

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, ALABAMA
APRIL 7, 2014
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL / INVOCATION / Bay Community Church

3. APPROVE MINUTES: Council meeting minutes / March 17, 2014

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

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Conaway

B. BUILDINGS & PROPERTY COMMITTEE - Davis

C. PUBLIC SAFETY - Rudicell

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott
Review minutes / March 12th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune
Review minutes / March 17th
Review Beautification minutes / March 5th
Review Daphne Museum minutes / February 10th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones
Review minutes / March 6th

B. Downtown Redevelopment Authority – Conaway

C. Industrial Development Board – Davis
No quorum for the March meeting

D. Library Board - Lake
Review corrected minutes / January 9th
Review minutes / February 13th

E. Planning Commission – Scott
Review minutes / February 27th
Report on the March 27th meeting

F. Recreation Board - LeJeune

G. Utility Board - Fry

6. REPORTS OF OFFICERS:**A. Mayors 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

B. City Attorney's Report

Executive Session

C. Department Head Comments**D. City Clerk Report**

- 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

7. PUBLIC PARTICIPATION:**8. RESOLUTIONS & ORDINANCES:****RESOLUTIONS:**

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

ORDINANCES:**2ND READ**

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

1ST READ

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

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
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 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, 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: Dane Haygood; Tonja Young, Library Director; Vickie Hinman, HR Director; Michael Hoyt, Municipal Judge; Jay Ross, City Attorney; Tonja Young, Library Director; Vickie Hinman, HR Director.

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 & COMMITTEES:

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.

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.

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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 knows where Daphne is, and they are always pleased when they come to visit and can't wait to come back.

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.

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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.*

ROLL CALL VOTE

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

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

MOTION CARRIED

1ST READ

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

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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

MOTIOIN 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.

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

Office of the Mayor
Daphne, Alabama

PROCLAMATION

"National Volunteer Week"

WHEREAS, local communities can experience positive changes with any volunteer action, no matter how big or small; and

WHEREAS, the City of Daphne recognizes that volunteering improves our quality of life, and increases community participation and ownership; and

WHEREAS, volunteers utilize their time and talent every day to make a difference in the environment, education and public safety; and

WHEREAS, volunteers are ordinary people who do extraordinary things in the City of Daphne; and

WHEREAS, the giving of oneself in service to another empowers the giver and the recipient; and

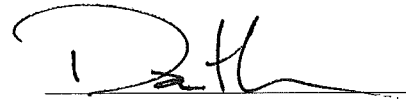
WHEREAS, volunteers are vital to our future as a caring and productive community; and

WHEREAS, our city's volunteers are a great treasure; and

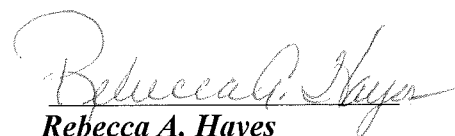
WHEREAS, the City of Daphne recognizes the value of volunteers and proudly joins our nation in celebrating National Volunteer Week; and

NOW THEREFORE, the Mayor and City Council of the City of Daphne do hereby proclaim April 6-13, 2014, as "NATIONAL VOLUNTEER WEEK" in the City of Daphne, and urge our fellow citizens to volunteer, and put their heart into volunteering in the community throughout the year. By volunteering and recognizing those who serve, we can promise a partnership, understanding and compassion for the community.




Dane Haygood
Mayor

ATTEST:


Rebecca A. Hayes
City Clerk

REPORT OF STANDING COMMITTEES

Code Enforcement / Ordinance Committee

Wednesday, March 12, 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: Pat Rudicell; Ron Scott; Randy Fry.

Absent: Robin LeJeune.

Also present: Rebecca Hayes, City Clerk, recording secretary; Kevin Boucher, Attorney; Mike Hinson, Finance Director; Christine Ciancetta, Deputy Finance Director; Councilman Joe Davis; Ashley Campbell, Environmental Programs Manager; Angie Phillips, Revenue Officer; Richard Johnson, Public Works Director; Sherree Hilburn, Payroll & Benefits; Scott Hetrick, Adams & Reese Attorneys.

II. APPROVE MINUTES / February 12, 2014

There were no corrections to the February 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
Mayor Haygood said this affects three classes of employees:

- 1.) People that are told do not come to work
- 2.) Those that arrive late or leave early
- 3.) Where work day divided:
 - a.) Come in for regular work shift
 - b.) Workers are expected to work additional time.

There are no provisions for hazardous duty pay or for compensation for missed work in the current employee handbook.

The committee discussed the options:

- 1.) Admin pay for those not coming in
- 2.) Pay essential people time and a half for eight (8) hours, and after that double time.

The fairness issue was discussed, and the committee wants to make sure the city is legally covered, and answer the question is it grievable.

Shift work was discussed:

- 1.) 12 hour shift should expect 12 hours admin pay and 24 hour shift should expect 24 hours admin pay.
- 2.) If someone is scheduled to be off on the hazardous day whether it is an off day or vacation day they are not entitled to admin pay.

Councilman Scott asked Mr. Hetrick to make those changes, and to get with the mayor regarding the other issues, and present them at the April work session.

b.) Proposed Ordinance Regulating Construction Best Management Practices for Residential Dwellings and Other Land Disturbance within the City of Daphne

Ashley presented the ordinance explaining the purpose of the ordinance.

MOTION BY Councilman Fry to recommend the Regulating Construction Best Management Practices for Residential Dwellings and Other Land Disturbance within the City of Daphne to council. Seconded by Councilman Rudicell.

Motion Carried Unanimously

c.) Proposed Regulating Native Tree Protection Zones Within the City of Daphne Ordinance

The committee discussed the applicability of the old and new ordinance, and requested that Kevin review the ordinance, and review taking the permitting for cutting of residential trees out of the ordinance, and put in language to recommend to the Planning Commission to try to save native overstory and heritage trees. Also, to take out 19.6, and include a section on damaging and poisoning trees. The committee feels this ordinance should be in the Land Use & Development Ordinance.

d.) Proposed Community Grant Guidelines Ordinance

The purpose of the ordinance is to limit the total amount given out. The committee wants to see the application with the ordinance. This ordinance will apply to the 2015 budget process with a June 1st deadline for application. Mike Hinson, Christine and Kevin will work on the application form.

Councilman Scott recommended this ordinance be on the April work session.

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

Rebecca Hayes, City Clerk, Richard Johnson, Public Works Director, David McKelroy, Recreation Director, Melvin McCarley, Public Works Supervisor and Sgt. Kenny Hempfleng, Police Department met together to come up with a policy limiting the number of races and parades in the city, and to set policies governing any event held in the city.

The committee wanted the \$250 fee taken out, and to have a line item for this in the budget. The committee wanted an exception clause, and to change approval from council member to Mayor in Section 4.2.

Councilman Scott asked that this ordinance come back on the agenda in April.

V. OTHER BUSINESS

No other business to consider.

VIII. NEXT MEETING

The next meeting will be April 9, 2014

IX. ADJOURN

There being no further business to discuss the meeting adjourned at 7:54 p.m.

Respectfully submitted

Rebecca A. Hayes,
Recording Secretary

I. CALL TO ORDER

Meeting was called to order at 5:02 p.m.

Committee Members Present: Robin LeJeune (Chairman), Councilman John Lake, Councilman Ron Scott, Councilwoman Tommie Conaway; Richard D. Johnson-Public Works Director, Dorothy Morrison-Daphne Beautification Committee, and Michele T. Hanson, PWC secretary.

Others Present: Mike Hinson-Finance Director, Councilman Pat Rudicell, Randy Davis, Tim Lawley, John Peterson, David & Suzanne Cobb and Frankie Brock.

II. PUBLIC PARTICIPATION & CORRESPONDENCE

A. Work Request Report - The report for February 2014 was reviewed.

B. Vehicle/Equipment Maintenance Report – The report for February 2014 was reviewed. Richard will check on the Mechanical maintenance amount of \$8694.94, not sure why this is so high.

