Point Foundation), Frank Barnett, Al Guarisco,

Absent: Councilman Pat Rudicell, Rick Whitehead, Frank Barnett, Suzanne Henson

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

1. Approval of Minutes: March 3, 2014

Motion by Mr. Fry to adopt the March 3, 2014 minutes as written. Seconded by Mr. Davis.
Motion carried unanimously.

2. Surplus Property Resolutions

Christine Ciancetta presented a resolution to the committee declaring certain personal property surplus and authorizing disposition:

- a. Wooden desk,
- b. Wooden coffee table, and
- c. Kenwood Radios 25+/ Headsets-2/Microphones-10/Radio Accessories

A second resolution was also presented declaring certain personal property surplus and authorizing disposition:

- a. EQ#1145-L Caterpillar Backhoe Loader 420D - SN: FDP24219

Motion: Mr. Fry moved to favorably recommend both Resolutions to Declare Certain Personal Property Surplus and Authorize the Mayor to Dispose of Such Property to the City Council for approval, and was seconded by Mr. Davis.

The Motion carried unanimously.

3. Civic Center & Bayfront report (March): Margaret Thigpen

Margaret Thigpen distributed and discussed her March report. March 2014 revenue totaled \$21,487.25, an increase from March 2013 levels. Year to Date revenues stood at \$95,538.00, above figures listed for FY2013. Additionally, Ms. Thigpen reported total deposits for March

stood at \$12,938.00, and that the Civic Center has seen nine events during March, for a total of 18 days used, not including setup days.

Ms. Thigpen then turned to Bayfront Pavilion, reporting revenues for March totaling \$7,675.00, above March 2013 levels, and year-to-date revenues totaling \$33,053.00, 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 the HVAC chiller at the Civic Center was recently struck by lightning. The initial cost for replacement was \$56,000, but due to insurance coverage, the City would only need to pay a \$5,000 deductible to cover the cost of replacement.

Motion: Mr. Davis moved to favorably recommend to the Finance Committee and City Council a \$5,000 appropriation to cover the cost of the deductible for the repair of the Civic Center chiller for approval, and was seconded by Mr. Fry.

The Motion carried unanimously.

Ms. Thigpen concluded her report by mentioning positive survey results the Civic Center had received through Survey Monkey, and an upcoming advertisement in Business Alabama.

4. Civic Center Roof Leak Update

Mayor Haygood reported that he had recently met with a company to discuss the issue and the cost to make necessary repairs. The company gave him a \$50,000 quote, with a ten year warranty. The quote would cover the repairs necessary to mend the leaks in the green room and four roofs in Civic Center.

Mayor reported that he was ready to move forward with the necessary actions to see these repairs completed.

5. Building inspection monthly reports (March): Richard Merchant

Richard Merchant reviewed the building report information submitted to the committee, pointing out that 90 permits were filed during March, with five new residential starts. Total job cost was \$2,182,700.20 with permit fees totaling \$17,963.47.

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

Mr. Richard Johnson gave a brief description of the situation, refreshing the Committee members on what was discussed at the March Buildings and Property meeting. 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 additional appropriated amount of \$21,000.

The Committee is awaiting staff recommendation before taking action on the acquisition of the HVAC units.

7. Bayfront Property: Selena Vaughn

Selena Vaughn gave an update of projects and initiatives the Village Point Foundation was currently undertaking, including the following:

- Seeking a lightning rod to be installed on Jackson's Oak to protect from possible lightening damage.
- Seeking to place night cameras at the cemetery at Village Point Park Preserve to deter vandals.
- Currently replacing dead trees with live species along trails.

8. Other Business

Chairman Davis mentioned that the draft for a proposed memorial policy was currently under development and would be ready for discussion in May.

Chairman Davis also mentioned the potential BARC meeting and partnership. He and others will attend BARC's annual meeting scheduled for April 16, 2014. Representatives from BARC will attend the May meeting of the Buildings and Property Committee.

With no further business to discuss, the meeting was adjourned at 6:30, motion by Mr. Davis and seconded by Mr. Fry.

Public Safety Committee

Wednesday, April 9, 2014

Councilman Pat Rudicell
Councilman Randy Fry
Councilman Robin LeJeune
Councilman Ron Scott
Fire Chief James White
Public Works, Melvin McCarley

Police Chief David Carpenter
Captain Scott Taylor
Captain Daniel Bell
Tracy Bishop - Secretary

Committee Members Attending:

Councilman Ron Scott, Councilman Randy Fry, Councilman Robin LeJeune, Chief White, Lt. Yelding.

CALL TO ORDER

Councilman Scott convened the meeting at 4:35 p.m.

PUBLIC PARTICIPATION – Michelle Shelley was in attendance from Historic Malbis subdivision. She is concerned about the cut through traffic coming through her neighborhood. They are coming from Hwy 90 cutting through the neighborhood to Hwy 181. She would like a traffic light installed at the Bay Community Church exit to east traffic, and a turn lane on 90 WB at Hwy 181, and speed bumps for the cut through traffic in the subdivision. Councilman Scott stated that a place to start would be to talk to Richard Johnson this week to contact the state and bring pressures on them to study and situation and that the city will do what we can do. Historic Malbis deserves for us to bring back options. Mayor Haygood was in attendance who also talked to Richard Johnson and he stated that the stop signs were in a cycle for replacement. He suggested making all intersections in the subdivision a 4 way stop. He agreed that we need solutions. He asked Ms. Shelley what streets were the main thoroughfares? She stated Jason Malbis, St. Basil, and St. George. Michelle thought that starting with the stop signs maybe would help and deter a lot of traffic as well as increased patrols during school hours. She stated that at Hwy 90/Hwy 181 headed westbound that traffic is tearing up property by making their own right hand turn lane headed northbound. Councilman Scott stated he would ask Richard Johnson to go by there and have a report done by April 21, 2014 Public Works meeting to have answers and a game plan and will call Ms. Shelley to meet them there. Councilman Fry asked if the problem was speeding or the number of cars coming through the neighborhood. Ms. Shelley stated that it was both. Councilman Scott stated that we would place the speed trailer on Jason Malbis for 1 week, St. Basil for 1 week, and on St. George for 1 week. We will start this process the Monday after Spring Break which will be April 21, 2014. She also asked that we Close Patrol the playground during the summertime. Richard Johnson will contact ALDOT and start study process on installing a light at Bay Community Church exit and study the timing of the lights.

Willie Robison was in attendance concerning the stop signs being run at Mellow Mushroom and Tameron Honda. There are two signs at Justina and Frederick Blvd. There is no stopping at the sign when trying to turn left on Frederick. The same stop sign issues at Sam's Wholesale and Lowe's. Mr. Robison asked that we close patrol and monitor the stop signs at these locations before someone gets severely injured or killed. He also questioned why the speed limit on Well Road is 25 mph and the speed limit on Whispering Pines is 35. Councilman Fry answered that it is 25 mph citywide unless otherwise posted and probably due to the schools, parks, etc. Robison stated that he hasn't seen that much traffic on Well Road. Councilman Scott stated that we could ask Public Works why that speed limit is posted. He also stated that Whispering Pines is wider than well Road, has sidewalks, and is well lit.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from February 12, 2014 were approved. Councilman Fry made the motion and Councilman LeJeune seconded the motion, motion passed.

POLICE DEPARTMENT

- A. **New Business** – Lt.Yelding presented the stats for January and February 2014. Councilman Scott asked were we in communication with BARC? Yelding stated he met with Mr. Davis, talked to and went to Mobile with them and told them we couldn't enter into an agreement with them. He told them they would have to come before Buildings and Properties Committee and talk a little more about the partnership. Yelding thinks they would be more beneficial to a larger city like Mobile, not Daphne. BARC wants a building and we'll be responsible for maintaining it. Our existing shelter is in desperate need of repair or replacement. Councilman Scott asked didn't we already have ties to The Haven? They are a no kill shelter already. He asked is it possible to improve our existing facilities and use volunteers to exercise the animals? Yelding stated we are serving a dual purpose: animal control/adoptions. The Haven has taken 106 animals for adoption vs BARC's 12. Councilman Scott stated he just wanted to know where we stood. The mayor said BARC has never really submitted a proposal (details). Councilman Fry asked if we were to improve on our existing facility what would that take. Yelding said that we are a growing community so we have a growing animal population. Councilman Fry asked him to get together two or three main upgrades that the existing animal shelter needs.

B.

FIRE DEPARTMENT

- A: **New Business** –Chief White went over his stats for January and February 2014. Chief stated that the property loss figure on the monthly report was incorrect. He mentioned the ladder truck that was to be purchased in 2015 to lower ISO ratings in District 4. He found a demo and started the process. Its one year old, has 14,000 miles, for \$659,000 which would be saving \$95,000. To buy it new would cost \$751,000. Chief White talked to Mike Hinson and the first note would not be due until next year. White asked if he could continue the process and dialogue with them and save approximately \$100,000. Councilman Scott said "yes". Christine Ciancetti stated she would put together an amortization schedule. Councilman Fry said we need bids. He told Chief White to get all figures together. Chief said that when the new truck is purchased, they will sell an older rescue truck for around \$50,000. Councilman Fry made a motion to pursue the fire truck purchase, and Councilman LeJeune seconded the motion. Motion passed.

OTHER BUSINESS:

ADJOURN

There being no further business to discuss, Councilman Fry made a motion to adjourn the meeting at 5:35 p.m. Councilman LeJeune seconded. The next meeting will be Wednesday, May 14, 2014 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,



Patrol Division	Detective Division: (Capt. Bell/Lt. Beedy)		JAIL: (Capt. Taylor/Lt. Yelding)		Animal Control (Capt. Taylor/Lt. Yelding)		Crimes Reported This Month:
(Capt. Bell/Lt. Hempfleng)							
# Complaints	1,135	# New Cases Received:	43	Total Arrestees Received & Processed:	YTD		
# Misd. Arrests	58	# Previous Unsolved Cases:	103	Arrestees by Agency:	770		Arson 0
# Felony Arrests	5	# Cases Solved:	41	Daphne PD	498	#Complaints	Burglary - Commercial 1
DUI Arrests	4	Resulting in Total Arrests:	1	BCSO	46	#Follow-ups	Burglary - Residence 1
Alias Warrant Arrests	30	Felonies:	1	Spanish Fort PD	174	# Citations	Burglary - Vehicle 9
Citations	306	Misdemeanors:	0	Silverhill PD	34	# Warnings	Criminal Mischief 0
Close Patrols	343	Houses Searched	0	Troopers	17	# Felines Captured	Disorderly Conduct 3
Warnings	283			INS	1	# Canines Captured	Domestic Disturbance 2
Motorist Assists	281			Other Agencies	0	# Other Captured	False Info to Police 1
Roadway Accidents	54	Warrants:			0	# Returned to Owner	Felony Assault 0
Private Property Accidents	13	Served	31			# Adopted Out	Felony Theft 10
Traffic Homicide	0	Agency Assists	6	Highest	43	# Exthanzimized - Adoptable	Harassment 4
		Recalls (Pd Fines)	4	Lowest	7	# Exthanzimized - Unadoptable	Identity Theft 0
		Total Warrants Served	41				Indecent Exposure 0
DRUG REPORT				Meals Served	1,768		Kidnapping 0
ROUTINE PATROL/SPECIAL OPS				Medical Cost	\$1,068.00		Menacing 3
# Misd. Marijuana Arrest	1	Sex Offender:		Worker Inmate Hours	762		Misdemeanor Assault 1
# Felony Marijuana Arrest	0	New Registration:	0				Misdemeanor Theft 15
# Controlled Substance Arrest	3	Contact Verification	1				Murder 0
# Drug Paraphernalia Arrest	3	Total # registered in Daphne	4				Other Death Investigations 0
Vehicles Searched	61	DARE:					Public Intoxication 0
		# Hours Report Writing:	4				Public Lewdness 0
		# Students Instructed SRO	300				Receiving Stolen Property 0
Drugs Seized:	3	# Students Instructed DARE	110				Reckless Endangerment 0
Type:		# Police Reports by SRO	3				Resisting Arrest 0
Money Seized	0	# Arrest by SRO	2				Robbery 1
Vehicles Seized							Sex Crime Investigations 0
		CODE ENFORCEMENT:					Suicide 0
Commercial Vehicle Inspections	21	Warnings:	3				Suicide, attempted 0
		Citations	3				Theft of Services 0
		Warning Compliance	20				Unauthorized Use of Services 2
		Follow - Up	31				Weapon Offenses 0
							White Collar Crimes 1

David Carpenter

Parrot Division	Detective Division: (Capt. Bell/Lt. Beedy)		JAIL: (Capt. Taylor/Lt. Yelding)		Animal Control (Capt. Taylor/Lt. Yelding)		Crimes Reported This Month:
(Capt. Bell/Lt. Hempheng)							
# Complaints	1,139	# New Cases Received: 64	Total Arrestees Received & Processed: 179	YTD			Arson 0
Accidents, Private Property	20	# Previous Unsolved Cases: 74	Arrestees by Agency:	949	#Complaints	55	Burglary - Commercial 1
Accidents, Roadway	51	# Cases Solved: 34	Daphne PD	608	#Follow-ups	111	Burglary - Residence 3
Accidents, Traffic Homicide	0	Resulting in Total Arrests: 5	BCSO	64	#Citations	3	Burglary - Vehicle 17
Arrest, Controlled Substance	0	Felonies: 2	Spanish Fort PD	214	# Warnings	3	Criminal Mischief 4
Arrest, Drug Paraphernalia	0	Misdemeanors: 3	Silverhill PD	43	#Felines Captured	19	Disorderly Conduct 1
Arrest, Felony Marijuana	0	Houses Searched 0	Troopers	19	#Canines Captured	19	Domestic Disturbance 9
Arrest, Misdemeanor Marijuana	0		Other Agencies	1	#Other Captured	3	False Info to Police 1
Arrest, Alias Warrant	31				#Returned to Owner	10	Felony Assault 0
Arrest, DUI	12	Warrants:			#Adopted Out	15	Felony Theft 7
Arrest, Felony	1	Served 41			#Euthanized - Adoptable	0	Harassment 5
Arrest, Misdemeanor	59	Agency Assists 4	Highest 27		#Euthanized - Unadoptable	23	Identity Theft 0
Assists, Motorist / Citizen	239	Recalls (Pd Fines) 68	Lowest 18				Indecent Exposure 0
Citations	180	Total Warrants Served 113					Kidnapping 0
Drug Report	0		Meals Served 1,813	11,290			Menacing 0
Routine Patrol/Special OPS	0	Sex Offender:	Medical Cost \$1,692.57	\$8,179.38			Misdemeanor Assault 0
Searches, Vehicle	50	New Registration: 0	Worker Inmate Hours 104	866			Misdemeanor Theft 12
Security Checks	189	Contact Verification 2					Murder 0
Warnings	246	Total # registered in Daphne 4					Other Death Investigations 0
		DARE:					Public Intoxication 0
		# Hours Report Writing: 6					Public Lewdness 0
		# Students Instructed SRO 675					Receiving Stolen Property 0
Drugs Seized:	0	# Students Instructed DARE 300					Reckless Endangerment 0
Money Seized:	0	# Police Reports by SRO 4					Resisting Arrest 0
Vehicles Seized:	0	# Arrest by SRO 2					Robbery 3
		CODE ENFORCEMENT:					Sex Crime Investigations 3
		Warnings: 2					Suicide 0
CMV Inspections / CMV OOS	32	Citations 0					Suicide, attempted 0
		Warning Compliance 11					Theft of Services 0
		Follow - Up 28					Unauthorized Use of Services 0
							Weapon Offenses 0
							White Collar Crimes 2

David Carpenter

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period January 2014

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	1	1
11-Structure Fire/Commercial	1	1
11-Structure Fire/Residential	4	4
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	2	2
14-Natural Vegetation Fire	6	6
15-Outside Rubbish Fire	1	1
16-Special Outside Fire	0	0
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	157	157
4-Hazardous Conditions (No fire):	7	7
5-Service Call:	20	20
6-Good Intent Call:	28	28
7-False Alarm & False Call:	22	22
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	0	0
Total Emergency Calls:	234	234
Monthly Total Calls:	249	249
Highest:		
	17:00	17:00
Lowest:		
	<1:00	<1:00
Average (Minutes/Seconds) :		
Miscellaneous Reports:		
Training Hours	271.75	271.75
Property Loss - \$	811,000.00	811,000.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	117	117
Number of Patients Treated	156	156
Child Passenger Safety Seat Inspections/Installations	10	10
Pre-Plans	56	56
Classes		
	1	1
Persons Attending		
	25	25
Plan Reviews		
	2	2
Final/Certificate of Occupancy		
	0	0
General/Annual Inspections		
	23	23
General/Re-Inspections (Violation Follow-up - Annual)		
	1	1
Business Licenses		
	6	6
All Other/Misc. Activities		
	13	13
Total Activities:	45	45

Authorized by:

James White

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
 Report Period February 2014

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	3	4
11-Structure Fire/Commercial	0	1
11-Structure Fire/Residential	2	6
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	3	5
14-Natural Vegetation Fire	3	9
15-Outside Rubbish Fire	0	1
16-Special Outside Fire	1	1
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	184	341
4-Hazardous Conditions (No fire):	1	8
5-Service Call:	18	38
6-Good Intent Call:	11	39
7-False Alarm & False Call:	19	41
8-Severe Weather & Natural Disaster:	1	1
9-Other Situation:	0	0
Total Emergency Calls:	234	468
Monthly Total Calls:	246	495
Highest:		
	27:00	27:00
Lowest:		
	<1:00	<1:00
Average (Minutes/Seconds) :		
	5:56	5:56
Miscellaneous Reports:		
Training Hours	237.59	509.34
Property Loss - \$	\$70,550.00	\$881,550.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	137	254
Number of Patients Treated	176	332
Child Passenger Safety Seat Inspections/Installations	4	14
Pre-Plans	38	94
Classes		
	3	6
Persons Attending		
	54	86
Plan Reviews		
	1	3
Final/Certificate of Occupancy		
	0	0
General/Annual Inspections		
	44	67
General/Re-Inspections (Violation Follow-up - Annual)		
	3	4
Business Licenses		
	8	14
All Other/Misc. Activities		
	19	32
Total Activities:	75	120

Authorized by:

James White

Code Enforcement / Ordinance Committee

Wednesday, April 9, 2014

1705 Main Street

Daphne, AL

5:30 p.m.

*Councilman Ron Scott, Chairman
Councilman Robin LeJeune*

*Councilman Pat Rudicell
Councilman Randy Fry*

I. CALL TO ORDER / ROLL CALL:

Chairman Scott called the meeting to order at 5:10 p.m.

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

Absent: Pat Rudicell.

Also present: Rebecca Hayes, City Clerk, recording secretary; Kevin Boucher, Attorney; Christine Ciancetta, Deputy Finance Director; Vickie Hinman, HR Director; Angie Phillips, Revenue Officer.

II. APPROVE MINUTES / March 12, 2014

There were no corrections to the March 12, 2014 minutes, and stand approved as written.

III. PUBLIC PARTICIPATION

No one spoke.

IV. ORDINANCE REVIEW

a) Proposed Amendment to the Employee Handbook / Hazardous Weather Pay Policies

The ordinance was presented with the requested changes from the last meeting.

MOTION BY Councilman LeJeune to recommend the proposed Ordinance amending Section 9.1, Section 9.10 and Section 10.6 of the Employee Handbook. Seconded by Councilman Fry.

MOTION CARRIED UNANIMOUSLY

b.) Proposed Ordinance Establishing a Policy for Events Held within the City of Daphne

The committee amended the ordinance as listed below:

- a.) Section 5.5 that the school be general in nature and not limit it to Homecoming.
- b.) Section 8 the fine be \$25.00 nor more than \$100 and may also be sentenced to the maximum as permitted by law.
- c.) Include language regarding band permits which includes the Noise Ordinance.

Councilman Scott asked that this ordinance with the amendments come back on the agenda in May.

d.) Proposed Community Grant Guidelines Ordinance

The committee requested that the word contribution be deleted from the application.

MOTION BY Councilman Fry to recommend to council the Community Grant Ordinance. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

V. OTHER BUSINESS

No other business to consider.

VIII. NEXT MEETING

The next meeting will be May 14, 2014

IX. ADJOURN

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

Respectfully submitted

Rebecca A. Hayes,
Recording Secretary

**REPORT
OF
SPECIAL BOARDS**

**DOWNTOWN REDEVELOPMENT AUTHORITY
1705 MAIN STREET, DAPHNE, AL
March 26, 2014**

COMMITTEE MINUTES

Members Present: Casey Zito, Kennard Balme, Doug Bailey, Patricia Vanderpool, Council Member Tommie Conaway

Absent: Debbie Strahley, Dayna Oldham, Dorothy Morrison,

Also Present: Sarah Toulson (Recording Secretary); John Beck, JMF Solutions; Annie Root, Daphne Art Center

Casey Zito called the meeting to order at 5:48 pm

1. Guest: Annie Root, Daphne Art Center

Ms. Annie Root addressed the DRA, asking for general support and assistance in an art show to take place in and around the downtown Daphne area in May or June 2014. Included in the event would be art exhibits and sales by area artists, fresh produce for sale by local vendors such as Allegri Farmer's Market, and extended hours for the Daphne Museum.

Ms. Casey Zito thanked Ms. Root for thinking of the DRA when seeking support.

2. DRA Website: John Beck, JMF Solutions

Mr. John Beck of JMF Solutions presented the finished website mock up for the DRA website, downtowndaphne.org. The Committee discussed the website, and gave input for improvements to Mr. Beck.

3. Approval of Minutes:

Motion: to approve the minutes from the February 19, 2014 meeting. **Moved by Doug Bailey, second by Kennard Balme.**

Carried unanimously.

4. Treasurer's report

Chairwoman Zito reported that the DRA currently had \$113,397.28 on hand, including a Lodging Tax deposit for October, November, and December 2013.

Motion: to approve the Treasurer's Report as given. **Moved by Patricia Vanderpool, second by Casey Zito.**

Carried unanimously.

5. Update: Christmas Star Purchase

Sarah Toulson reported that the Christmas star would be ordered the next business day following the meeting for \$247.70.

6. Other business discussed

Bayfront Pavilion

The Committee briefly discussed granting assistance to Bayfront Pavilion. General consensus was reached to ask Civic Center Director Margaret Thigpen if there was any way in which the DRA could help improve this area.

Economic Development Association of Alabama

Motion: to appropriate \$250 to join the Economic Development Association of Alabama. **Moved by Patricia Vanderpool, second by Doug Bailey.**

Carried unanimously.

Next meeting: April 23rd at 5:30 pm.

The meeting was adjourned at 6:59 pm.

**REPORT
OF
OFFICERS**

RESOLUTIONS

&

ORDINANCES

**RESOLUTION 2014-13
PREPAID TRAVEL**

**BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA HEREBY
AUTHORIZES THE FOLLOWING:**

Prepaid travel expenses are approved for the purpose and amount indicated below for
the following:

*Adrienne Jones, Community Development Director, 2014 American Planning
Association National Planning Conference, April 25th through April 30th, 2014,
Atlanta, Georgia - \$255.*

A complete expense summary with receipts will be submitted and approved by the
Mayor upon return from the above.

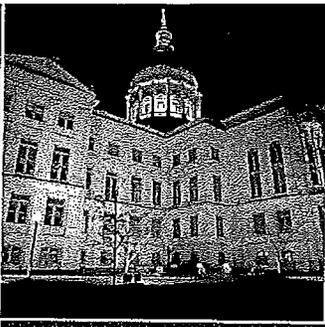
**APPROVED AND ADOPTED BY THE CITY COUNCIL, CITY OF DAPHNE, ALABAMA on
this _____ day of _____, 2014.**

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

APA

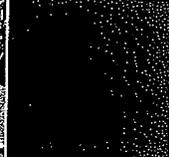
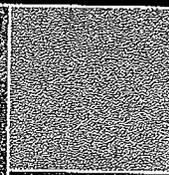
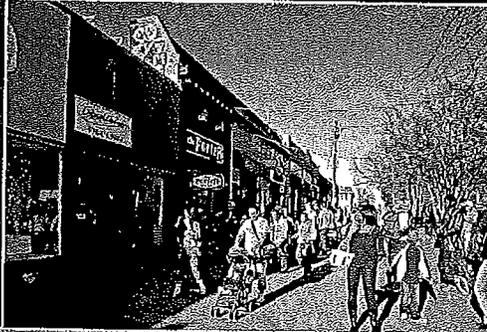


PRELIMINARY GUIDE

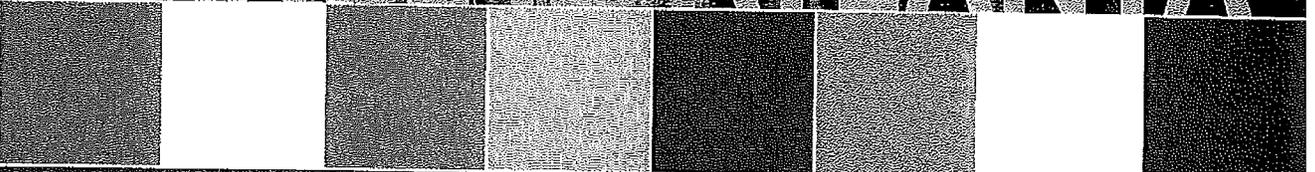
National Planning Conference
APRIL 26-30, 2014



At the crossroads
At the heart
At the fore

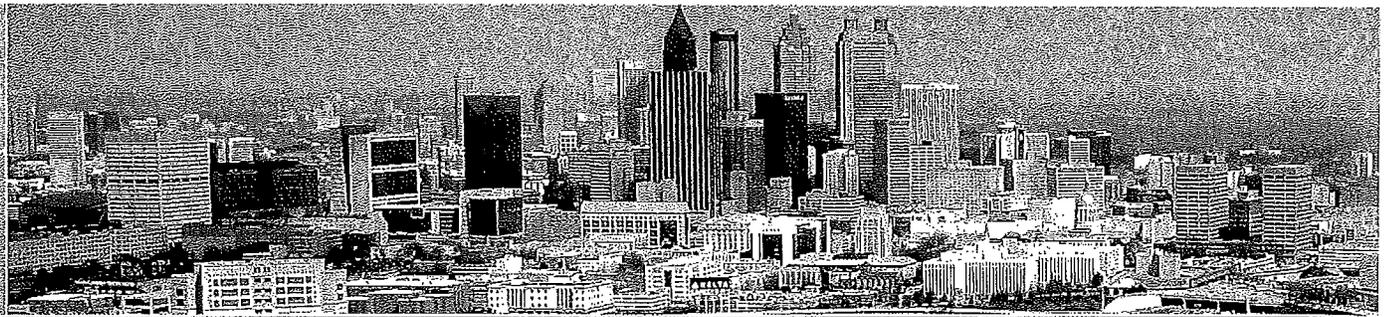


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Career Reality Speed Dating lets today's professionals give tomorrow's planners the scoop on work-life.

NEW **Clinics** give emerging professionals access to expert advice on challenging issues.

Daylong Forums showcase new ideas on overarching themes in a linked set of sessions.

NEW **Deep Dive Sessions** delve into emerging areas of planning, with hands-on interaction.

Facilitated Discussions explore topics of shared interest in informal, interactive discussions.

Fast, Funny & Passionate Sessions are quick and quirky presentations on planning issues and projects.

Institutes are leadership development programs for new planning directors, planning managers, and emerging professionals.

Mobile Workshops offer a firsthand look at planning projects in and around the host city.

Orientation Tours help participants get their bearings in the city's geography and history.

Plenaries frame the discussion for major conference topics.

Resume Clinics offer expert critiques for attendees at any career stage.

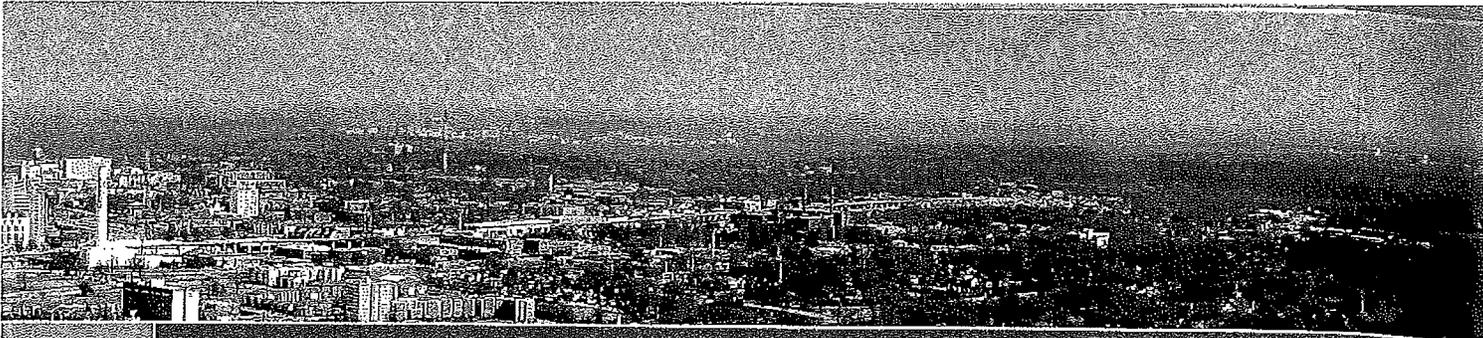
Sessions cover the trends, tools, and best practices at the leading edge of planning.

Symposia are conferences within the conference that explore a topic over a period of days.

Tracks bring together related sessions, giving participants a chance to take any or all.

Training Workshops help planners and colleagues hone practical skills and build a toolkit of resources.

To see the full National Planning Conference schedule, go to planning.org/conference/program



"Going to the conference was exactly what I needed to refuel and recharge."