C. Correspondence – No correspondence

D. Public Participation – Mr. LeJeune opened Public Participation at 5:04 p.m. Frankie Brock (10 Parma Drive), David & Suzanne Cobb (11 Parma Drive) were present to address the committee regarding the storm drain and tree on their property. Ms. Brock stated that when she bought the home in 1987, she didn't realize that the home was built on a storm drain. It also has a tree that was planted too close to the house that has caused damage to the house. It is growing into the foundation and causing some mold in the back of the house. A few years ago the city came out and closed the storm drain and re-routed it, but did not remove the tree. She wants the city to remove the tree. It is her understanding that once the city comes out and "touches" it initially, it becomes the responsibility of the city.

Mr. Johnson stated that this was initially done back during Mr. Hovey's tenure at the city. Just for information purposes, these homes have about 10 feet of separation from outside wall to outside wall; there is a very large tree that should not have been allowed to grow there. When the work was done, there was no way to repair the drainage system, being that close to the 2 house; Ammons & Blackmon were hired, through HMR, and basically capped off the drain that went between the 2 houses and plumbed the whole network and basically abandoned that easement. There is no issue with the drainage any more. I suggested that Ms. Brock contact her insurance company, which she did, and their report shows that the tree is not causing substantial damage to the house. The tree does not threaten any public infrastructure of Daphne. It would be the home owner's responsibility to remove the tree. Mr. LeJeune agreed and suggested going back to her insurance company.

Ms. Cobb (11 Parma Drive) stated that the concrete that the city poured between the 2 houses has caved in and is now a liability; something underneath has washed it away, this is not a new occurrence. In the last 4 months, the deck on the west side of the house has pulled away from the house and sunken in, the main support has buckled and it's because of something running underneath.

Mr. Johnson will investigate this issue again and will email the PW committee members.

Public Participation closed at 5:29 p.m.

III. OLD BUSINESS

A. Minutes – The minutes from the February 17, 2014 meeting were reviewed and approved. **Motion by Tommie Conaway, Seconded by John Lake** to approve the minutes with corrections. **Motion carried.**

B. Mosquito Report – No report

C. Street Sweeper Reports – GEO Tracker is still not working, looking into purchasing a new system.

- D. **Sewering of Daphne:** Richard stated this has been an ongoing process where the major areas in Daphne were identified that needed sewerage. One area that still needs to be addressed is centered along the western portion of Whispering Pines area (Juniper, Parker Drive and Cypress). We have had success in the past with getting a CDBG program from ADECA. We looking into starting the process by having some meetings with residents, a grant writer and engineers with HMR and pursuing a grant. There are a few options that we have: the least of which is \$600,000 to \$700,000 job, if we received the full grant, our match would be about 1/3. If we go with the all gravity sewers with lift station, that could run close to 1.4 million which means the grant would only cover 1/3 and the city would be covering over 2/3. Those decision will be made by the council. With this grant, the tap fees are waived.
- Motion by Tommie Conaway, seconded by Ron Scott to favorably recommend to the council to pursue an FY2014 CDBG to help sewer the remainder of Daphne. Motion carried.**

IV. **NEW BUSINESS**

- A. **TAP GRANT** – Richard stated it is TAP grant time again. He distributed a letter from ALDOT outlining the requirements & eligible activities for this grant, basically anything in the Right of Way. The maximum on this grant is \$400,000. We’re going to pursue this and would like a motion to recommend to the council to for the April 7th meeting to pursue this grant this year. This grant could be used for sidewalks from County Road 13 to Tiawasse and connect to the existing sidewalks at Lawson; Gator Alley; recreational trails; street scapes; etc. Mr. Lake would like to see sidewalks on Park Drive connect to Lawson Road. Mr. Scott feels the sidewalks for the schools on County Road 13 are very important. **Motion by Ron Scott, seconded by Tommie Conaway to favorably recommend to the City Council to pursue the TAP grant for FY2014. Motion carried.**

V. **DIRECTOR’S REPORT**

- A. **No Report.**

VI. **DAPHNE SOLID WASTE DISPOSAL AUTHORITY**

- A. **Monthly Equipment Use Report** - The report for February 2014 was reviewed.
- B. **Monthly Recycle Tonnage Report (Tonnage Comparison)** – The report for February 2014 was reviewed. Richard noted another good month, tonnage was up over last year. We’re at 34.54 % of goal. We are looking at ways to better track the recycling.
- C. **Solid Waste New Customer Report** - The report for February 2014 was reviewed. We’ve added 12 new residential customers and 4 commercial, we’re saying at a very strong growth rate.
- D. **2014-2024 Baldwin County Solid Waste Plan & Resolution of Support** – Baldwin County is working to update their strategic solid waste plan, something that has to be done every 10 years. They have asked the City for a resolution stating our participation in the plan, which is in our best interest at this time. We have a right to leave at any time and develop our own plan. We asked for 2 things to be added to this plan: the C&D permitting for Tallent Lane and the right to pursue the development of a transfer station. There is a resolution on tonight’s council agenda. We have submitted our first permitting of our Tallent Lane facility; the Baldwin County Commission serves as the board for the Solid Waste Authority for the county and the first step to pursue an ADEM permit is called siting approval, which has been submitted per their requirements; we’ve gotten all of our certifications, from State lands, Fish & Wildlife, Army Corp of Engineers for the County Work Session on March 25th and give us approval at the first meeting in April, then the request will go to SARPC for their approval.
- Motion by Ron Scott, seconded by Tommie Conaway to favorably recommend to the council the support of the Baldwin County Solid Waste Plan through its resolution. Motion carried.**

VII. MUSEUM COMMITTEE

- A. Minutes from February 10, 2014 meeting were reviewed.

VIII. BEAUTIFICATION COMMITTEE

- A. Minutes from March 5, 2014 meeting were reviewed. Dorothy commented that the hotels are beautifully clean and look great; Patriots Point is moving along well; Keep America Beautiful application has been halted by the Mayor; Highway 90 and 181 needs some updating. Need award suggestions for Districts 3, 4, and 5.

IX. ENVIRONMENTAL ADVISORY COMMITTEE

- A. Next meeting will be March 24, 2014.

X. ENGINEER'S REPORT

- A. HMR – Lake Forest Phase 3 is slowly but surely getting done. Weather has been a factor, but we (the city) have not been happy with the subcontractor on this project. Phase 4 – ALDOT 1st review with a May letting.
- B. Hatch Mott MacDonald – Main Street – ALDOT 1st review with June letting.

XI. FUTURE BUSINESS

- A. Next Meeting for April 21, 2014.

XII. ADJOURNMENT

Meeting adjourned @ 6:19 p.m.

Beautification Committee Meeting Notes
March 5, 2014

Members Present: Selena Vaughn, Tomasina Werner, David Dueitt, Rebecca Trosclair, Richard Johnson, Dwayne Coley, Majorie Bellue, Michele Hanson, Christine Ciancetta, Sarah Toulson, Pat Rudicell and Dana Sawyer.

A – Gator Alley: Richard presented and reviewed plans for Gator Alley. He noted the parking lot would have brick pavers and 2 entrances off of Main Street; installation of a step pool system which will create wetland pockets. Waiting on approval from Federal Hwy Dept. to acquire property. Main Street letting will begin in June, hopefully both projects can be done simultaneously.

B – Patriots Point: Phase 1: Work has started – slick finish with logo & lettering, boxwoods against the wall with flowers in the front (red, white & blue theme); 1st planting will be April 7th. Phase 2: Nose points at 64 - Whispering Pines – Island on 64 approach. Moving forward with planting throughout the city.

C – Treasurer’s Report: Report was reviewed and approved. Balance is \$8,872.32 after Arbor Day expenses.

D – Top 10 List:

- Keep Daphne Beautiful: Richard reviewed the requirements from Keep America Beautiful to use their logo/affiliation - Initial application fee is \$3,000 then \$150 annually. We’ll need at least 3 committee members on the application, this will require a 4 hour training workshop – nominated was Dorothy, Selena, Rebecca and Pat Rudicell. Richard discussed the “Keep Daphne Beautiful” Campaign. Some key points were:
 - ✓ Date: Saturday, May 17th from 9:00 a.m. to 1:00 p.m.
 - ✓ Police to collect expired prescriptions
 - ✓ Fire to do car seat installations and fire alarm installations
 - ✓ Tire Store to collect tires, batteries, oil, etc.
 - ✓ Shredder Truck to be there to shred documents
 - ✓ Public Works equipment
 - ✓ Cart Washer
 - ✓ Advertisement to schools, churches, POA’s, etc.

Since there was only 4 beautification members present (no quorum); Selena will get Dorothy to send out an email to get the approval of the rest of the membership before we send in the check request for the application fee.

- KFC Tree – Dwayne is checking into.
- Malfunction Junction Master Plan: Looking in to planting wildflower seeds here.
- Redesign Entrance: Currently on hold; Mayor working on branding – wants signs and landscaping consistent.
- Oak Trees: Will remove the 2 dead oak trees and replace with 2 from Corte. Dwayne will start work on this.
- Hwy 64 Shopping Center – Richard stated there is nothing we can do with this.
- Rocks on I-10/98 – will check on.

E – PW Report: No report.

F – Light bulb replacement: Marjorie stated that it would be \$315.00 to replace the bulbs. Motion by Rebecca Trosclair, Seconded by David Dueitt to approve the purchase of the replacement bulbs for \$315. All in favor.

G – Crape Mrytles: Everyone agreed they look great.

H – Hwy 181 planting: No discussion.

I – DRA Report: Have purchased new star for Christmas Tree.

J – Bird House Brochure: Nothing new.

K – Beautification Award Suggestions: Needs to come from Districts 3, 4 & 5, please be looking! Firestone was suggested.

L – Endowment Fund: No discussion

M – Mayor's Comments: Not present

N – New Business: Selena introduced Dana Sawyer. She will be the newest member of the Beautification Committee.

There was discussion of doing some planting at the active parks (Trione, Lott) and fixing some holes at the dog park. Will reach out to the Recreation Department to see what can be done.

The meeting adjourned at 11:10 a.m.

DAPHNE MUSEUM MINUTES

FEBRUARY 10, 2014

ATTENDEES: Al Guarisco, Ken Balme, Zadia Pace, Arva Brown, Jeanne Nelson, Doris Allegri, Scott Berry, Dooley Berry, Candice Bishop, Helen Baroco, Mickey Boykin, Lee Swetman, and Pat Rudicell (District 2 city council member).

CALL TO ORDER: The meeting was called to order by President, Ken Balme, followed by recitation of the Pledge of Allegiance.

MINUTES: The minutes of the January 13 Meeting were approved as presented. However, Dooley clarified her response concerning visitors to the State Master Gardner's Convention. Whereas Paragraph a. under Unfinished/Old Business stated, in part, that "no visitors would be allowed to attend....," she reported that anyone who wished to purchase space for an exhibit at a cost of \$100 would be permitted to attend and participate.

TREASURER'S REPORT: The Treasurer's report for period 12-31-13 thru 01-31-14 showed a beginning balance of \$6,082.04, with credits of \$26.00 and debits totaling \$34.44, for an ending balance of \$6,073.60. Petty cash on hand: \$14.93. The report was accepted as presented.

VOLUNTEER ASSIGNMENTS/SCHEDULES: No changes in February schedule.

COMMITTEE REPORTS:

- **Telephone:** No report.
- **Exhibits/Events:** (1) Jeanne announced that Boyd would not have his hand-crafted boat exhibit ready for March. (2) Zadia remarked that she had a visitor who wished to see the first grade school pictures of students in Miss Jean Yuille's classes of 1942 and 1943 which were a part of the Yuille exhibit; however, she was unable to locate the pictures in the exhibit or anyplace in the museum. (3) Library exhibit: Ken will check with library personnel re removal of the loaned exhibit.
- **Publicity:** No report.
- **Cemetery:** No report.
- **Special Tours:** Mickey reported that the recent Cub Scout tour conducted by herself and Lucy was very successful. She will try and contact scout leader to obtain photos of the tour.
- **Archives:** No report.

UNFINISHED/OLD BUSINESS:

- **Daphne Pottery Access:** Ken had no report. Pat announced that he would talk to the mayor.
- **Grant Application Update:** Ken announced that he had submitted a revised budget and was still waiting for a check in the amount of \$500 which had been approved.
- **WiFi:** Problems continue.
- **Orange Beach Invitation to February Event:** Event cancelled due to lack of response.
- **Visit to University of West Alabama re Daphne Normal School Records:** Ken will be going next week.
- **Alabama Heritage Magazine Howard Hotel Article:** A frame for the article has been made. Exhibit committee to decide where to display it.

- DVD History of Mobile: Ken announced he had tried to make a copy but the copy was not very good.
- Docent Training: A training session will be held at 9:00 a.m. prior to the regular meeting at 10:00 on Monday, March 10.

NEW BUSINESS:

- Discussed repeating the successful Civil War Reenactment of last year. Everyone agreed. Ken will contact the leader of the group to get an available date. Discussed making the event an all day affair with perhaps asking Public Works about providing hot dogs and water. Jeanne remarked that more publicity would be needed.
- Mickey reported that the recent freezing temperatures had precluded the opening of the museum several times because the building was too cold. She questioned the possibility of upgrading the current heating system by the city, or perhaps a grant could be obtained for this purpose. Pat suggested that someone from the museum present the issue at the next Buildings and Property committee meeting scheduled for the first Monday in March at 5:30 p.m. Ken, Mickey, and Helen volunteered to attend. Scott remarked that he had talked with a lady at the Baldwin County Historical Society who said she had several space heaters if the museum members were interested. Some discussion on the pros and cons of this solution; however, no decision made to contact the lady.

GENERAL DISCUSSION:

- Jeanne remarked that she had seen several wasps on the day she opened the museum. Action: Candice.
- Helen remarked that the broken sign on the fence around the oak tree needs repair.
- The metal plate covering the city meter was broken. Action: Candice.

ANNOUNCEMENTS:

- Helen announced that the Trentino Italian group wants to have a meeting in the museum and asked for approval, which was granted.
- Helen also announced that Peco Forsman would like permission to make copies of the Bay Boat photos for his book. Permission granted.
- Dooley announced that she had written a history of Baldwin County which she will present during the State Master Gardner's Conference at which time she will also inquire if anyone would like to visit the museum.
- The next regular museum meeting will be held on Monday, April 14, at 10:00 a.m.

ADJOURNMENT: There being no further business, Helen moved to adjourn. The motion was seconded; meeting adjourned.

Respectfully submitted,

Mickey Boykin, Secretary

REPORT OF SPECIAL BOARDS

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

Chairman stated the number of members present constitutes a quorum and the regular meeting of the Board of Zoning Adjustment called to order at 6:00 p.m. and asked for roll call.

Members Present:

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

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Johnson, Recording Secretary
Jennifer Holyfield, BZA Attorney

Chairman called for the **Approval of Minutes** of the February 6, 2014 meeting. There were no corrections, additions or deletions.

A **Motion** was made by **Mr. Durant** and **Seconded** by **Mr. Mayhand** to **approve the minutes.**

The Motion carried unanimously.

Chairman called the next item on the agenda, **Appeal #2014-03 Virginia Vinson**, a request for a variance proposing to change the rear setback to twenty feet and eleven inches, in lieu of the required forty feet, and change the east side yard setback to seven feet, in lieu of the required fifteen feet for an alteration to an existing nonconforming residence as described in Article 9-2 of the Land Use & Development Ordinance. The property is 506 College Avenue, which is zoned R-1, Low Density Single Family Residential.

Ms. Jones displayed a Power Point Presentation. She described the conceptual building pad of the property if the property was developed in accordance with R-1 zoning requirements: forty-feet on the front and rear, and fifteen-feet on the sides. She described the outline of the existing house which was built in 1959. It sets well outside of the required zoning setbacks. Ms. Vinson purposes two additions, one for a bathroom on the rear; and, the other for a roofed extension of the porch on the front.

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

Ms. Jones stated all as a part of the structure itself, that it would have to adhere to our setback requirements. Considerations in this appeal are that the house pre-dates our zoning ordinance established in 1987, and I would say that this does create an unnecessary hardship due to the location of the house already being outside of the minimum setback requirements. No, these conditions are not peculiar to this piece of property because there are other lots in Olde Towne Daphne like this one, especially in the Yuille, Bertagnolli and Belrose Wharf subdivisions that are fifty by one hundred feet, all of which would be considered substandard. We have seen plenty of appeals in this area for variances. Relief, if granted, would cause substantial detriment to the public, to this I would say no. My recommendation is for approval.