When & Where

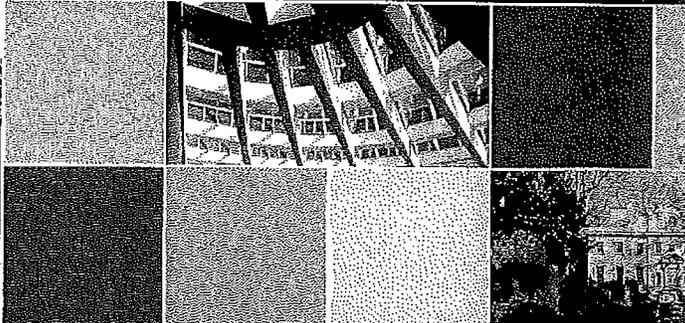
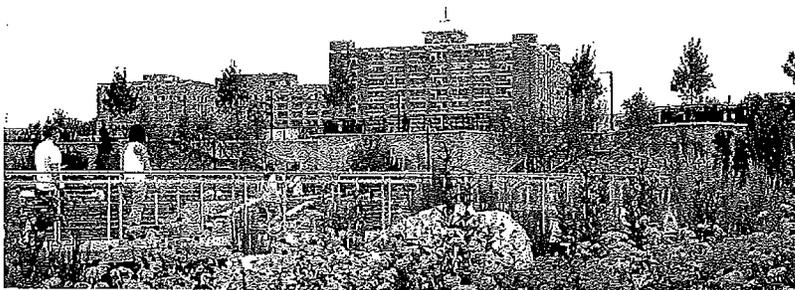
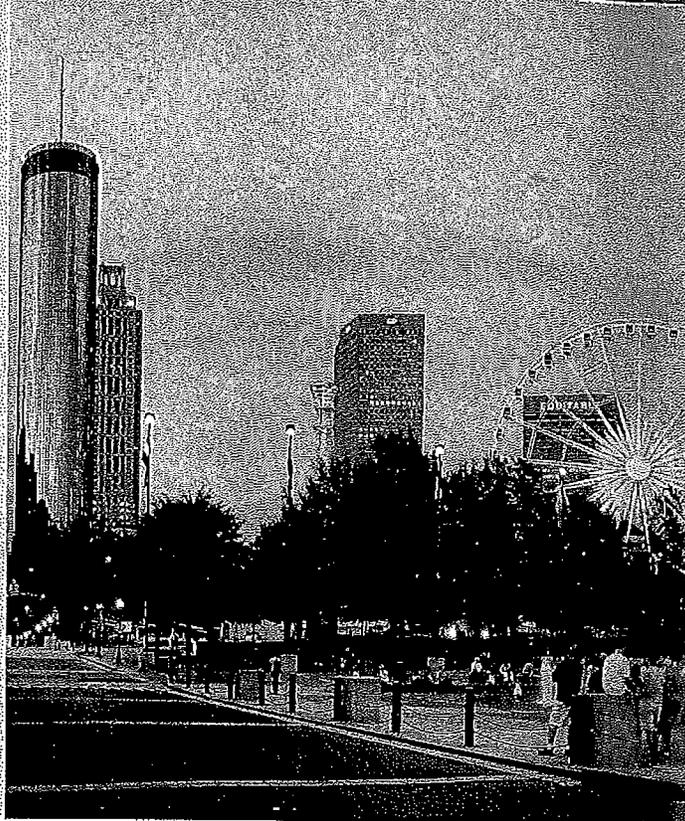
106th National Planning Conference
Georgia World Congress Center
April 26–30, 2014
Atlanta

Key Dates

Early registration closes February 27, 2014
Advance registration ends March 27, 2014
On-site registration available
Housing special ends March 27, 2014

Conference Connections

www.planning.org/conference
<http://blogs.planning.org/conference>



Stay Connected!
#APA14



Forums

Research Day: Planning Research That Matters

Sunday, April 27

Hear about new findings that advance the practice of planning.

Law Day: A New Look at Takings

Monday, April 28

Find out what to expect from the *Kuntz* decision on takings and the *Mount Laurel* ruling on fair-share housing.

Transportation Day: Building Economic Growth Through Transportation

Monday, April 28

Transportation is a huge investment. Explore the way it connects with local economic growth.

Neighborhood Day: Planning Neighborhoods of Lasting Value

Tuesday, April 29

Discover new tools for making communities complete, competitive, and resilient.

Symposia

Planning Healthy Communities

April 27–29

Join a national dialog on public health and planning. You'll learn to make your community a better place.

Sustaining Places

April 26–30

Examine the three pillars of sustainability: environment, social equity, and economic well-being.

Bettman Symposium on Law

April 27–28

Find out about recent court rulings and how they may affect your community.

"As a brand-new planner, I learned a great deal of information on which to build."

For program details, visit planning.org/conference

**CITY OF DAPHNE
RESOLUTION 2014-14**

**SUPPORT FOR ADEM PERMIT MODIFICATION TO INCLUDE
CONSTRUCTION & DEMOLITION (C&D) LANDFILL FOR THE
CITY OF DAPHNE'S TALLENT LANE FACILITY**

WHEREAS, in the spring of 2012, as a product of a settlement of long-term litigation, the City of Daphne acquired the dirt pit operated by Earth, Inc. (Scott Curtis) at the southeast terminus of Tallent Lane in the City of Daphne; and

WHEREAS, in addition to the mining operation, Earth, Inc. was landfilling inert vegetative debris and per the settlement of the litigation the ADEM Permit was transferred to the City of Daphne; and

WHEREAS, the City has name the landfill The Tallent Lane Facility, and is continuing the landfill of inert vegetative debris produced by the City of Daphne under the management of the City's Public Works Department, Division of Solid Waste; and

WHEREAS, from the time of settlement and acquisition it was the intent of the City to modify the ADEM Permit to include the landfill of Construction and Demolition (C&D) Debris produced by the City of Daphne; and

WHEREAS, prior to application to the Alabama Department of Environmental Management (ADEM) for Permit Modification, "Host Government Approval" must be given by the Baldwin County Waste Siting Board (Baldwin County Commission) and by the South Alabama Regional Planning Commission (SARPC); and

WHEREAS, all required Siting Criteria has been submitted to the Baldwin County Waste Siting Board and are deemed complete and consistent with the Baldwin County Solid Waste Plan, which the City is an affiliate.

NOW, THEREFORE, IT BE RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA authorizes the Mayor and the Director of Public Works to proceed with all necessary actions and execute all required documents to achieve the desired ADEM Permit Modification to include the landfill of Construction and Demolition (C&D) Debris at the City's Tallent Lane Facility.

BE IT FURTHER RESOLVED that the Council whole heartedly supports the ADEM Permit Modification Application and requests the support and approval of the Baldwin County Commission, South Alabama Regional Planning Commission, and Alabama Department of Environmental Management

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

Dane Haygood
Mayor

ATTEST:

Rebecca A. Hayes
City Clerk

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

The Jubilee City

To: Terri L. Graham
Development and Environmental Director
Baldwin County Commission - Baldwin County Solid Waste
22251 Palmer Street
Robertsdale, Al 36567

Cc: Honorable Dane Haygood, Mayor; David A.Z. Brewer, County Administrator; File

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

Date: March 10, 2014

Re: **Request to the Baldwin County Commission Solid Waste Siting Board for Siting Review and Approval**

Dear Mrs. Graham:

Please find enclosed four copies of the City of Daphne, Public Works Department, Division of Solid Waste Siting Report for ADEM Permit Modification to allow for Construction and Demolition (C&D) Landfill at the Tallent Lane Solid Waste Facility.

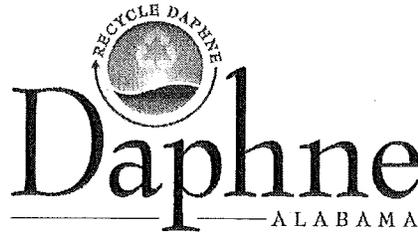
We request a Siting Review before the Solid Waste Siting Board at the earliest possible date.

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

Yours,

RDJ

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

The Jubilee City

City Of Daphne, Alabama
Tallent Lane Solid Waste Facility

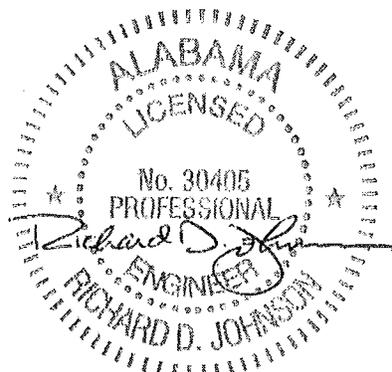
Request to the Baldwin County Commission
Solid Waste Siting Board

For Siting Review and Approval for ADEM Permit
Modification to allow for Construction and Demolition (C&D)
Landfill at the Tallent Lane Solid Waste Facility

SITING REPORT

Prepared By:

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



Public Works Department
26435 Public Works Road P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3182 Fax: (251) 621-3189
Page 53 of 25

Baldwin County Commission
As Agents of Baldwin County Solid Waste Siting Board
312 Courthouse Square, Suite #12
Bay Minette, Alabama 36507

Honorable Commissioners:

Executive Summary:

This is a request of the City of Daphne, Division of Public Works, Division Solid Waste, for the Baldwin County Commission to Convene the Solid Waste Siting Board at a future business meeting of the Baldwin County Commission, in order to allow review of the siting documents related to the application for permit modification to ADEM Permit number AL0067369 for the City of Daphne, Tallent Lane Solid Waste Facility.

Once the Baldwin County Solid Waste Siting Board reviews and approves said siting documents and, thereafter, forward the siting documents to the Baldwin County Commission for their consideration following a public hearing to be conducted during a future, regular meeting of the Baldwin County Commission.

Background:

In order to accomplish a modification of the City's current ADEM permit to allow for the landfill of Construction and Demolition debris (C&D) at our Tallent Lane Solid Waste Facility (a City owned and operated inert material landfill), a number of activities have to be completed. The first procedure involves modifying the Baldwin County Comprehensive Solid Waste Management Plan (Solid Waste Management Plan) to reference the Tallent Lane Solid Waste Facility as a future C&D Landfill.

The next procedure involves submitting documents (siting documents) indicating that the siting criteria for a new solid waste facility are in compliance with the siting criteria as outlined in the Solid Waste Management plan and Code of Alabama 1975 §22-27-48. The siting documents must be reviewed and approved by the Baldwin County Solid Waste Siting Board. This document requests that the Baldwin County Solid Waste Siting Board review and approve the siting documents enclosed here within for the permit modification of the Tallent Lane Solid Waste Facility. The review and approval of these siting documents will be necessary to allow the permit modification.

Because the permit modification will incorporate land area that was not previously permitted for C&D landfill operations, the Baldwin County Waste Siting Board must review and approve the waste facility siting documents as if the 15.6 acre inert landfill were an entirely new facility. An additional procedure necessary to proceed with the permit modification will involve conducting a public hearing during a future Baldwin County Commission meeting as required by Alabama Act 89-824. The purpose of the public hearing will be to obtain "Host Governmental Approval" for the permit modifications requested. It will be necessary for the Baldwin County Commission to approve and adopt a resolution referencing the siting documents as reviewed and approved by the Baldwin County Solid Waste Siting Board.

When the resolution is approved and adopted, and forwarded to both South Alabama Regional Planning Commission (SARPC) and the Alabama Department of Environmental Management (ADEM), "Host Government Approval" will be attained. The submission to SARPC will be required in order to obtain a Statement of Consistency and should just be a formality.

The final procedure necessary for the Tallent Lane Solid Waste Facility Permit Modification expansion will involve submitting an application for permit modification to the Alabama Department of Environmental Management (ADEM). The application for modification will be considered at a future meeting of the City Council of the City of Daphne. Once the application for modification is signed by the Mayor of Daphne, the application for modification will be forwarded to ADEM for consideration. A flowchart timeline for permit modification is included in the appendix.

As required by the Baldwin County Comprehensive Solid Waste Management Plan, we offer the following required information:

Siting Requirements:

- a) The proposed facility is not located in a floodplain. (Attached find applicable FIRM panel and concurrence from Richard Merchant, the City's Certified Floodplain Manager)
- b) The proposed facility will not jeopardize the continued existence of any endangered or threatened species or critical habitat. (Attached find a concurrence letter issued by U.S. Fish & Wildlife)
- c) The proposed Municipal Solid Waste Landfill (MSWLF) will only accept inert and C&D debris and it is not located within 10,000 ft. of the end of an airport runway. (Attached find a scaled map showing the location of the two closest airports)
- d) There are no active faults, seismic impact zones or unstable areas within the vicinity and there will be no adverse effects upon waters of the State. (Attached find USGS Seismic Maps for the subject facility and the current ADEM NPDES Permit)
- e) The facility is not located on a site that is archeologically or historically sensitive. (Attached find concurrence from the Alabama Historical Commission).

Consistency:

Item 1. The consistency of the proposal with the Jurisdiction's solid waste management need as identified in the Baldwin County Solid Waste Management Plan.

The proposed facility has been permitted and operated as a private inert landfill until the conclusion of litigation placed it under the ownership of the City of Daphne. This action brought the facility into the public sector and dictates inclusion into the plan. The current operational parameters, as well as permit modification to include C&D debris appears consistent with the needs identified in the Solid Waste Management Plan. The following is an evaluation of the Methods and Goals from the current SWMP:

Listed Method #1: Source reduction - the prevention of solid waste generation – Consistency: at this time the City of Daphne operates C&D (Trash) as a "single stream" solid waste collection and disposal enterprise. C&D debris is collected curbside and is transported to an outside of the corporate limits permitted landfill. Under this operational scheme the City is provided no opportunity to cull out the many recyclables in the C&D stream. With siting approval and ADEM permitting of the Tallent Lane facility as a C&D landfill we would be able to perform a pre-landfilling cull and pull the recyclables from the stream. This would lead to a reduction in landfilled solid waste generation.

Listed Method #2: Recycling - the diversion of specific materials from a solid waste stream and the processing of those materials for use as new products and/or other productive uses, including composting - Consistency: See commentary above in Listed Method #1. The approval of the Siting Board for the modification of the Tallent Lane Facility Permit to include C&D will allow the City of Daphne to further enhance its recycling program and divert more materials from the solid waste stream.

Listed Method #4: land filling - the disposal of solid waste by the sanitary land filling process – Consistency: The approval of the Siting Board for the modification of the Tallent Lane will further advance this methodology by allowing the City to apply for unfettered C&D landfill permitting, thus, insuring achievement of the methodology.

Listed Prohibitions established by the Plan include the following:

- *No wastes from outside the County will be accepted by landfills in Baldwin County – Consistent:* This landfill will operate for the benefit of the citizens of the City of Daphne. The current plan only includes the landfill of inert vegetative and C&D debris collected from within the corporate limits of the City.
- *Magnolia Sanitary Landfill will be the only municipal solid waste (MSW) landfill in the County – Consistent:* Tallent Lane Facility will only accepted and landfill inert vegetative and C&D debris.
- *No municipal solid waste incinerators will be established in the County – Consistent:* No incineration is proposed or would be allowed.
- *No additional transfer stations will be established within the County – Consistent:* No transfer station is proposed for this facility.
- *C&D waste collected in municipal jurisdictions shall be disposed of in ADEM permitted facilities located within Baldwin County – Consistent:* ADEM permitting will be required and facility is located in the City of Daphne, Baldwin County, Alabama.