Chairman opened the floor for discussion. The Board questioned presently how far the house encroach the setbacks without the additions, and how much additional square footage will this add to the house?

Mr. Jones stated the entire house encroaches, and according to the first page of the application in your packet Ms. Vinson states that it is an eight by thirteen foot bathroom on the rear and an eight by sixteen foot open porch on the front.

The Chairman stated roughly about two hundred and something square feet, and Mr. Mayhand wondered if we had drawings of the addition.

Ms. Jones stated two hundred square feet is a minor addition to the structure, and Ms. Vinson started in the Building Inspection Department and was referred to us. They have the plans, but we did not get a copy of them. Ms. Vinson has a copy with her.

(The Board reviewed a copy of the addition plans that was presented to Building Inspections for a permit by Ms. Vinson.)

Mr. Scully asked what would keep a subsequent buyer from buying the home and filling the remaining buildable pad area plus the existing house area with these setbacks that are being set forth now.

Ms. Jones stated there is not anything that would preclude anyone from building within this footprint.

Mr. Scully asked so they could extend to within the true building pad as long as it was within twenty five percent of the lot area.

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

Ms. Jones stated yes, our provisions do tie the R-1 zoning requirement to a maximum coverage up to twenty five percent.

Mr. Lamb stated the variance goes with the land.

Ms. Jones stated yes.

Mr. Scully stated so really the only limitations on a future owner would only be that twenty five percent as long as they are within these setbacks.

Ms. Jones stated yes.

Chairman opened the floor for public participation.

Ms. Vinson stated she currently lives in the home behind this location and at some future date this is where she intends to live upon retirement. So this is why she is doing the addition.

Mr. Lamb stated is the home presently occupied?

Ms. Vinson stated yes.

The Chairman thanked Ms. Vinson and asked was there anyone else that would like to speak in favor or opposition of this appeal. Being none, the Chair closed the floor for public participation and entertained a motion.

A Motion was made by Mr. Cooke and Seconded by Mr. Mayhand to approve Appeal #2014-03, Virginia Vinson, a variance request to change the rear setback to twenty feet and eleven inches, in lieu of the required forty feet, and change the east side yard setback to seven feet, in lieu of the required fifteen feet for an alteration to an existing nonconforming residence as described in Article 9-2 of the Land Use & Development Ordinance. There was no discussion on the motion.

Upon roll call vote, the motion carried unanimously.

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

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

Chairman explained to Ms. Vinson that the request was approved and she could pick up the paperwork around nine o'clock in the morning in Community Development. There being no other business the Chairman called for a **Motion to Adjourn**.

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

The motion carried unanimously.

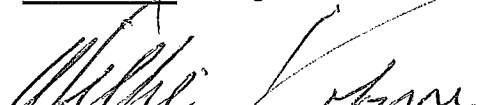
The meeting was adjourned at 6:13 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: April 3, 2014


Willie Robison, Chairman

Corrected Library Board - Meeting Minutes

January, 2014

In Attendance:

Library Director Tonja Young; Board Chair Andre LaPalme; Library Board Members Jim Morris, Nancy Volovecky, and Jim Bodman; Council Liaisons John Lake and Pat Rudicell; Friends President Karen Kyzar.

1) Call to Order:

Meeting called to order at 4:11 pm by Chair Andre LaPalme

2) Old Business:

No meeting December. Jim Morris made motion to approve November minutes. Motion seconded by Jim Bodman. Motion passed.

3) Library Report:

Library Director had a request from a Board Member to explain changes in library operations when library stood alone as separate entity versus library acting as city department under policies and procedures and funding of the city.

Tonja explained that while the Board was very important and needed, that since the library acts as a city department with the expectation that the library follows all city policies and procedures, including those related to human Resources and the Finance Department, that in practicality the bylaws of the Library Board were outdated.

Checks and balances for hiring, firing, evaluations, and discipline of employees are directly overseen by the Human Resources Department. Library employees are paid by the city and as such are city employees. Therefore they follow all the same policies and procedures that other employees follow. While the State Code says that the library board selects the library director, it indicates that hiring, management, and day-to-day operational decisions should be made by the Library Director. The Library Director makes all these decisions under the advice and rules of the city and proper officers of the city. A previous visit from the city's Employment Attorney attempted to set the record that no wrongdoing had occurred in these practices.

Another practical change includes the library financial procedures. The State Code says that the Library Board controls the library funds and before the library became a city department, this was certainly the case as the library and board raised their own funds. However, now that the city completely funds the library and the library is expected to comply as a city department, all financial decisions are controlled through the Finance Departmental rules just as the funds of all other city departments. The city invests a large amount of money in the library and completely supports the staff and their benefits and salaries, while the Library Board contributes nothing monetarily. Tonja explained that she was held to the same standards as other department heads and required to follow the city-approved budget and grant-fund guidelines in all purchases.

Tonja stated that she follows all city procedures for management and financial operations. She states that she has always had the Library Board approve and sign approval for Library Policies. She consults Human Resources in all employee matters and follows financial requirements. As Library Director since June 2006, Tonja has not had one negative review or warning of any type, indicating compliance with city expectations. She has also never had a negative review from the Library Board.

There was general discussion of bylaws.

Andre suggested that the bylaws be changed to accord with city requirements of library and library director as city department head. Jim Morris made a motion authorizing Library Board Chair to research and look into changing bylaws. Nancy seconded the motion. The vote was unanimous excepting Jim Bodman.

4) Board Discussion:

Jim Morris discussed the annual history event and the bibliography he gave Tonja. He shared that Tonja has ordered as many of the bibliography materials as are available in print, as well as some other related materials.

Tonja discussed the Christmas Book Tree set up in the Library for patron support of library materials in honor of individuals of their choice. It was reported that the program was proceeding successfully.

5) Citizen Participation:

Karen discussed the annual Friends of the Library meeting set for January 24 at 2:00 pm. Guest speaker is to be Megan Mattingly who will discuss local gypsies and their ways of life. Karen also said there would be refreshments and election of new officers.

6) New Business:

Tonja presented a plaque of appreciation to Jim Morris in honor of his facilitation of the 2013 Daphne Public Library Annual History Series. The library greatly appreciates his contribution to the library services for the public.

Tonja also presented a plaque of appreciation to Karen for her years of service as the Friends Book Shop manager. The library sincerely appreciates her dedication and many hours of volunteer service to support the library.

7) Adjourn:

Motion was made to adjourn at 5:20 pm.

Respectfully submitted by T. Young, Jan. 7, 2014

Library Board - Meeting Minutes

February , 2014

In Attendance:

Library Director Tonja Young; Board Chair Andre LaPalme; Library Board Members Jim Morris, Nancy Volovecky, Windrila Longmire, and Jim Bodman; Council Liaison Pat Rudicell; City Attorney Kevin Boucher; Human Resources Director Vickie Hinman; Friends President Karen Kyzar; Public Library Patrons Jan Blankenhorn and Carol Simmons.

1) Call to Order:

Meeting called to order at 4:08 pm by Chair Andre LaPalme.

Mr. Bodman wanted to know who our visitors to the meeting were. When it became apparent that the meeting could not move forward, Jim was introduced to Mr. Boucher and shook hands, followed by Vickie reminding him that he had already met her.

2) Old Business:

Andre asked everyone to read through the January minutes. Windrila called for one correction, that she be removed from the list of attendees since she missed the January meeting. Tonja noted the change. Jim Morris made a motion to approve the minutes. The motion was seconded by Nancy. Motion passed.

3) Library Report:

Tonja reported on the statistics, noting that it was Christy's first time to complete the report on her own.

Tonja discussed the materials purchased and events presented thanks to the 2014 LSTA grant on health and strengthening the community. Tonja gave kudos to Louise for a job well done with the teen grant programs.

Tonja announced that she had received the go-ahead to complete application for the 2015 LSTA grant which will center on cultural diversity.

Tonja stated that Dr. Morris has done a great job with the history series this year. Dr. Morris commented on the series briefly.

Mr. Bodman asked Andre, now will you introduce me to this man? Andre stated that they had already been introduced and asked if Jim didn't remember shaking hands with the man across the table.

4) & 5) Combined: Board Discussion & Board Comments:

Two items of contention from the previous board meeting were: 1) that the board has complete control of the library's funds; and 2) that the Board has complete control over hiring and firing the director and all employees of the library.

Andre stated that at the previous meeting the majority of the board had voted for a motion for him to research and update the Board Bylaws. A copy of the new Bylaws was passed out to members and Andre attempted to point out the changes he made.

Jim Bodman stated that Andre had called him about handing out the Bylaws at the last meeting. He stated that Andre said we didn't need bylaws, that this was Tonja's library. Jim said he told Andre that it was the city's library and that the Board has full control over it. Jim also stated that it was Tonja that wanted the change in the bylaws. Mr. Bodman stated that he thinks Tonja is running the board and she has no authority to do so. Jim wanted to know if the lawyer wrote up the January minutes and Kevin replied no; Tonja replied no.

Andre stated Jim was putting words in his mouth and that was not what he had said during the call. Andre also stated that Dr. Morris had been the one to ask for changes to update the bylaws. Andre reminded everyone of the motion and vote at the previous meeting allowing him to research and make needed changes to the bylaws for the board to review. Andre further stated that the board rules by majority and that Tonja doesn't even have a vote on board decisions.

Attorney Boucher stated that the law calls for the council to fill, approve, or refill any empty board seats. He stated that the Board can make recommendations and the Library Director can make recommendations. The Council doesn't have to elect the nominees.

Mr. Bodman began to discuss various laws including the Sunshine Law and taking some criminal action. The Attorney stated that this would be a civil matter. Mr. Bodman questioned the Attorney about moving forward with criminal procedures, and the Attorney then stated that a complaint would proceed civilly before criminally. Mr. Bodman questioned the Attorney about some specific laws and fines.

Dr. Morris stated that the Library Board in Newport News took applications through the city. After the city went through the applications, the Board went through them to make a suggestion for the librarian or elected person. He stated the Board did not do the actual appointing. Morris said that the Board should have a voice in the formal

recommendation of Library Director, but he didn't know whether that should extend to other library employees.

Andre said that the Board did select a Library Director, but acted only as an advisory group in the selection of other employees. The Attorney agreed that by law the Board can select the Library Director. Tonja replied that she had been selected by a previous Library Board.

Andre stated that he'd like to go over the small changes he made to the old bylaws, and which he had the attorney look at prior to the meeting. Dr. Morris asked about a member only being able to serve two terms or a total of 8 years. Andre replied that those rules were in the original bylaws, and the answer is yes. Bodman wanted to add an Anti-discriminatory Statement to the bylaws but didn't know where it should go. Dr. Morris suggested it go under Article III Membership, as a new Section IV, following Section III on Character.

Councilman Rudicell stated that from a council point of view that resumes come to the council for nomination and approval, but that the council may not nominate the suggested person(s).

Mr. Bodman questioned whether a person really only got 5 days notice before being dismissed from the library board. Andre stated no sir; I'm giving you 10 days and setting the meeting for Monday, February 24 at 4:00 pm for the purpose of removing you, Jim Bodman, from the Library Board.

Dr. Morris stated that what we need to work out is what powers are held by 1) the Board, 2) the Director, and 3) the City.

Windrila stated that she didn't think anyone in the room was a hindrance to the Daphne Public Library and didn't like the announcement of the special meeting.

Mr. Bodman asked Andre if he was that desperate, and wanted to know what he was being charged with. The Attorney stated that there was no charge but there would be a discussion by the Board as to whether he should continue as a member.

Someone asked about when the notice of the special meeting would be made. The Attorney replied that Andre had just given the notice and that's how it works. Bodman stated to the Board, don't ya'll ask questions or you'll be in trouble next! Bodman then asked what if no one shows up for the meeting? Andre replied well then there would be no meeting.

Andre stated that he had nothing personal against Jim Bodman but was only acting in the best interest of the library. Bodman stated Andre your nose is getting longer.

Dr. Morris inquired about legalities of the meeting and discussing the meeting beforehand. The Attorney explained a “walking quorum” and that each person could only discuss the matter with one other person or it became a walking quorum and was against the sunshine law.

Nancy inquired of Mr. Bodman why he was so upset? She stated that he had seemed on edge and upset since he had arrived. Bodman said I am upset, but he wouldn't say why. He didn't know why this was being brought up. The Attorney stated that he felt Mr. Bodman did know why this was being brought up and that was the purpose of the discussion at the special called meeting.

5) Citizen Participation:

Karen discussed Friends biannual book sale on March 22.

6) Public Participation

Carol Simmons proceeded to make a public complaint about three employees, mostly aimed at one new employee, about her disappointed with changes in the way room reservations were now being made. Mr. Bodman stated, you be careful now, to Carol as she spoke.

Carol stated that an employee told her that any of three people could help her with the room now. After signing up to use the room she received a letter that was sent out to all regular room users to confirm or change any future dates of use. Carol then complained that when she called to speak with Christy she got Becky's old voice mail.

Andre asked if she had been able to use the room as planned and she stated yes.

Tonja replied that Christy was new and that often procedures change with staff changes. She explained that she and Christy were trying to provide opportunities for one employee to cross train, and the other employee to have more responsibility at the desk. Andre suggested having a daily clipboard so all staff knew who was meeting in the room on a given day. Tonja agreed to look into ways to make the process easier and stated that everyone makes mistakes, as we all do, and that she was sure Christy would be happy to apologize to Carol.

7) Adjourn:

Motion was made by Andre to adjourn at 5:18 pm. Nancy seconded the motion. Meeting was adjourned.

Respectfully submitted by T. Young, Jan. 14, 2014



W.J. CARROLL
2013

SAPPINGTON

02/12/2014 16:20



02/18/2014 17:01



12/05/2013 17:49





02/18/2014 17:04

The City of Daphne
Planning Commission Minutes
Regular Meeting of February 27, 2014
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

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

Call of Roll:

Members Present:

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

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Kevin Boucher, Attorney

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

Chairman asked for questions, comments or corrections to the minutes of *the regular meeting of January 23, 2014. There being none, the minutes are approved as submitted.*

The next order of business is site plan review for Marino Place.

An introductory presentation was given by Mr. David Shumer, representative of Barton & Shumer Engineering, of a retail strip center east of U.S. Highway 98, south of Good Year Tire & Service Center, and north of Daphne 98 Office Park.

The Commission discussed the approval of the variance by the Board of Zoning Adjustment, and the relocation of the fire hydrant.

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur *to grant site plan approval of the Marino Place.*

During discussion, Mr. Terry asked for an amendment to the main motion to include a waiver of the sidewalk requirement along U. S. Highway 98. Mr. Scott accepted the amendment.

The City of Daphne
Planning Commission Minutes
Regular Meeting of February 27, 2014
Council Chamber, City Hall - 5:00 P.M.

There was no further discussion on the motion. The Motion carried unanimously.

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

An introductory presentation was given by Ms. Julia Baldwin, owner, of a two-lot family division consisting of approximately four point one-one acres located on Rigsby Road for the purpose of deeding a lot to her daughter.

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

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

The next order of business is subdivision replat review for Lots 1, 2 & 5 of Orchard Farms Subdivision for Church of His Presence.

An introductory presentation was given by Mr. Scott Hutchinson, representative of Hutchinson, Moore, & Rauch, of a subdivision replat of Lots 1, 2 & 5 of Orchard Farms Subdivision located on the west side of Alabama Highway 181. The owner needs to combine the lots to accommodate a site plan for the Church of His Presence.

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

A Motion was made by Mr. Kirby and Seconded by Mr. Terry to grant the subdivision replat for Lots 1, 2 & 5 of Orchard Farms Subdivision for Church of His Presence. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is public participation.

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

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

Mr. Boucher stated no report.

The next order of business is commissioner's comments.

None were presented.

The City of Daphne
Planning Commission Minutes
Regular Meeting of February 27, 2014
Council Chamber, City Hall - 5:00 P.M.

The next order of business is director's comments.

The upcoming meeting dates are site preview, March 19, and regular meeting, March 27, 2014.

The public hearing for the revisions to the Sign Ordinance is set for Monday, March 3, 2014 at 6:30 p.m.