Item 2. The relationship of the proposal to local plans or existing development or the absence thereof, to major transportation arteries and to existing state primary and secondary roads.

The existing facility is operating as an inert vegetative debris landfill and is located west of the intersection of Pollard Road and Park Drive, both classified as Urban (Major) Collectors. The facility is accessed off of Park Drive by Tallent Lane, an improved publicly maintained street. Park Drive terminates to the west at the intersection of North Main Street (Urban Collector) and U.S. Highway 98 (Principal Arterial). Pollard Road intersects with Whispering Pines Road (Urban Collector) and County Road 64 (Principal Arterial) to the south.

The site is already hosting daily Solid Waste collection truck cycles and the increase in trip cycles will approximately double to eight (8) roundtrips per day (Monday-Friday). The facility is centrally sited in the corporate limits of Daphne and is served by high-functioning roadways. The current land use is grandfathered and there are no zoning restrictions.

Item 3. *The location of the proposed facility in relationship to existing industries in the state that generate large volumes of solid waste, or the relationship to the areas projected for development of industries that will generate solid waste.*

The sole generator of the debris to be landfilled is the City of Daphne, Division of Solid Waste. This facility is not proposed to accept any solid waste other than that generated by the citizens and municipal activity of the City of Daphne. The site is centrally located in the corporate limits of the City.

Item 4. *Cost and availability of public services, facilities and improvements required to support the proposed facility and protect public health, safety and the environment.*

The existing facility currently has all need infrastructure, apparatuses and equipment required for landfill operations. The Tallent Lane facility has adequate access, security, fencing, internal roadways and utility services. No short or long-term improvements are proposed or required. The only new expense anticipated is those costs associated with the ADEM permit modification – approximately \$10,000.00 - \$15,000.00.

Item 5. *The impact of proposed facility on public safety and provisions made to minimize the impact on public health and safety.*

This facility is currently in operation as a landfill, the only change will be the type and daily volume of material landfilled. No impact to public safety is anticipated. Letters of concurrence are provided in the appendix from the Chiefs of Fire and Police.

No adverse impact on public health is anticipated. The facility would be operated in compliance with the requirements of the current ADEM Administrative Code Division 13 regulations. Waste will be covered a minimum of once each week to prevent fires, blown litter and scavenging. The facility will use a minimum of six inches of compacted earth for weekly cover. The permittee will maintain a storm water run-off control using best management practices required under our ADEM permit. Run-off from the landfill will be conveyed through the landfill's NPDES storm water Permit discharge point(s), which will be monitored.

Unauthorized vehicular traffic and illegal dumping of wastes will be prevented by the use of a fence in areas that may be accessible by vehicular traffic. Access to the facility will only be achieved by passage through a remote camera monitored security gate.

Only waste stipulated on the permit or otherwise approved by ADEM will be landfilled at the facility. Any unapproved waste coming to the site for disposal will be refused. The facility operator is also the collection agency; Solid Waste personnel will perform inspections of suspicious materials at time of collection. Management will conduct random inspections of incoming loads to ensure that these loads do not contain unacceptable wastes.

Item 6. *The social and economic impacts of the proposed facility on the affected community, including changes in property values, and social or community perception.*

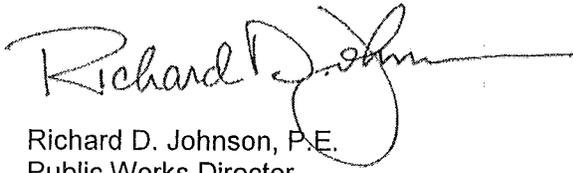
Most people will admit the need for solid waste disposal facilities. However, we realize that very few people would like one located near them. The proposed facility will do everything possible to insure that the landfill does not negatively affect adjacent property or become an annoyance to property owners. Unlike the waste disposed of in a sanitary landfill, the type of waste to be accepted at this facility is quite odorless and should not be a nuisance to people living nearby.

When the City originally acquired the property we held a meeting with the citizens of the Park City Community that was well attended. We shared with those constituents the City's ultimate goal to achieve full C&D Permitting with the final goal to fill the void left by the mining operation and reclaim the area for public green space. As a result of that meeting and continuing dialogue the City has addressed many of the issues that were associated with the prior owners operation and the City's future operation. These measures included and are not limited to:

- Installed decorative privacy fencing the northern boundary (residential side).
- Filling shear cut along the northern boundary (residential side safety concern)
- Planted in excess of 5000 pine trees along the interior north property line to create a 100+ foot vegetative buffer (residential side)
- Corrected drainage along the northern property line.
- Moved internal landfill road to the south to accommodate buffer and reduce noise and dust for the residences to the north.
- Install new security fence along the western boundary.
- Corrected drainage at west boundary line.
- Secured and platted unopened 60' ROW along the length of the western boundary – for future land access and buffering.
- Will be installing decorative privacy fencing along the southeast border (Eagle Creek Subdivision)
- Insured only work-week daytime operations – unless during emergency conditions.
- Controlled access and installed security camera at entrance – for prevention of illegal dumping and use.

Thank you for considering our application for siting approval, should you have any questions or require additional information, please contact me at 251-621-3182.

Sincerely,

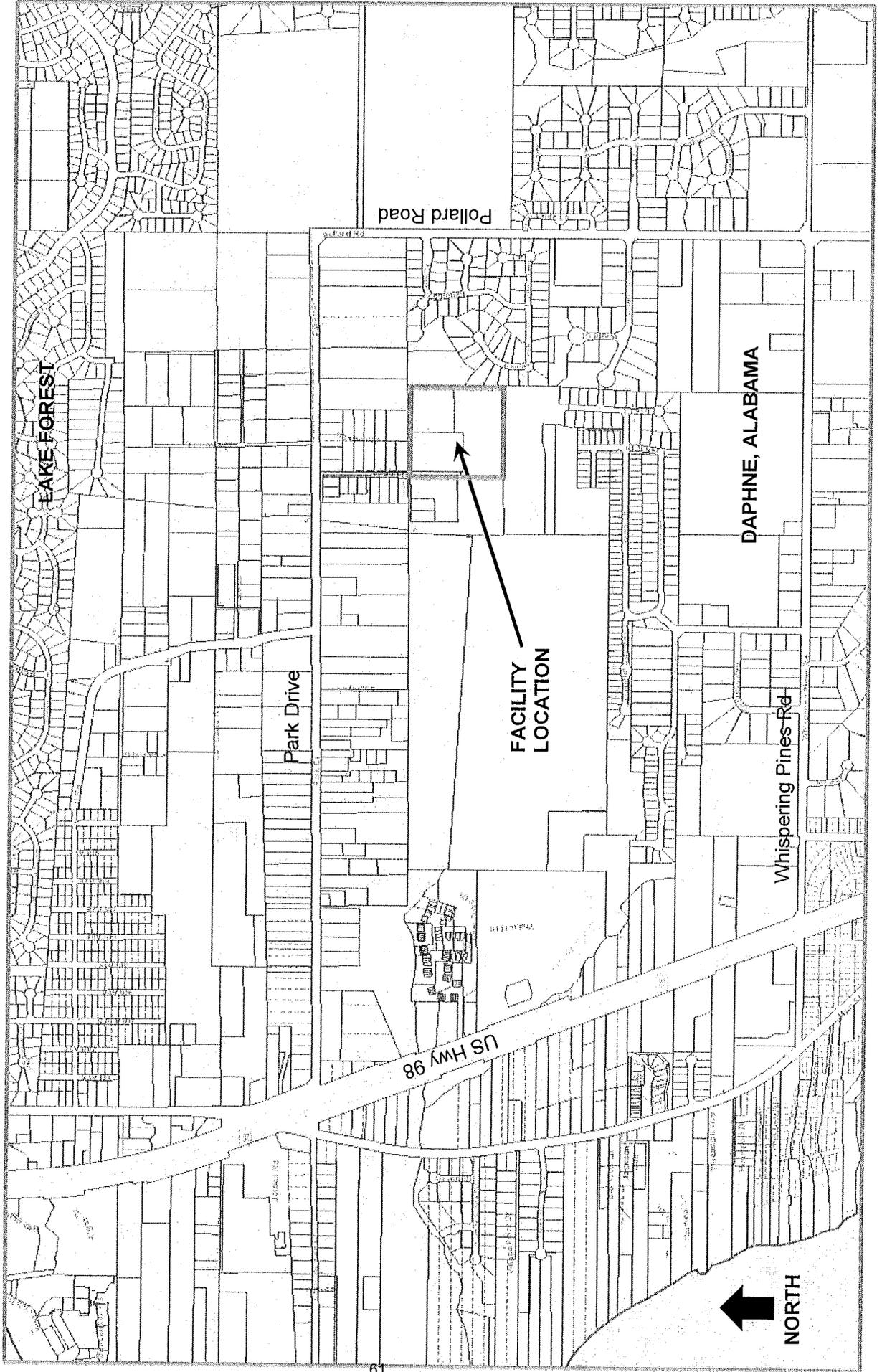
A handwritten signature in black ink that reads "Richard D. Johnson". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

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

Appendix

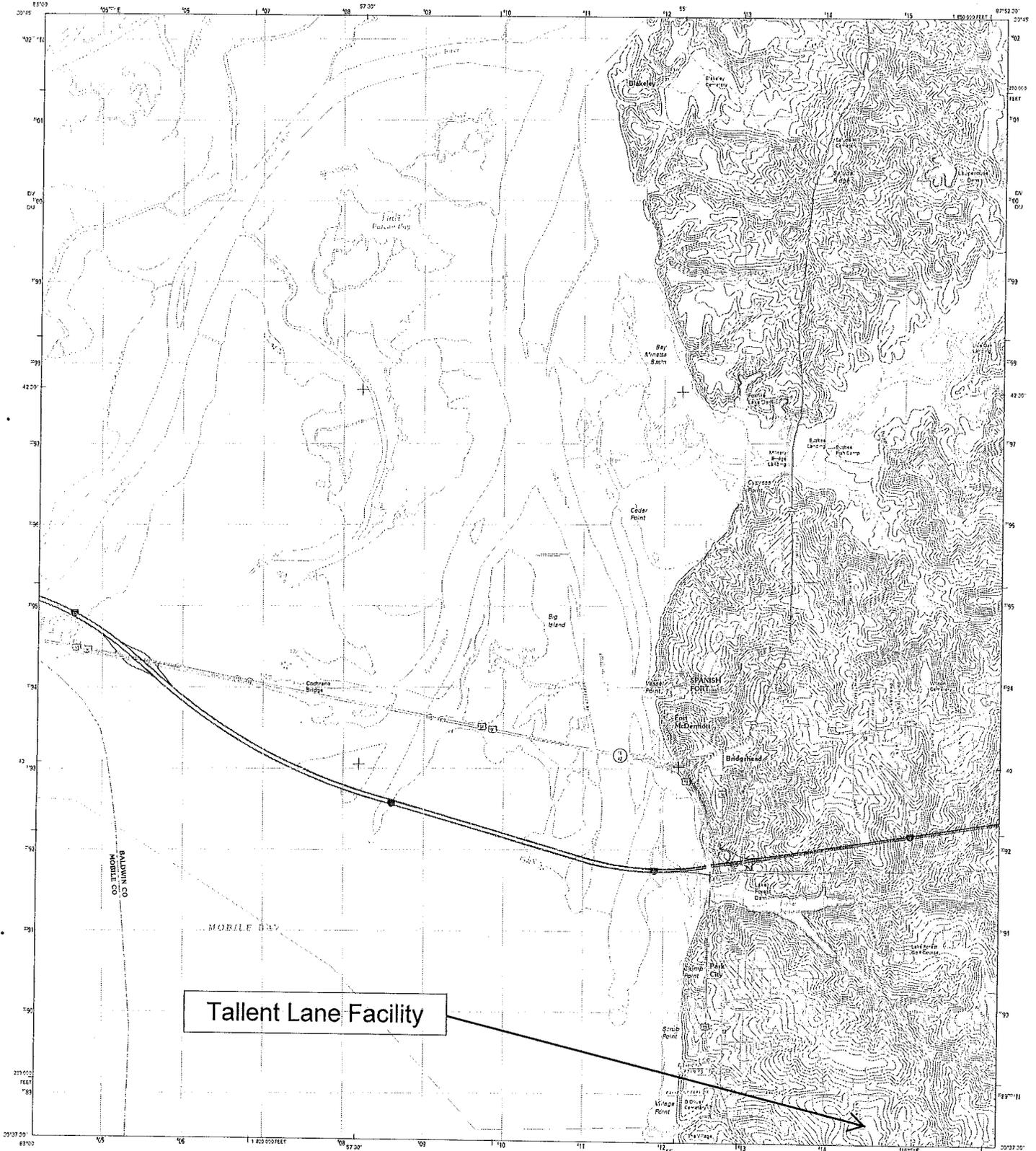
- Exhibit 1 - Location Map
- Exhibit 2 - USGS 7.5 Minute Location Map
- Exhibit 3 - Permitting Process Timeline
- Exhibit 4 - FIRM Panel 01003C0519L, July 17, 2007
- Exhibit 5 - Concurrence Letter from the City's Certified Floodplain Manager
- Exhibit 6 - Concurrence issued by U.S. Fish & Wildlife
- Exhibit 7 - Airport Runway Proximity Map
- Exhibit 8 - USGS Seismic-Hazard Map - with 2% Probability of Exceedance in 50 Years
- Exhibit 9 - USGS Seismic-Hazard Map - with 10% Probability of Exceedance in 50 Years
- Exhibit 10 - Current ADEM Permit for Tallent Lane Solid Waste Facility
- Exhibit 11 - Concurrence from the Alabama Historical Commission
- Exhibit 12 - Concurrence Letters Public Safety – Fire and Police Chiefs
- Exhibit 13 - Mayor Letter of Request – December 3, 2013
- Exhibit 14 - Tallent Lane Survey Map - 2012

LOCATION MAP





U.S. DEPARTMENT OF THE INTERIOR
U. S. GEOLOGICAL SURVEY



Distances	Numbers	On Plan Scale
1:62,500	500 Feet	1:62,500
1:125,000	1,000 Feet	1:125,000
1:250,000	2,000 Feet	1:250,000