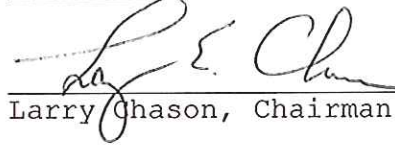
There being no further business, the meeting was adjourned at 5:11 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: March 27, 2014



Larry Chason, Chairman

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

1. **CALL TO ORDER:** **DATE OF REPORT: MARCH 31, 2014**
2. **CALL OF ROLL:** **LARRY CHASON, DON TERRY, CHARLES SMITH, RON SCOTT, CHIEF WHITE AND HUDSON SANDEFUR**
3. **APPROVAL OF MINUTES:** *Review of minutes for the regular meeting of February 27, 2014.*
(APPROVED AS SUBMITTED)
4. **OLD BUSINESS:**

A ADMINISTRATIVE PRESENTATION:

1. **File AP14-01: (APPROVAL, CONTINGENT UPON STAFF APPROVAL PRIOR TO OPERATION)**

Presentation to be given by Karen Barge of a mobile food catering establishment located southeast of U.S. Highway 98 and Stanton Road.

B. PRELIMINARY/FINAL PLAT REVIEW:

1. **File SDPF14-01: (APPROVAL OF PLAT, CONTINGENT UPON A NOTE BEING PLACED ON THE PLAT STATING THAT NO FURTHER SUBDIVISION OF LAND SHALL BE ALLOWED WITHOUT THE PRESENTATION OF A MASTER PLAN)**

Subdivision: **Malbis Plantation, Inc.**

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

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

Area: 36.33 Acres $\pm$, (2) lots

Owner: Malbis Plantation, Inc. - John M. Sirmon

Engineer: Foresite Group - Shane Yarbrough

5. **NEW BUSINESS:**

A. COLONNADE AT EASTERN SHORE:

SUBDIVISION REPLAT REVIEW:

1. **File SRP14-02: (APPROVED)**

Subdivision: **Colonnade of Eastern Shore, a replat of Lot 1, Springs at Eastern Shore**

Zoning(s): ***R-4, High Density Multi-Family Residential***

Location: Southeast of the intersection of U. S. Highway 98 and Johnson Road

Area: 20.31 Acres $\pm$, (1) lot

Owner: Big Sandy, L.L.C. - Jacob Cunningham, Managing Member

Developer: Heritage Construction Company - Jay Carney

Engineer: Hutchinson, Moore & Rauch - Scott Hutchinson or Jaye Robertson

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

SITE PLAN REVIEW:

2. **File S14-02: (APPROVAL OF SITE PLAN, CONTINGENT UPON: ALDOT APPROVAL OF IMPROVEMENTS AT ACCESS TO U.S. HIGHWAY 98 AND THE INTERSECTION OF U.S. HIGHWAY 98 & JOHNSON ROAD; WAIVED SIDEWALK REQUIREMENT ALONG U.S. HIGHWAY 98)**

Site: Colonnade @ Eastern Shore

Zoning (s): *R-4, High Density Multi-Family Residential*

Location: Seven hundred feet southeast of the intersection of U. S. Highway 98 and Johnson Road

Area: 20.31 Acres $\pm$

Owner: Big Sandy, L.L.C. - Jacob Cunningham, Managing Member

Developer: Heritage Construction Company - Jay Carney

Engineer: Hutchinson, Moore & Rauch - Scott Hutchinson or Jaye Robertson

B. BELLATON SUBDIVISION, PHASE THREE:

FINAL PLAT REVIEW AND PETITION FOR STREET ACCEPTANCE:

1. **File SDF14-01: (APPROVAL OF PLAT, CONTINGENT UPON STABILIZATION OF THE CONSTRUCTION ENTRANCE; FAVORABLE RECOMMENDATION OF ACCEPTANCE OF THE RIGHT-OF-WAYS FOR MAINTENANCE)**

Subdivision: Bellaton, Phase Three

Zoning(s): *R-4, High Density Single Family Residential*

Location: Southwest of Alabama Highway 181 and Corte Road

Area: 12.45 Acres $\pm$, (39) lots

Owner: D.R. Horton, Inc. - Birmingham - Joel Coleman

Engineer: Preble-Rish - Steve Pumphrey or Jason Estes

C. PRELIMINARY/FINAL PLAT REVIEW:

1. **File SDPF14-03: (APPROVAL, CONTINGENT UPON A NOTE BEING PLACED ON THE PLAT STATING THAT NO FURTHER SUBDIVISION OF LAND SHALL BE ALLOWED WITHOUT THE PRESENTATION OF A MASTER PLAN)**

Subdivision: Broadway - AL Hwy 181

Zoning(s): *B-3, General Business District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

Location: South of Belgrove Avenue and Alabama Highway 181

Area: 13 Acres $\pm$, (2) lots

Owner: Donald Gregarious

Developer: The Broadway Group, L.L.C. - Judith McCutcheon

Engineer: 4 Site Incorporated - Kenneth Mills

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

D. ADMINISTRATIVE PRESENTATION:

1. SITE MODIFICATIONS:

File AP14-04: (APPROVED)

Presentation to be given by Richard Johnson, Public Works Director, regarding site modifications to Gator Alley located on North Main Street.

2. STREET ACCEPTANCE REQUEST:

File AP13-05: (FAVORABLE RECOMMENDATION OF ACCEPTANCE OF THE RIGHT-OF-WAYS FOR MAINTENANCE)

Presentation to be given by Richard Johnson, Public Works Director, recommending acceptance of the right-of-ways of Golf Terrace and Yacht Club Drive for maintenance.

6. PUBLIC PARTICIPATION

7. ATTORNEY'S REPORT

8. COMMISSIONER'S COMMENTS

9. DIRECTOR'S COMMENTS

10. ADJOURNMENT

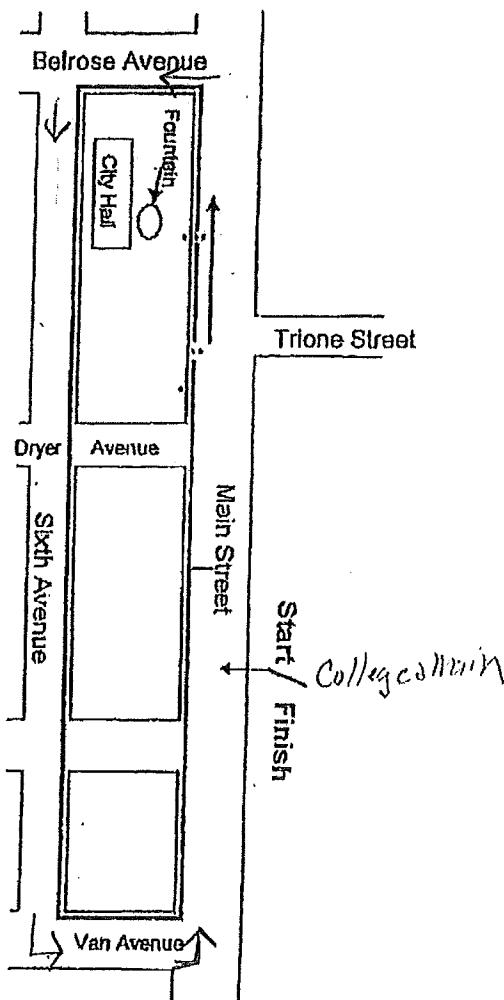
REPORT OF OFFICERS

CITY OF DAPHNE

PARADE PERMIT

ORGANIZATION:	<i>Christ the King Catholic School</i>
CONTACT PERSON:	<i>Barbara Collinsworth</i>
ADDRESS:	<i>1503 Main St Daphne AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER: E-MAIL ADDRESS:	<i>(251)621-1692 coach@ctheking.org</i>
TYPE OF PARADE:	<i>One Mile Race</i>
DATE OF PARADE:	<i>May 2, 2014</i>
ROUTE TO BE TRAVELED:	<i>Attached map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>500 Students</i>
START TIME:	<i>9am</i>
STOP TIME:	<i>9:45am</i>
ASSEMBLY AREA/STREET:	<i>Main and College(at the old Church)</i>
ASSEMBLY TIME:	<i>8:45am</i>
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	<i>March 20, 2014</i>
APPROVAL	
POLICE: Chief David Carpenter	<i>David Carpenter</i>
FIRE: Chief James White	<i>James White</i>
PUBLIC WORKS: Richard Johnson	<i>R. Johnson</i>
RECREATION : David McKelroy	<i>D. McKelroy</i>
CITY COUNCIL APPROVAL: <i>4-07-14</i>	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	
NOTIFICATION	

CKCS Annual Seminarian 1 Mile Fun Run Daphne, AL



No Diagrams to Scale

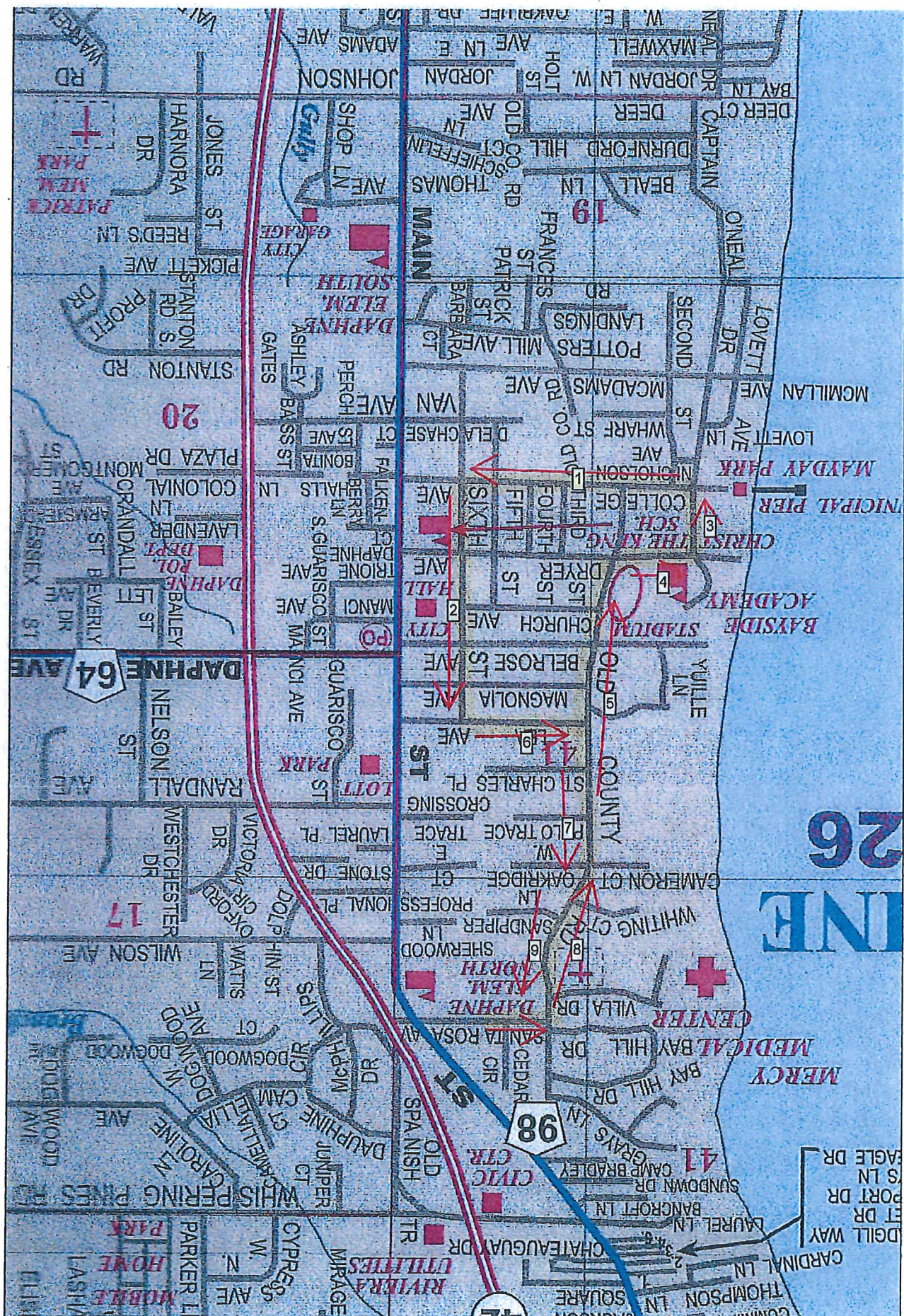
Splits are marked with Teachers/Volunteers

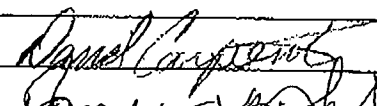
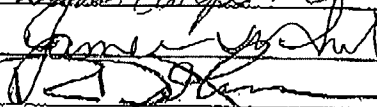
Start and Finished marked with cones

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Southern Napa</i>
CONTACT PERSON:	<i>Jim Cox</i>
ADDRESS:	<i>2304 Main Street</i>
PHONE NUMBER (HOME):	<i>251.802.2664</i>
PHONE NUMBER (BUSINESS):	<i>251.375.2800</i>
CELL NUMBER:	<i>251.802.2664</i>
E-MAIL ADDRESS:	
TYPE OF PARADE:	<i>5k Run</i>
DATE OF PARADE:	<i>Saturday, May 10</i>
ROUTE TO BE TRAVELED:	<i>"Methodist Church 5k Route"</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>150 runners</i>
START TIME:	<i>Noon</i>
STOP TIME:	<i>1:00 pm</i>
ASSEMBLY AREA/STREET:	<i>2304 Main Street</i>
ASSEMBLY TIME:	<i>11:30 am</i>
SPECIAL REQUESTS:	<i>Last year we were not able to run a full 5k would just like to be able to do that this year.</i>
DATE APPLIED:	<i>2-3-2014</i>
APPROVAL	
POLICE: Chief David Carpenter	<i>[Signature]</i>
FIRE: Chief James White	<i>[Signature]</i>
PUBLIC WORKS: Richard Johnson	<i>[Signature]</i>
RECREATION : David McKelroy	<i>[Signature]</i>
CITY COUNCIL APPROVAL: <i>4-07-14</i>	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	
NOTIFICATION	

*park blocked
lunch traffic
cant go off his property
w/ alcohol
can rent barricades @
ordinance price*



CITY OF DAPHNE PARADE PERMIT	
ORGANIZATION:	Daphne United Methodist Church
CONTACT PERSON:	Neil Beasley 251-709-1222
ADDRESS:	2401 Main St Daphne AL 36526
PHONE NUMBER (HOME):	251-621-9903
PHONE NUMBER (BUSINESS):	251-626-2287
CELL NUMBER:	251-709-1222, neil@dumc.org
E-MAIL ADDRESS:	
TYPE OF PARADE:	5K and 1 mile fun run race
DATE OF PARADE:	April 26, 2014 Saturday
ROUTE TO BE TRAVELED:	See attached, But under new regulations.
APPROXIMATE # OF PEOPLE & CARS:	150
START TIME:	8am
STOP TIME:	9am
ASSEMBLY AREA/STREET:	2401 Main St at Daphne UMC parking lot
ASSEMBLY TIME:	7:30am
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	3/6/14
APPROVAL	
POLICE: Chief David Carpenter	
FIRE: Chief James White	
PUBLIC WORKS: Richard Johnson	
RECREATION: David McKelroy	
CITY COUNCIL APPROVAL: 4-07-14	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	
NOTIFICATION:	





#11357

Has a ^{current} license - This is for a special event -

ck 2195
25.00/a

CASE NO. _____

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV.	<u>3-24-14</u>	(initial) <u>aa</u>
DATE FORWARDED TO POLICE DEPT.	<u>3-24-14</u>	<u>aa</u>
DATE RECEIVED BY POLICE DEPT.	<u>3-24-14</u>	<u>aa</u>
DATE: APPROVED ☒ DISAPPROVED ☐		
POLICE DEPT SIGNATURE	<u>[Signature]</u>	
DATE RETURNED TO REVENUE DIV.	<u>3-24-14</u>	<u>aa</u>
DATE FORWARDED TO CITY CLERK	<u>3-26-14</u>	<u>aa</u>
DATE RECEIVED BY CITY CLERK	<u>3-26-14</u>	<u>RH</u>
SCHEDULED DATE ON AGENDA	<u>4-07-14</u>	<u>RH</u>