Tallent Lane Facility - Timeline for C & D Permitting

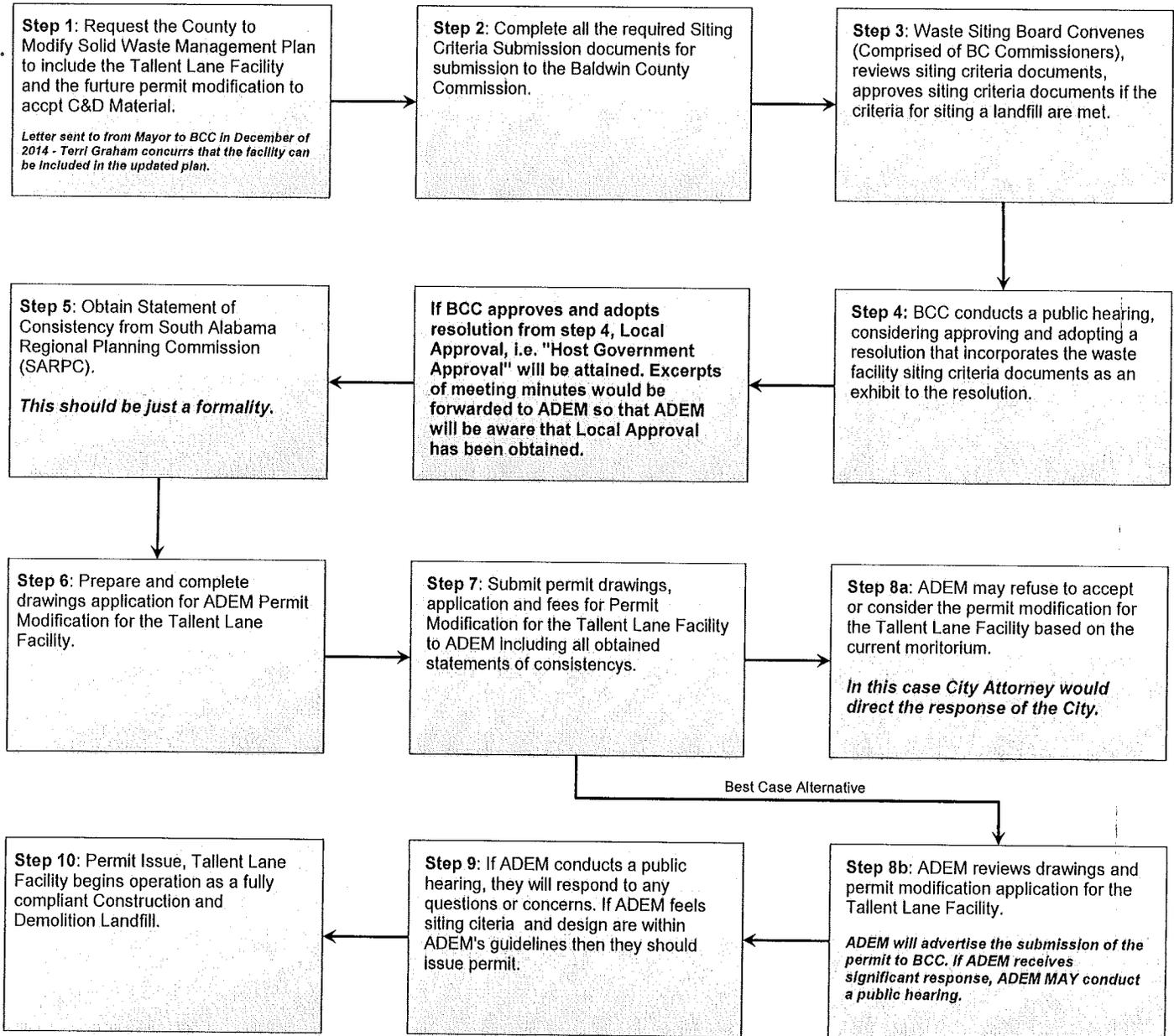


Exhibit 5 - 1/1



DANE HAYGOOD,
MAYOR

BECKY HAYES
CITY CLERK

MIKE HINSON
FINANCE DIRECTOR/TREASURER

DAVID CARPENTER II
CHIEF OF POLICE

JAMES "BO" WHITE
FIRE CHIEF

COUNCIL MEMBERS
TOMMIE CONAWAY
DISTRICT 1

PAT RUDICELL
DISTRICT 2

JOHN L. LAKE
DISTRICT 3

RANDY FRY
DISTRICT 4

RON SCOTT
DISTRICT 5

ROBIN LEJUNE
DISTRICT 6

JOE DAVIS
DISTRICT 7

1/13/2014

Re: 27602 Tallent Lane

Daphne Al. 36526

To whom it may concern: The aforementioned property is located wholly and in its entirety in a Zone X and has no effect on the Special Flood Hazard Area of the City of Daphne or the surrounding Communities. This is in accordance with Map # 01003CO519L Community City of Daphne # 01005 Panel 519 Suffix L.

If you or any other interested have any questions about this matter feel free to contact me at any time.

Sincerely,


Richard Merchant

Certified Floodplain Manager/ Certified Building Official

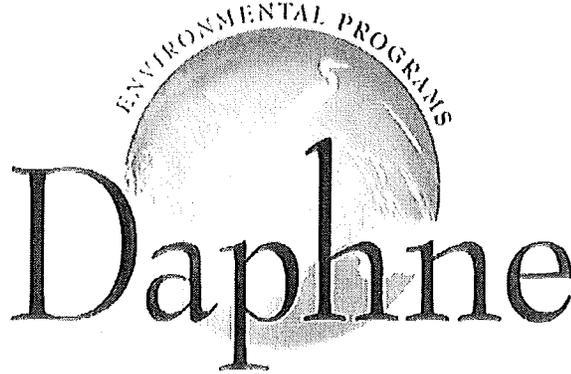
City of Daphne

251-621-3080

Log #1, file & conclude

Exhibit 6 - 1/1

JAN 14 2014



January 14, 2014

Bill Pearson
 Field Supervisor
 USFWS
 1208B Main Street
 Daphne, AL 36526

Re: Daphne Tallent Lane Solid Waste Facility Construction & Demolition (C&D) Landfill
 Baldwin County, Alabama
 T5S, R2E, S8

Mr. Pearson,

2014-7A-0212

Enclosed you will find a copy of the City's Tallent Lane Solid Waste Facility vicinity maps. The City is in the initial phase of requesting a C & D Landfill permit from the State. The site activities will include land filling with construction and demolitions waste, definition attached. Would you please review the project location and determine whether or not any protected species or critical habitat is within the project area. Upon review, if you have any comments or questions, please contact Ashley Campbell.

Sincerely,

Ashley Campbell, CPESC
 City of Daphne
 Environmental Programs Manager
 epm@daphneal.com
 PO Box 400
 Daphne, AL 36526
 Office: 251-621-3080
 Cell: 251-234-7122



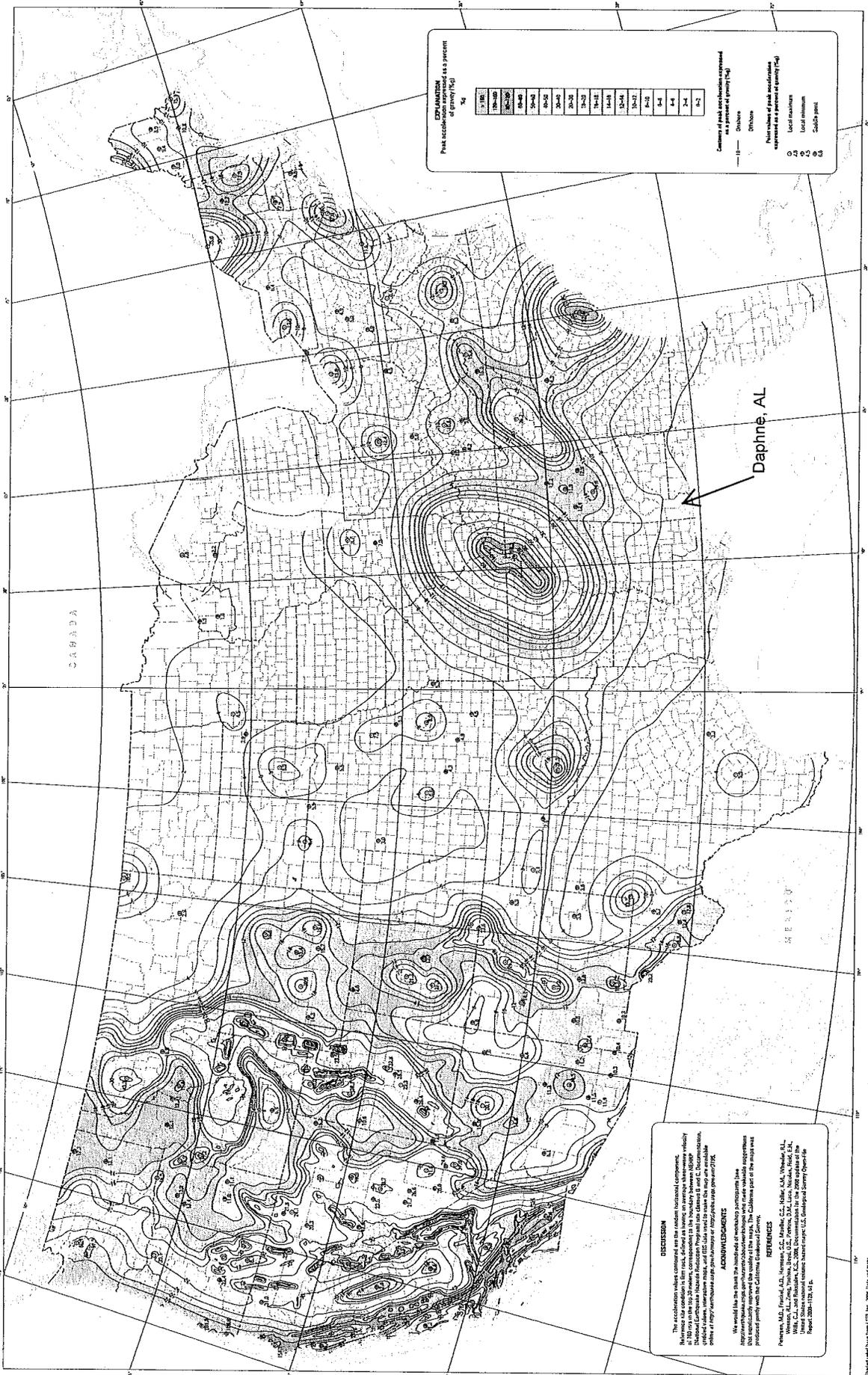
U.S. Fish and Wildlife Service
 1208-B Main Street - Daphne, Alabama 36526
 Phone: 251-441-5181 Fax: 251-441-6222

No federally listed species/critical habitat are known to occur in the project area. As described, the project will have no significant impact on fish and wildlife resources. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT NEW PLANS FOR REVIEW. We recommend use of best management practices specific to your project (See <http://www.fws.gov/daphne/section7/bmp.html>).

William J. Pearson, Field Supervisor Date 1-14-2014 11:3

AIRPORT RUNWAY LOCATION MAP





CPY HAZARD
Peak acceleration in a percent of gravity (%)

1.0E
1.5E
2.0E
3.0E
4.0E
5.0E
7.0E
10.0E
15.0E
20.0E
30.0E
40.0E
50.0E
70.0E
100.0E

Contours of peak acceleration expressed as a percent of gravity (%)

— D Dashed
— S Solid

Peak values of peak acceleration expressed as a percent of gravity (%)

○ Local maximum
○ Local minimum
○ Seismic joint

DISCUSSION

The accelerations values presented are the constant horizontal component, $a_{h,0.5}$, at 100 m/s for the 10- to 20 second, corresponding to the 2 percent probability of exceedence in 50 years, for the Sacramento Valley region. The values are based on the 2008 update of the California Seismic Hazard Assessment Project (see James B. and C. D. Donnell, 2008, *California Seismic Hazard Assessment Project: Final Report*, U.S. Geological Survey, Reston, Virginia, 120 p., available at <http://www.cgsr.gov>).

ACKNOWLEDGMENTS

We would like to thank the hundreds of workshop participants, State and Federal agencies, and the California Geological Survey for their support and assistance in the development of this map. The California Geological Survey is a part of the California Geological Survey, U.S. Geological Survey, and the California Geological Survey is a part of the California Geological Survey.

REFERENCES

James B., and C. D. Donnell, 2008, *California Seismic Hazard Assessment Project: Final Report*, U.S. Geological Survey, Reston, Virginia, 120 p., available at <http://www.cgsr.gov>.

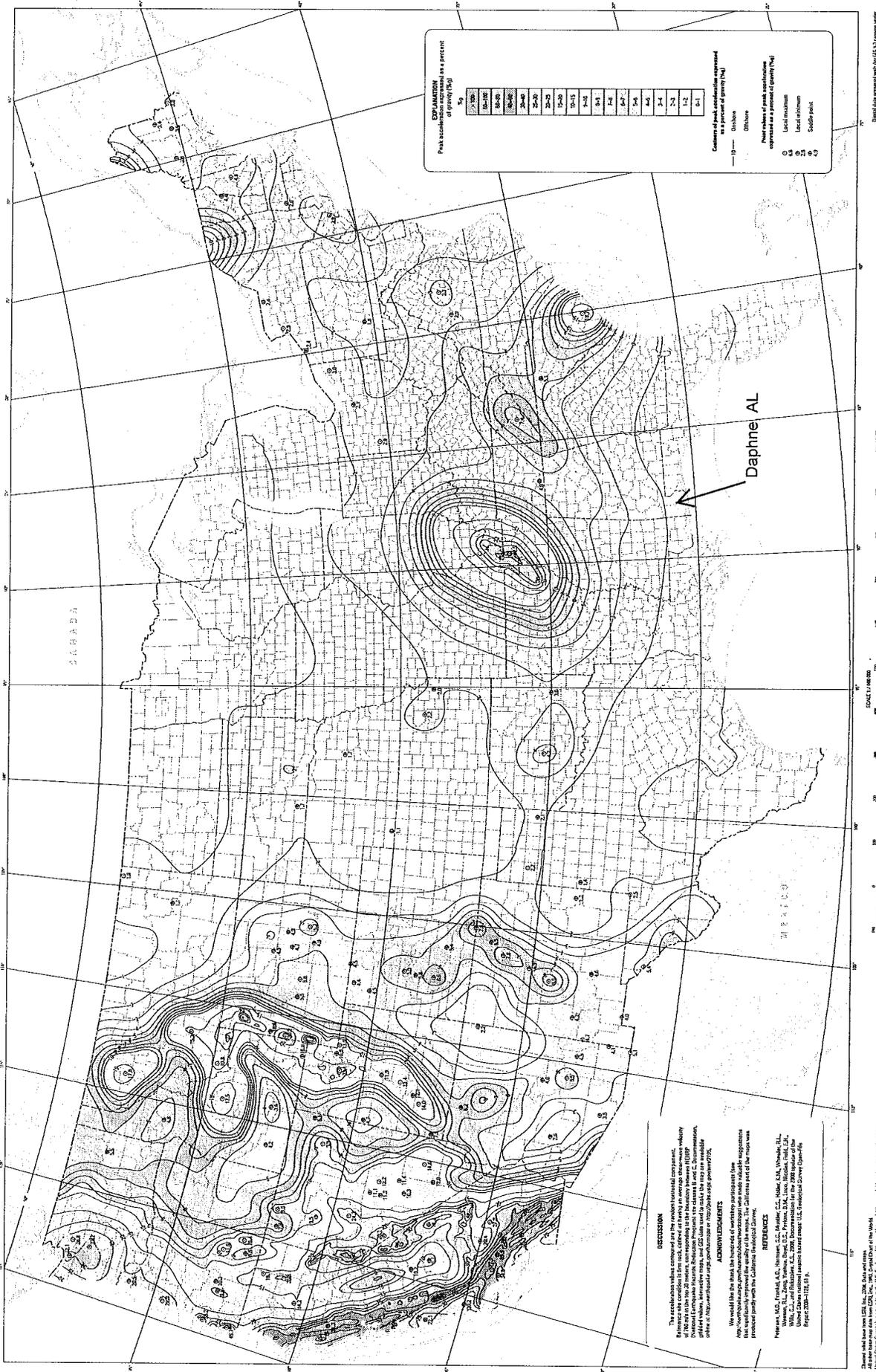
James B., and C. D. Donnell, 2008, *California Seismic Hazard Assessment Project: Final Report*, U.S. Geological Survey, Reston, Virginia, 120 p., available at <http://www.cgsr.gov>.

Seismic-Hazard Maps for the Conterminous United States, 2008

Peak Horizontal Acceleration with 2 Percent Probability of Exceedence in 50 Years

By
 Mark D. Petersen,¹ Arthur D. Frankel,¹ Stephen C. Hamsen,¹ Charles S. Mueller,¹ Kathleen M. Haller,¹ Russel L. Wheeler,¹ Robert L. Wesson,¹ Yuehua Zeng,¹ Oliver S. Boyd,¹ David M. Perkins,¹ Charles A. Lucas,¹ Edward H. Field,¹ Christopher J. Willis,² and Kenneth S. Rukstales¹

¹U.S. Geological Survey, 3400 Hill Street, Menlo Park, California 94025
²California Geological Survey, 1500 North Street, Sacramento, California 95811



CPA (AMDITION)
Peak acceleration in a percent of gravity (%g)

> 1.00
0.80-0.99
0.60-0.79
0.40-0.59
0.20-0.39
0.10-0.19
0.05-0.09
0.02-0.04
0.01

Contour values are expressed in a percent of gravity (%g)

— D — Dashed
— S — Solid

Peak values of peak acceleration are represented as a percent of gravity (%g)

○ Local maximum
○ Saddle point

DISCUSSION
The acceleration values computed are the regional horizontal component. The values are based on the 2008 National Earthquake Hazard Reduction Project (NEHRP) seismic hazard maps (USGS, 2008) and are based on the 2008 National Earthquake Hazard Reduction Project (NEHRP) seismic hazard maps (USGS, 2008) and are based on the 2008 National Earthquake Hazard Reduction Project (NEHRP) seismic hazard maps (USGS, 2008).

ACKNOWLEDGMENTS
We would like to thank the hundreds of workshop participants from all over the United States who provided their input and expertise to the workshop. We also thank the staff of the U.S. Geological Survey for their support and assistance.

REFERENCES
Boore, T.M., and Anderson, J.G., 2006, Seismic hazard maps for the United States, U.S. Geological Survey Open-File Report 2006-103, 1 p.

Seismic-Hazard Maps for the Conterminous United States, 2008 Peak Horizontal Acceleration with 10 Percent Probability of Exceedance in 50 Years

By
Mark D. Petersen,¹ Arthur D. Frankel,¹ Stephen C. Hamsen,¹ Charles S. Mueller,¹ Kathleen M. Haller,¹ Russel L. Wheeler,¹ Robert L. Wesson,¹ Yuehua Zeng,¹ Oliver S. Boyd,¹ David M. Perkins,¹ Nicolas Luco,¹ Edward H. Field,¹ Christopher J. Willis,² and Kenneth S. Rukstales¹

¹U.S. Geological Survey
3451 La Grange Road
Menlo Park, California 94025

2011

LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

May 4, 2012

CERTIFIED MAIL
91 7108 2133 3935 0364 9092
RETURN RECEIPT REQUESTED

Bailey Yelding, Mayor
City of Daphne
Post Office Box 400
Daphne, AL 36526

Re: Permit Transfer
City of Daphne Tallent Lane Solid Waste Facility
NPDES Permit No. AL0067369
Baldwin County (003)

Dear Mr. Yelding:

Enclosed is the issued National Pollutant Discharge Elimination System (NPDES) permit for the above referenced facility. The issuance, effective, expiration, modification issuance, and modification effective dates of the permit are specified on the cover page.

Please see Part I.B. of the permit for monitoring and reporting requirements. Copies of the DMR forms are enclosed. The original DMR forms should be retained for your records. The original signature of a principal executive officer or authorized agent must appear on all DMRs submitted to the Department. The principal executive officer must submit, in writing, authorization allowing a designated agent to sign DMR forms submitted to the Department. The submittal must specify either an individual or a position having responsibility for the overall operations of the regulated facility or activity. Use of the enclosed forms is required for future report submittals for this facility.

Please be advised that pursuant to Part II.A.8. of the enclosed permit, you are allowed to continue with work related to the implementation of the Pollution Abatement/Prevention Plan for the proposed outfalls, including the construction of sedimentation basins. Any mining or processing activity conducted prior to Departmental receipt of certification from a professional engineer licensed to practice in the State of Alabama, that the Pollution Abatement/Prevention Plan for the proposed outfalls was implemented according to the design plan, or notification from the Alabama Surface Mining Commission that the sediment control structures have been certified, is prohibited. Please be advised that pursuant to ADEM Admin. Code R. 335-6-6-.05, this permit will automatically expire eighteen (18) months after the permit issuance date if construction, as defined by ADEM Admin. Code R. 335-6-6-.02(g), or mining has not commenced.

The Department provides a voluntary web-based electronic environmental (E2) reporting system for submittal of discharge monitoring reports (DMRs). The E2 DMR system provides an alternative method to submit DMR data and allows ADEM to electronically validate, acknowledge receipt, and upload data to the state's central wastewater database. This system is expected to reduce costs to both the regulated community and ADEM and to improve the accuracy of reported compliance data. If you wish to participate in this program, the Permittee Participation Package may be downloaded online at <https://e2.adem.alabama.gov/npdes> or you may obtain a hard copy by submitting a written request or by emailing e2admin@adem.alabama.gov.

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S. W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36616-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36618-1421
(251) 432-6533
(251) 432-6598 (FAX)

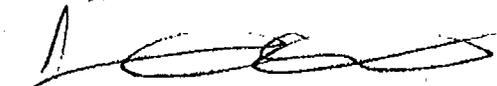
City of Daphne – City of Daphne Tallent Lane Solid Waste Facility
NPDES Permit No. AL0067369

Page 2 of 2

The Department encourages you to voluntarily consider additional pollution prevention practices/alternatives at your facility which may assist you in complying with effluent limitations, and possibly reduce or eliminate pollutant discharges.

Should you have any questions concerning this matter, please contact Chase Williams by email at ctwilliams@adem.state.al.us or by phone at (334) 271-7762.

Sincerely,



Johnathan E. Hall, Chief
Mining and Natural Resources Section
Stormwater Management Branch
Water Division

JEH/ctw File: FPER/00078

Enclosure

cc: Chase Gamble, ADEM
Karrie-Jo Shell, EPA
William Pearson, U.S. Fish & Wildlife Service



NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM INDIVIDUAL PERMIT

PERMITTEE: City of Daphne (formerly Earth, LLC.)
Post Office Box 400
Daphne, AL 36526

FACILITY LOCATION: City of Daphne Tallent Lane Solid Waste Facility
Tallent Lane
Daphne, AL 36526
Baldwin County
T5S, R2E, S8

PERMIT NUMBER: AL0067369

DSN & RECEIVING STREAM: 001-1 Unnamed Tributary to Tiwassee Creek/Groundwater

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, Code of Alabama 1975, §§ 22-22-1 to 22-22-19 (the "AWPCA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22A-1 to 22-22A-16, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.

ISSUANCE DATE: January 31, 2012

EFFECTIVE DATE: February 1, 2012

EXPIRATION DATE: January 31, 2017

MODIFICATION ISSUANCE DATE: May 10, 2012

MODIFICATION EFFECTIVE DATE: May 10, 2012

Brenton L. Dean
Alabama Department of Environmental Management



STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

FRANK W. WHITE
EXECUTIVE DIRECTOR

February 6, 2014

TEL: 334-242-3184
FAX: 334-240-3477

Ashley Campbell
Environmental Programs Manager
P.O. Box 400
Daphne, Alabama

Re: AHC 14-0415
Tallent Lane Solid Waste Facility
Baldwin County, Alabama

Dear Ms. Campbell:

Upon review of the information forwarded by your office, we have determined that the proposed project will have no effect on properties listed on or eligible for the National Register of Historic Places (NRHP). Therefore, we concur with this project.

We appreciate your efforts on this project. Should you have any questions, please contact Greg Rhinehart at (334) 230-2662 or by e-mail at Greg.Rhinehart@preserveala.org. Please have the AHC tracking number referenced above available and include it with any correspondence.

Sincerely,

A handwritten signature in cursive script that reads "Lee Anne Wofford".

Lee Anne Wofford
Deputy State Historic Preservation Officer

LAW/RJG/GCR/gcr



Established
1953

DAPHNE FIRE DEPARTMENT

28280 NORTH MAIN STREET • PO BOX 400
DAPHNE, ALABAMA 36526-0400
BUSINESS OFFICE: (251) 621-2836
FAX: (251) 621-2833
JAMES "BO" WHITE, FIRE CHIEF



Exhibit 12 - 1/1 Established
1927

March 10, 2014

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

Re: Tallent Lane Solid Waste Facility – ADEM Permit Modification to Accept Construction and Demolition Debris

Dear Richard:

I have reviewed the "Siting Report" requesting the County's review and approval for upgrading the City's Tallent Lane Solid Waste Facility permit to accept and landfill Construction and Demolition (C&D) debris. I understand one of the siting criteria that must be addressed is the Impact of the proposed facility operations on Public Safety.

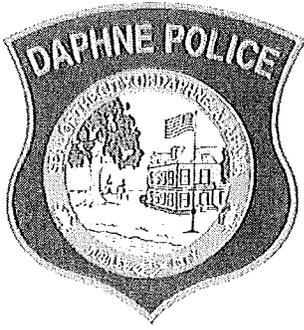
The modification of the current permit to include the landfill of C&D should have no negative impact on Public Safety. The Daphne Fire Department has always worked closely with you and the Public Works Department and I am confident that your Department is capable of operating this facility while keeping the public safe.

If I can be of further assistance, do not hesitate to contact me.

Yours,

James "Bo" White
Chief

Cc: File



DAPHNE POLICE DEPARTMENT

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

David B. Carpenter, II
Chief of Police

March 10, 2014

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

Re: Tallent Lane Solid Waste Facility – ADEM Permit Modification to Accept Construction and Demolition Debris

Dear Richard:

I have reviewed the "Siting Report" requesting the County's review and approval for upgrading the City's Tallent Lane Solid Waste Facility permit to accept and landfill Construction and Demolition (C&D) debris. I understand one of the siting criteria that must be addressed is the Impact of the proposed facility operations on Public Safety.

The modification of the current permit to include the landfill of C&D should have no negative impact on Public Safety. The Daphne Police Department has always worked closely with you and the Public Works Department and I am confident that your Department is capable of operating this facility while keeping the public safe.

If I can be of further assistance, do not hesitate to contact me.

Yours,

A handwritten signature in cursive script that reads "David Carpenter".

David Carpenter
Chief

Cc: File

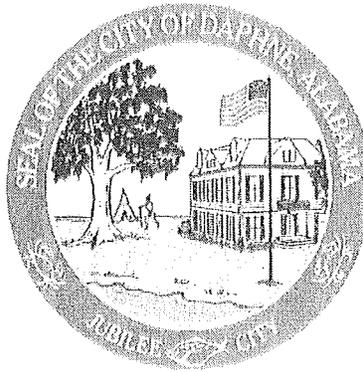
DANE HAYGOOD
MAYOR

REBECCA HAYES
CITY CLERK

MICHAEL V. HINSON
FINANCE DIRECTOR

DAVID CARPENTER II
POLICE CHIEF

JAMES "BO" WHITE
FIRE CHIEF



COUNCIL MEMBERS

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

December 3, 2013

Baldwin County Commission
Honorable Charles F. "Skip" Gruber, Chairman
312 Courthouse Square, Suite 12
Bay Minette, Alabama 36507

Re: City of Daphne – Tallent Lane Facility Inclusion in the County’s Solid Waste Plan

Honorable Commissioner Gruber:

In the spring of 2012 the City of Daphne acquired the dirt pit operated by Earth, Inc. at the southeast terminus of Tallent Lane in the City of Daphne. The acquisition was the product of the settlement of long-term litigation. In addition to the mining operation, Earth, Inc. was landfilling inert vegetative debris. Per the settlement of the litigation the ADEM Permit was transferred to the City of Daphne. The City refers to the landfill as the Tallent Lane Facility and is continuing the landfill of inert vegetative debris produced by the City of Daphne. This operation is under the management of City’s Public Works – Solid Waste Division.

The City of Daphne has a goal of amending our current ADEM Permit to allow for the landfill of construction and demolition (C&D) debris produced by the City of Daphne. Our goal is to submit this amended permit application in the 1st quarter of the 2014 Calendar Year. Part of the permitting process requires concurrence from the Local Government having jurisdiction in accordance with Section 22-27-48 Code of Alabama. It is my understanding that the Baldwin County Commission is currently in the process of updating the Solid Waste Plan. In addition to traditional means of concurrence, the City of Daphne feels that the inclusion of the Tallent Lane Facility as well as the future plan for C&D designation as part of the County’s Solid Waste Plan would be appropriate given the public ownership and operation of the facility.

On behalf of the residents of the City of Daphne, I respectfully ask the Commission (i) to consider a resolution from the Commission in support of the City’s Permit application and (ii) to consider adding the City of Daphne’s Tallent Lane Facility in the County’s updated Solid Waste Plan and referencing the planned C&D classification for the facility.

The City of Daphne can provide any and all necessary documents and information the Commission or Staff may require to advance this request. Requests can be coordinated through Richard Johnson, Public Works Director at (251) 621-3182.

Baldwin County Commission has been a great partner and supporter of the City of Daphne in past endeavors. I thank you in advance for your continued support on this and future matters.

Yours,


Dane Haygood, Mayor

Cc: Terri Graham, Solid Waste Director
Richard D. Johnson, PE; Public Works Director

RESOLUTION 2014 - 15

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

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

WHEREAS, the items listed below are recommended for disposal.

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

- 1- The property listed below is hereby declared to be surplus property, and
EQ#1145-L CATERPILLAR BACKHOE LOADER 420D - SN: FDP24219
- 2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and
- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

RESOLUTION 2014 - 16

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

Fire Dept	Wooden Desk
Fire Dept	Wooden coffee Table
Fire Dept	Kenwood Radios 25+ / Headsets-2 / Microphones-10 / Radio Accessories

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

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

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE

RESOLUTION 2014-17

**Acceptance of Streets and Drainage
Located in Bellaton Subdivision, Phase Three**

WHEREAS, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Bellaton Subdivision, Phase Three on March 27, 2014, and the City of Daphne hereby recommends acceptance of said street(s) located in Bellaton Subdivision, Phase Three; and

WHEREAS, an inspection was made by the Director of Community Development and all reports, as well as, all other related documents have been provided stating that said streets and stormwater drainage have been installed in conformity with city standards; and

WHEREAS, an inspection was made by the Director of the Division of Public Works, and has accepted said streets and stormwater drainage of Bellaton, Phase Three; and

WHEREAS, the Belforest Water Board accepted the utilities of Bellaton, Phase Three; and

WHEREAS, the developer has provided to the City a two-year maintenance bond in the amount of \$53,763.86 as required and requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled Procedures for Subdivision Review of the City of Daphne Land Use and Development Ordinance; and

WHEREAS, the developer has caused the plat to be recorded on slide 2504-E of the records in the Baldwin County Judge of Probate Office; and

WHEREAS, the City Council of the City of Daphne believes it is in the best interest of the citizens of the City for the City to accept said right-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS: that Bellaton Subdivision, Phase Three the portions of rights-of-ways being named Volterra Avenue (1,100 linear feet), the remaining portion of Alex Court (700 linear feet), and the remaining portion of Huxford Street (361 linear feet), are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

ADOPTED AND APPROVED this ____ day of _____, 2014.

**THE CITY OF DAPHNE
A MUNICIPAL CORPORATION**

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

To: Office of the City Clerk
From: Adrienne D. Jones, *ADJ*
Director of Community Development
Subject: Bellaton Subdivision, Phase Three,
Acceptance of Roads and Rights-of-Ways

MEMORANDUM

Date: April 16, 2014

LOCATION: Southwest of Alabama Highway 181 and Corte Road

RECOMMENDATION: At the March 27, 2014, regular meeting of the City of Daphne Planning Commission, six members were present. The motion carried unanimously for a *favorable recommendation* for the acceptance of Volterra Avenue, Alex Court, and Huxford Street as a city street(s) for maintenance.

Attached please find said documentation for placement on the Monday, April 21, 2014 City Council agenda.

Thank you,
ADJ/jv

cc: file
Richard Johnson, Public Works Director

attachment(s)

1. Resolution
2. Correspondence from project engineer requesting acceptance
3. Record plat of Bellaton Subdivision, Phase Three
4. Petition of Acceptance of Roads and Rights-of-Ways
5. Copy of Maintenance Bond

RESOLUTION 2014-____
Acceptance of Streets and Drainage
Located in Bellaton Subdivision, Phase Three

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Bellaton Subdivision, Phase Three on March 27, 2014, and the City of Daphne hereby recommends acceptance of said street(s) located in Bellaton Subdivision, Phase Three; and,

Whereas, an inspection was made by the Director of Community Development. All reports, as well as, all other related documents have been provided stating that said streets and stormwater drainage have been installed in conformity with city standards; and,

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Whereas, the City Council of the City of Daphne believes it is in the best interest of the citizens of the City for the City to accept said right-of-way; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Bellaton Subdivision, Phase Three the portions of rights-of-ways being named Volterra Avenue (1,100 linear feet), the remaining portion of Alex Court (700 linear feet), and the remaining portion of Huxford Street (361 linear feet), are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE 21st DAY OF APRIL, 2014.

**THE CITY OF DAPHNE,
AN ALABAMA MUNICIPAL CORPORATION**

DANE HAYGOOD
MAYOR
DATE AND TIME SIGNED:

ATTEST:

REBECCA HAYES, CITY CLERK

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

SUBDIVISION NAME: BELLATON PHASE III
LOCATION: DAPHNE, AL

THIS PETITION FOR ACCEPTANCE OF ROADS AND/OR RIGHTS-OF-WAY is made this 3 day of MARCH, 2014 by D. R. HORTON, hereinafter called "the subdivider," owner of certain property located in the City of Daphne, Alabama known as BELLATON PHASE III to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

WHEREAS, the subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments. The subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

WHEREAS, a bond is required by the City as a condition of the acceptance of any new roads or rights-of-way as outlined in Article XVII in an amount equal to ten percent (10%) of all street and drainage improvements in the subdivision as a warranty for such improvements to last for a period of two (2) years after the date of dedication and upon acceptance by the City Council, the subdivider has provided a \$ 53,763.86 maintenance bond; and,

WHEREAS, the project engineer, JASON ESTES, acting on behalf of the subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards for construction as outlined in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments, and further warrants that the same are free

**CITY OF DAPHNE
 PETITION FOR ACCEPTANCE
 OF ROAD(S) AND/OR RIGHTS-OF-WAY**

from defects from any cause; and,

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the favorable recommendation of the City of Daphne Planning Commission voted upon at its meeting held on March 27, 2014. Said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named as follows:

<u>Name of Right of Way/</u>	<u>Length (linear feet)/</u>	<u>Width (feet)</u>
<i>JW</i> <u>Volterra Avenue</u> HARTFORD AVENUE	<u>1100</u>	<u>27'</u>
<u>ALEX COURT</u>	<u>700</u>	<u>18'</u>
<u>HUXFORD STREET</u>	<u>361</u>	<u>16' PER LANE</u>

Are each hereby dedicated to the City of Daphne, Alabama as a city street.

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

IN WITNESS WHEREOF, the subdivider has caused the execution of this dedication as of the date set forth above.

Respectfully submitted,
D.R. Horton, Inc.
Name of Individual or Corporation (Printed)

By: D. Joel Coleman
(Print Legibly and Sign)

Its: Land Developments Project Manager
(Print Legibly)

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said State and County, hereby certify that Joel D. Coleman whose name as LDPM of D.R. Horton, Inc. an Alabama corporation or as owner of Bellefont Ph 3 is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 13th day of March, 2014.

Cassidana Kropp (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: MY COMMISSION EXPIRES
03/15/2014

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

Favorable recommendation on behalf of Daphne Public Works:

 PE

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

Favorable recommendation on behalf of Daphne Planning Commission:



Larry Chason
Planning Commission Chairman
City of Daphne

March 14, 2014

Mrs. Adrienne Jones
Planning Director, City of Daphne
P.O. Box 400
Daphne, Alabama 36526

RE: BELLATON PHASE 3

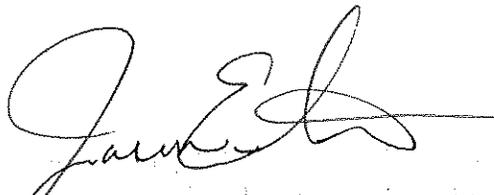
Dear Mrs. Jones:

I, Jason Estes, a professional engineer registered in the State of Alabama, Registration Number 22714, do hereby certify that the streets for Bellaton Phase 3 have been constructed under my supervision in accordance with the approved construction plans.

I further certify I have checked all test reports and that all construction materials have been installed in accordance with the typical sections, profiles, and plan details and meet minimum requirements as set out in the State of Alabama Highway Department's Standard Specifications for Highway Construction, latest edition and current revisions.

Therefore, I hereby request that the City of Daphne accept the streets for Bellaton Phase 3.

Sincerely,



JASON N. ESTES, P.E.
Project Engineer

**MAINTENANCE
BOND**

**Fidelity and Deposit Company of Maryland
Baltimore, Maryland**

Bond No.: 08991791

KNOWN ALL BY THESE PRESENTS: That we Ammons and Blackmon Construction, LLC.
as Principal, and Fidelity and Deposit Company of Maryland, a corporation
organized and existing under the Laws of the State of Maryland, Surety are held and firmly
bound unto The City of Daphne, P. O. Box 400, Daphne, AL 36526 as Obligee, in the total sum of
- Fifty Three Thousand Seven Hundred Sixty Three Dollars and Eighty Six Cents -
U.S. Dollars (\$53,763.86) for the payment whereof said Principal and Surety
bind themselves, jointly and severally, as provided herein.

WHEREAS, the Principal entered into a contract with the Obligee dated _____
for Bellaton Subdivision - Phase 3 ("Work").

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal
shall maintain and remedy said Work free from defects in materials and workmanship for a
period of 2 year(s) following substantial completion of the Work (the "Maintenance
Period"), then this obligation shall be void; otherwise it shall remain in full force and effect.

PROVIDED, HOWEVER, that any suit under this bond shall be commenced no later than one
(1) year from the expiration date of the Maintenance Period; provided, however, that if this
limitation is prohibited by any law controlling the construction hereof, such limitation shall be
deemed to be amended so as to be equal to the minimum period of limitation permitted by
such law, and said period of limitation shall be deemed to have accrued and shall commence
to run on the expiration date of the Maintenance Period.

Signed this 12th day of March, 2014.

Ammons and Blackmon Construction, LLC.
(Principal)

By: Bill Ammon

Fidelity and Deposit Company of Maryland
By: Jim E. Mabrey, Attorney-in-Fact

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **THOMAS O. MCCLELLAN**, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Jim E. MABREY** and **John T. THOMAS, JR.**, both of DAPHNE, Alabama, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 30th day of December, A.D. 2013.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



Gerald F. Haley

By: _____

*Assistant Secretary
Gerald F. Haley*

Thomas O. McClellan

*Vice President
Thomas O. McClellan*

State of Maryland
City of Baltimore

On this 30th day of December, A.D. 2013, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **THOMAS O. MCCLELLAN**, Vice President, and **GERALD F. HALEY**, Assistant Secretary, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Maria D. Adamski

*Maria D. Adamski, Notary Public
My Commission Expires: July 8, 2015*



EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 13th day of March, 2014.



Geoffrey Delisio

Geoffrey Delisio, Vice President

**CITY OF DAPHNE
ORDINANCE NO. 2014-14**

**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. 2014-14 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 of land disturbance that will not reach Final Stabilization with a fourteen (14) calendar day period 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. The fourteen (14) day period does not relieve the individual from implementing Best Management Practices to minimize onsite and offsite impacts to wetlands, streams, public and other private property.

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 Land Disturbing Activities 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 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 Land Disturbing Activity, and to comply with the requirements of the City of Daphne.

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

12. "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.

13. "Grading" means excavation or fill of material, including the resulting conditions thereof.
14. "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.
15. "Land Disturbance" means the disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities which may result in soil erosion.
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 Land Disturbing 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. Any 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.
5. Any landfills or mining operations permitted by ADEM.
6. Any land zoned as Agricultural in the City of Daphne.

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 Land Disturbing 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. 2014-15**

**AN ORDINANCE TO REVISE SECTION 9.1, SECTION 9.10, AND
SECTION 10.6 OF THE CITY'S EMPLOYEE HANDBOOK**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to Sections 9.1, 9.10 and 10.6 of the City of Daphne Employee Handbook are necessary for the proper administration of said Handbook and the policies contained therein;

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

SECTION I: REVISIONS TO SECTIONS 9.1, 9.10, AND 10.6

That Sections 9.1, 9.10, and Section 10.6 of the Employee Handbook be and are hereby revised as follows:

9.1 RESPONSIBILITY FOR ATTENDANCE AT WORK.

General Requirements. All employees are responsible for being present at work during their scheduled work time, unless their absence has been approved by their department head or his designated representative. If an employee has excessive absence occurrences or incomplete shifts (arriving late or leaving early), the employee will be subject to discipline. Any absence from work for a period of three (3) consecutive working days without providing notice as required by this policy may be considered as a voluntary resignation by an employee. Department heads and supervisors must keep up with employee attendance and the reasons for absences, tardiness, and early departures to insure unexcused absenteeism is addressed through the disciplinary process while approved absences are excused and not counted for disciplinary purposes.

Notice Requirements. Each department will provide methods for employees to provide notice of absences, late arrivals or early departures, such as by providing supervisor cell phone numbers and administrative contact persons within the department. As a general rule applicable to all city employees, if an employee is unable to report for work, or to report on time, he must notify his supervisor or department head within fifteen (15) minutes of the scheduled start of his work day unless unusual circumstances prevent him from doing so. Department heads may provide for an alternative notification period applicable to specific departments, such as thirty minutes or one hour prior to the start of the work day. Department heads will ensure such alternative reporting time frames are posted in the department or otherwise made known to department staff in writing, and will provide a copy of the notification period to the human resources director. If an employee has a need to leave his assigned work area before the end of his scheduled work time, he must notify his supervisor or department head and obtain permission for such early departure. An employee's report of an absence, late arrival, or early departure on the day of the absence or tardiness as required by this policy does not guarantee that the absence or tardiness will be

authorized or excused. Management has discretion to decide if the reason given for the absence or tardiness is a sufficient excuse. If employee foresees a need to be absent for a period longer than one workday, the employee should consider applying for a Leave of Absence. Applying for a Leave of Absence does not suggest the Leave will necessarily be approved. Requested time away from work which has been approved by the employee's department head or supervisor and included in the schedule at least three (3) weeks in advance, absent extraordinary circumstances, also is not considered an unexcused absence.

Hazardous Weather & Emergencies. Hazardous weather (*e.g.*, hurricanes or ice storms) or emergency situations (*e.g.*, fires or gas leaks) may require total or partial closure of a single City worksite or multiple worksites or total or partial cancellation of a City activity or multiple activities. Absent a state of emergency declared by or ratified by the City Council defining the length of a declared emergency, the Mayor has sole discretion to designate when hazardous weather or emergency conditions begin and end for purposes of applying the policies and procedures in this handbook. On a department by department basis and depending on the nature of the hazardous weather or emergency circumstances, the Mayor may authorize the closure of the affected City worksite(s) and/or the cancellation of the affected City activity or activities. Depending on the circumstances, employees may be required by the Mayor or Department Head(s) authorized by the Mayor to: (i) report for work at the employee's usual worksite as scheduled; (ii) report for work at an alternative worksite or worksites; (iii) report early or late for a scheduled shift; (iv) report for previously unscheduled work; (v) remain off work and not report for a scheduled shift; and (vi) engage in alternative duties or activities. Failure or refusal without authorization or excuse by the Mayor or Department Head to engage in any instructed activities constitutes insubordination and/or unexcused absenteeism, and may result in discipline up to and including discharge. The City will make every reasonable effort to publicize approved details regarding worksite closing(s), alternative worksite location(s), alternative activities or duties, and alterations to scheduled shift starting and departure times, such as by broadcasting over the local radio station and/or using other technologies. But each employee remains individually responsible to contact his supervisor or Department Head concerning whether he should report to work at the scheduled time and whether he should report to his usual worksite if he is uncertain as to the situation created by the hazardous weather or emergency. Each employee is expected to make a good faith effort to get to work at his usual worksite at the scheduled arrival time and to remain at work until the scheduled departure time, unless otherwise notified. An employee who is unable to get to work, or arrive at the scheduled start time, or remain until the scheduled departure time, at either his usual or alternative worksite, due to hazardous weather or emergency conditions must notify his supervisor as provided in this policy in order for the absence or tardiness or early departure to be excused. Absences from work, late arrivals, and early departures due to hazardous weather or emergency conditions must be reported as such on attendance reports. The employee's Department Head may require an employee to make up the missed time so long as feasible work is available and the time can be made up in the same workweek.

9.10. PAID ADMINISTRATIVE LEAVE.

Overview. Unclassified and classified employees may be granted administrative leave with pay in accordance with the following guidelines, provided the absence is on a regularly scheduled workday for the employees. The number of hours of leave granted for each approved day of

leave will not exceed the number of hours the employee would have been scheduled to work for that day. Administrative leave will not be charged against the vacation or sick leave of an employee. The following types of administrative leave are provided by the city.

Civil/Legal. Leave will be granted eligible employees for jury duty, court attendance as a witness in a case not involving personal litigation, and voting. The length of time granted for voting will be the reasonable time necessary to vote and normally will be granted at the start or end of a workday. Attendance in court by an employee who is acting in an official capacity will not be considered as administrative leave but as regular work time. The provisions of any law or city policy that require any fees provided an employee who is attending court in an official capacity to be turned into the city will be observed. In other situations, any fees paid an employee will be retained by the employee in addition to his administrative leave pay.

Bereavement. Bereavement leave is intended to provide an eligible employee time off with pay for purposes of attending to personal matters associated with the death of a close family member and/or for attending a family member's funeral. Up to twenty-four (24) hours of bereavement leave will be granted an employee who has a death in his immediate family. Immediate family is defined as follows: Spouse, children, parents, grandparents, grandchildren, brothers, sisters, or the equivalent relations of the employee's spouse. Included within the definition of family are those persons who live with the family as a member of the family whether related or not. If additional time off is required beyond the bereavement leave days authorized, an employee may request vacation leave or leave without pay.

Hazardous Weather/Emergency Leave (Non-Exempt Employees). Depending on the circumstances, under conditions described in and during the time frame designated in Section 9.1, paid hazardous weather/emergency leave for non-exempt employees may be provided. Time paid for hazardous weather/emergency leave will not count as "hours worked" for purposes of overtime calculation. If an employee is scheduled to work but, due to conditions described in Section 9.1, is instructed not to report for work as scheduled, or is instructed to arrive late or depart early, or is authorized and excused from arriving or departing on time after giving notice as provided in Section 9.1, then the non-exempt employee will be paid an amount equal to his regular pay rate for the scheduled time not worked. For example, if a 12-hour shift non-exempt employee is instructed or allowed to report to work six hours late and then works the remainder of the 12-hour scheduled shift, the employee will be paid the usual amount for the full 12-hour shift. Even if hazardous weather or emergency conditions exist, no employee will receive administrative leave under this policy for time not worked due to other reasons, such as the employee is on a previously scheduled leave of another type or was not otherwise scheduled to work.

10.6. EMERGENCY DUTY PAY

Additional Emergency Duty Overtime Pay For Exempt Employees. In the event of a state of emergency affecting the City of Daphne as declared by Federal, State, County, or City government and ratified by the Mayor of the City of Daphne and/or such other competent authority, the Mayor may utilize exempt employees to aid the City's emergency response during extended work hours beyond the employees' usual schedules. In the event of such a declared state of emergency, beginning when such state of emergency is declared and ending when such

state of emergency is lifted, exempt employees will be paid additional emergency duty overtime compensation for hours worked in response to the emergency over 40 in the seven-day workweek. The rate of pay for this additional emergency duty overtime compensation will be equal to one and one-half ($1\frac{1}{2}$) times the exempt employee's "calculated hourly rate" which will be determined by dividing the exempt employee's annual salary by 2080.

Additional Hazardous Weather/Emergency Duty Pay for Non-Exempt Employees. Depending on the circumstances, under conditions described in and during the time frame designated in Section 9.1, two types of hazardous weather/emergency premium pay for non-exempt employees may be provided, if the hazardous weather or emergency conditions affect multiple City worksites and/or multiple City activities. If the hazardous weather or emergency affects only a single City worksite or activity, and employees are instructed to work at an alternative worksite or provided alternative duties, no additional premium will be paid for such work. For example, if fire damages the Library, and Library employees are relocated to work at City Hall, no additional premium pay will be provided. If a non-exempt employee is required to work as previously scheduled or required to report for unscheduled work or required to report earlier than scheduled or depart work later than scheduled despite hazardous weather or emergency conditions affecting multiple City worksites or activities as provided in Section 9.1, the non-exempt employee will be paid (1) an additional premium equal to $\frac{1}{2}$ times the employee's pay rate for time actually worked during the employee's regularly scheduled shift, and (2) an additional premium equal to the employee's pay rate for time worked beyond the hours previously scheduled for the employee. For example, a non-exempt employee paid at \$15.00 per hour who is scheduled to work an eight (8) shift and who is required to actually work ten hours will be paid \$22.50/hour during the regularly scheduled eight hours and \$30/hour for the two additional hours worked. The overtime pay rate for any hours worked over 40 during the same workweek will be adjusted accordingly.

Inclement Weather – Use of Vacation Pay. When inclement weather prevents an employee who works outdoors from performing work outside, he will be given other duties that can be performed indoors. If an employee does not wish to perform the alternate work, he may request vacation leave; however, he will be required to work if his presence is needed. If an employee requests time off and he does not have any accrued leave with pay that he can take, he may be given time off without pay.

SECTION II: REPEALER

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

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

**DANE HAYGOOD
MAYOR**

ATTEST:

**REBECCA HAYES
CITY CLERK**

CITY OF DAPHNE

ORDINANCE NO. 2014-16

AN ORDINANCE ESTABLISHING A POLICY FOR COMMUNITY GRANTS

WHEREAS, the City Council of the City of Daphne has determined that it is in the public interest to provide limited financial assistance to community groups and organizations within the community to assist with activities or special events that advances a public purpose. This support is in recognition of the value of these activities to the benefit, growth and spirit of the public community and in helping the municipality retain a strong community focus. The Council sees a need for a uniform policy for community grants to limit financial contributions on an annual basis and to provide for a process or procedure for the request and administration of community grants.

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

SECTION 1. DEFINITIONS

Unless the context clearly indicates a different meaning, the words, terms and phrases used in this Ordinance shall have the following respective meanings:

"City" shall mean the City of Daphne in the State of Alabama.

"Complete application form" shall mean a properly filled out application and all supporting documents.

"Person" shall mean any person, entity, firm, corporation, partnership, association, administrator, trustee, or other fiduciary.

"Public purpose" shall mean the objective of the promotion of public health, safety, morals, security, prosperity, contentment, and the general welfare of the community.

SECTION 2. COMMUNITY GRANT PROGRAM

The City of Daphne hereby adopts a Community Grant Program (hereinafter "CGP"). This Ordinance does not specially commit the City to any particular contribution of funds. As part of the annual budgeting process the City Council will determine the financial commitment to the Community Grant Program.

SECTION 3. APPLICABILITY

Outside entities which provide public benefit but not direct financial benefit to the City of Daphne may only be funded by the City of Daphne in accordance with the CGP established herewithin. The CGP shall not apply to contributions and requests for contributions for memberships, dues, or contributions to entities whose efforts provide direct revenue to the City of Daphne. The City Council and Mayor shall jointly decide which entities must enter the CGP and which entities qualify under the aforementioned membership/dues/contributions exception to the CGP.

SECTION 4. FUNDING CATEGORIES

The City has determined that there are classifications of activities that serve a Public Purpose and that benefit the citizens of the City of Daphne. These classifications include but are not limited to education, arts, culture, community beautification, environmental awareness, community heritage, supporting youth and seniors, tourism and economic development.

SECTION 5. FUNDING LIMITATIONS

The CGP has an annual maximum budget of one half of one percent (0.5%) of Budgeted Revenues for the General Fund. Annual contributions shall be limited to a maximum of five thousand dollars (\$5,000) per entity (hereinafter "Grant Cap")

SECTION 6. APPLICATION PROCESS

The City will create an approved Community Grant Application Form. The current version of the Community Grant Application Form is herein attached as an example but is not the definitive form. The form may be altered periodically by the Mayor or his designee. This Form will be the only manner in which a request for CGP funds will be entertained. The Application Form will specifically require that the applicant submit the organization's most recent audited financial statements. In the event that the organization does not have their financial statements audited, the most recent non-audited statements may satisfy the submission requirement. The Mayor has certain obligations and duties regarding the budget. Due to these obligations the Mayor will determine the deadline for submissions for the next fiscal year. Said deadline may appear on the Community Grant Form and/or by contacting City Hall.

Application forms will be available upon request from the City Clerk's office.

SECTION 7. SCHOOLS

The schools within the city limits of Daphne will not be funded directly and instead may only be provided funding through the Supporting Educational Enrichment in Daphne's Schools (hereinafter "SEEDS"). The maximum request from SEEDS will reflect the

Contribution Cap for each of the participating schools within the Daphne city limits in addition to SEEDS individually each fiscal year. Therefore SEEDS, and by extension the public schools, are limited to the number of participating schools plus one (SEEDS itself) multiplied by the Grant Cap. Thus the amount paid directly to SEEDS may exceed the Grant Cap, but the amount utilized by SEEDS individually and not as a pass through will not exceed the maximum. Any other pass-through arrangement shall be disfavored.

SECTION 8. ANNUAL AUDIT

Should a participant in the CGP receive funds, the City reserves the right to inspect and audit any and all expenditures related to the CGP funds. If the CGP participant is non-cooperative or cannot provide satisfactory back up documentation, their eligibility for future CGP funds will be suspended indefinitely.

SECTION 9. MAINTENANCE OF RECORDS

It shall be the duty of every person/entity receiving CGP funds to keep and preserve suitable records of the use of said funds. Such records shall be kept and preserved for a period of three (3) years and shall be open for examination at any time by the duly authorized representative of the City.

SECTION 10. 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 11. 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.

SECTION 12. INFORMATION MAY NOT BE DIVULGED

It shall be unlawful for any person connected with the administration of this Ordinance to divulge any information obtained by him/her in the course of inspection and examination of the books of account, invoices, bank statements, sales tax records, state and federal income tax records, or other reports and memoranda or the taxpayer made pursuant to the provisions hereof, except to the Mayor, the City Council, the City Attorney, the City Finance Director, or their agents or representative connected with the administration of this Code, or pursuant to court proceedings or process.

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

Contact: Mike Hinson
mhinson@daphneal.com
City of Daphne, AL
P.O. Box 400
Daphne, AL 36526
(251) 621-9000



COMMUNITY GRANT APPLICATION

Agency Name

Executive Director

Contact Person

Address

Phone Number

Email Address

Community Grant Amount Requested:

Prior Year Amount Requested:

Prior Year Amount Awarded:

Please Include the following required documentation:

1. Grant Programs

Please compile a summary that specifies how grant funds will be used to better serve the community and the City of Daphne

2. Requests made to other government agencies

Please list all requests made to other cities or governmental agencies and the amounts requested

3. Board of Directors

Include all Board Members contact information including email addresses and place of employment. Also please include a copy of the board meeting minutes that authorizes the request for grant funds

4. Agency Staff/Administration

Please list all individuals associated with the grant application including email addresses and phone numbers

5. Current Audited Financial Statements

Please include the latest audited Financial Statements

6. E-Verify & Tax Documentation

Please provide proof of enrollment in the E-Verify system & complete the W-9 form

E-Verify Certification

THIS DOCUMENT MUST BE COMPLETED, SIGNED & RETURNED WITH YOUR APPLICATION PACKET

As a condition for the award of an appropriation to an entity having one or more employees in the State of Alabama, the Beason-Flammon Alabama Taxpayers Citizenship and Protection Act, codified at Section 31-13-1, et seq., Code of Alabama (1975), as amended, requires that the entity provide, in advance, proof of enrollment in E-Verify. E-Verify is an internet based system operated by the U.S. Department of Homeland Security, which may be used to determine the eligibility of new hires to work in the United States. Further information about enrollment in E-Verify may be found at (www.uscis.gov/e-verify).

As proof of enrollment in E-Verify, the City of Daphne requires a copy of the electronically signed signature page of the contractor's Memorandum of Understanding with the U.S. Department of Homeland Security.

Please complete the following and return this document with your application packet:

_____ **has no employees in the State of Alabama**
Entity Name

Or

_____ **is enrolled in E-Verify and a copy of the electronically
signed signature page of the company's Memorandum
of Understanding is attached.**
Entity Name

Signature

Date

Title

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____	Exemptions (see instructions): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number									

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Employer identification number									

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below), and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here	Signature of U.S. person ▶	Date ▶
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. The IRS has created a page on www.irs.gov/w9 for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity,
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust, and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* on page 1.

What is FATCA reporting? The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

Partnership, C Corporation, or S Corporation. Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA) name" on the "Business name/disregarded entity name" line.

Disregarded entity. For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulation section 301.7701-2(c)(2)(iii). Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Note. Check the appropriate box for the U.S. federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

Limited Liability Company (LLC). If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the U.S. federal tax classification in the space provided. If you are an LLC that is treated as a partnership for U.S. federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation, as appropriate. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for U.S. federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

Other entities. Enter your business name as shown on required U.S. federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the *Exemptions* box, any code(s) that may apply to you. See *Exempt payee code* and *Exemption from FATCA reporting code* on page 3.

Exempt payee code. Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends. Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following codes identify payees that are exempt from backup withholding:

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements.

- A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)
- B—The United States or any of its agencies or instrumentalities
- C—A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities
- D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Reg. section 1.1472-1(c)(1)(i)
- E—A corporation that is a member of the same expanded affiliated group as a corporation described in Reg. section 1.1472-1(c)(1)(i)
- F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

- G—A real estate investment trust
- H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940
- I—A common trust fund as defined in section 584(a)
- J—A bank as defined in section 581
- K—A broker
- L—A trust exempt from tax under section 664 or described in section 4947(a)(1)
- M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt payee code* earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

- 1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.
- 2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.
- 3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.
- 4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).
- 5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ³
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor ⁴
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

ORDINANCE 2014-17-A
Civic Center HVAC Chiller Emergency Replacement Appropriation

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, due to lightning damage to the Civic Center HVAC Chiller an emergency replacement is needed to get the HVAC system back to fully functional capacity; and

WHEREAS, several events have been booked over the next weeks and months at the Civic Center and HVAC is required for these events.

WHEREAS, quotes have been obtained for repairs verses replacement cost for the chiller

WHEREAS, the quote for repair was estimated to be \$56,000 and the purchase of a new chiller is estimated to cost \$250,000 + \$41,000 for a rental chiller (\$20,000 delivery/setup/1st month's rent + \$21,000/two additional months); and

WHEREAS, HVAC companies have advised that purchasing a new more efficient chiller unit will create an estimated \$12,000-15,000/year energy savings that will offset the cost of the new unit; and

WHEREAS, the City's insurance policy is estimated to reimburse \$51,000 (*repair cost \$56,000 less the \$5,000 deductible*); and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds **up to the amount of \$240,000** from the General Fund are hereby appropriated and made a part of the Fiscal Year 2014 budget for replacement of the Civic Center chiller and rental chiller with the insurance reimbursement (*estimated \$51,000*) to be recorded in the budget as an insurance settlement; and

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

ORDINANCE 2014-17-B

Civic Center HVAC Chiller Emergency Repair Appropriation

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, due to lightning damage to the Civic Center HVAC Chiller an emergency repair is needed to get the HVAC system back to fully functional capacity; and

WHEREAS, quotes have been obtained and the repair cost is estimated to be \$56,000; and

WHEREAS, the City's insurance policy is estimated to reimburse all but the \$5,000 deductible; and

WHEREAS, an emergency repair is needed because several events have been booked over the next weeks and months at the Civic Center and HVAC is required for these events.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds up to the amount of \$5,000 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2014 budget for insurance deductible required for the Civic Center HVAC Chiller repair and \$51,000 will be recorded in the budget as an insurance settlement.

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