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20140320092642939



Type License: 140 - SPECIAL EVENTS RETAIL

State: \$150.00 County: \$212.00

Type License:

State: County:

Trade Name: SOUTHERN NAPA

Filing Fee: \$50.00

Applicant: SOUTHERN NAPA LLC

Transfer Fee:

Location Address: 2304 MAIN ST DAPHNE, AL 36526

Mailing Address: 2304 MAIN ST DAPHNE, AL 36526

County: BALDWIN Tobacco sales: NO

Tobacco Vending Machines:

Sale of Products Containing Ephedrine: NO

Type Ownership: LLC

Book, Page, or Document info: BOOK M IN 0000 PAGE 1307877 Do you sell Draft Beer:

Date Incorporated: 10/03/2011 State incorporated: AL

County Incorporated: BALDWIN

Date of Authority: 10/03/2011

Alabama State Sales Tax ID: R007917983

Name:

Title:

Date and Place of Birth: Residence Address:

JAMES ALLEN COX 6908729 - AL	MEMBER	01/07/1971 ELMHURST, IL	9172 CHASEWOOD PLACE SPANISH FORT, AL 36527
CARRIE RAE COX 6846706 - AL	MEMBER	04/30/1971 WURZBURG, GERMANY	9172 CHASEWOOD PLACE SPANISH FORT, AL 36527

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

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

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

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

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

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

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

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

Contact Person: JIM COX

Home Phone: 251-802-2664

Business Phone: 251-375-2800

Cell Phone: 251-802-2672

Fax:

E-mail: JIM@SOUTHERNNAPA.COM

PREVIOUS LICENSE INFORMATION:

Previous License Number(s)

Trade Name:

License 1:

Applicant:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20140320092642939



If applicant is leasing the property, is a copy of the lease agreement attached? YES

Name of Property owner/lessor and phone number: ROCKWELL RENTALS INC 251-928-9265

What is lessors primary business? REAL ESTATE

Is lessor involved in any way with the alcoholic beverage business? NO

Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? NO

Is the business used to habitually and principally provide food to the public? YES

Does the establishment have restroom facilities? YES

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO

Building Dimensions Square Footage: 3300 Display Square Footage:

Building seating capacity: 300 Does Licensed premises include a patio area? NO

License Structure: ONE STORY License covers: OTHER

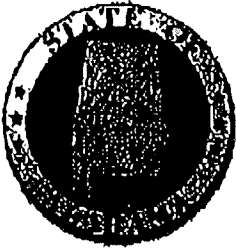
Number of licenses in the vicinity: 1 Nearest: .1

Nearest school: .1 miles Nearest church: .1 miles Nearest residence: 2 blocks

Location is within: CITY LIMITS Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20140320092642939

**Initial each****Signature page**

☒ [Signature]

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

☒ [Signature]

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

☒ [Signature]

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

☒ [Signature]

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

☒ [Signature]

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

☒ [Signature]

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

☒ [Signature]

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

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

☒ [Signature]

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

Applicant Name (print):

Signature of Applicant:

Notary Name (print): Betty G. Dean

Notary Signature:

[Signature: Betty G. Dean]

Commission expires: 1/10/2015

Application Taken: 1/20/2014 App. Inv. Completed:

Submitted to Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to District Office:

Received from Local Government:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20140320092642939



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: 05/09/2014 Ending Date: 05/11/2014

Special terms and conditions for special event/special retail:

EVENTS STARTS AT 6PM FRIDAY AND ENDS 5PM SUNDAY. LICENSED AREA WILL BE BARRICADED TO CONTROL ENTRANCE/EXIT. NO ALCOHOLIC BEVERAGES ARE ALLOWED TO LEAVE THE LICENSED AREA. ALCOHOLIC BEVERAGES RESTRICTED TO BEER ONLY SOLD IN 5 OZ CUPS.

Other Explanations

License Covers: LAWN

Article 33-10**(i) Public Interest Directional Signs:**

A permanent or temporary sign, erected on private or public property, not exceeding six (6) square feet to denote the route to any city, town, village, historic or religious place, shrine, public building or facility, school, hospital, health care facility, public meeting, or public event when authorized by the City Council.

(j) Electronic Signs:**(1) General Prohibition:**

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

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

(a) Size:

- (1) Signs shall be of the monument style.
- (2) Signs shall not exceed ten (10) feet in height.
- (3) Sign area shall not exceed fifty (50) square feet.
- (4) Electronic display area shall not exceed thirty (30) square feet.

(b) Electronic Display Method:

Information shall be displayed via simple fade in/fade out manner.



Signage approval request from Christ the King Catholic Church
Submitted April 2, 2014 to the Daphne City Council

Christ the King Catholic Church is seeking approval from the City Council to install two Public Interest Directional Signs. Christ the King makes this request for approval citing section 33-10 (i) under Article XXXIII Sign Provisions for the City of Daphne Land Use & Development Ordinance:

City of Daphne Land Use & Development Ordinance
Article 33 Sign Provisions
Revised 03/17/14

(i) Public Interest Directional Signs:

A permanent or temporary sign, erected on private or public property, not exceeding six (6) square feet to denote the route to any city, town, village, historic or religious place, shrine, public building or facility, school, hospital, health care facility, public meeting, or public event when authorized by the City Council.

The first sign that we propose and request approval for would denote directions to our parish and school offices, and would be placed at the north corner of Main Street and College Avenue, on Christ the King property. These buildings are where the business of our church and school take place, and they are located in the interior of our campus. We often hear of people having difficulty locating these facilities, and feel that a corner sign would fit into the category of “public interest.”

The second sign that we propose and request approval for would denote directions to our youth ministry facility, and would be placed on the south corner of Main Street and Trione Avenue. This is not Christ the King property. Our youth ministry facility (nicknamed “The Alley”) is not directly contiguous to our main campus. Again, we often hear of people having difficulty locating this building since it is “off the beaten path.”



Proposed sign specifications:

- The face material for both signs would be aluminum/max metal
- Signs would be attached to a u-channel post and installed at the approved corners
- We have an optional decorative treatment to include a sleeve that encases the u-channel post, with an end cap. This treatment is more visually pleasing than the u-channel post itself. (a sample of this treatment is attached with supporting visual aid materials)
- Dimensions: 18 inch width, 24 inch height (3 square feet) *Note, this measurement falls within the ordinance limit of 6 square feet.
- The signs would be placed at a maximum height of 6.5 feet from the grade to the top of each sign. *Note, the street signs at those corners measure 7.5 feet from the grade to the bottom of the signs. Our proposed height would be one full foot shorter than the bottom of the street signs at those corners.

We have prepared several visual aids to accompany this request:

1. Photo renderings of the signs and their placement at the proposed corners (attachments: CTK-ALLEY-STREET-virtual view.pdf, CTK-COLLEGE-STREET- virtual view.pdf)
2. Sign artwork and dimensions are also attached (CTK-ALLEY 18x24 – artwork, CTK-COLLEGE 18x24 – artwork)
3. A virtual rendering of the optional decorative treatment (Optional decorative sleeve treatment.pdf)
4. A property map indicating the proposed placement of the signs (CTK proposed sign locations – map.pdf)

Respectfully submitted:

Stephanie Greenwood

Christ the King Catholic Church

sgreenwood@zebra.net

251.626.2343



- 1

PARCEL NUMBER: 43-04-41-0-005-073.000
CHRIST THE KING
711 COLLEGE AVENUE
DAPHNE, ALABAMA 36626
- 2

PARCEL NUMBER: 43-04-41-0-005-074.000
MOST REVEREND OSCAR H. LIPSCOMB, ARCHBISHOP
C/O ARCHDIOCESE OF MOBILE
P.O. BOX 1966
MOBILE, ALABAMA 36603
- 3

PARCEL NUMBER: 43-04-41-0-005-075.001
MOST REVEREND OSCAR H. LIPSCOMB, ARCHBISHOP
C/O ARCHDIOCESE OF MOBILE
P.O. BOX 1966
MOBILE, ALABAMA 36603
- 4

PARCEL NUMBER: 43-04-41-0-005-075.000
MOST REVEREND OSCAR H. LIPSCOMB, ARCHBISHOP
C/O ARCHDIOCESE OF MOBILE
P.O. BOX 1966
MOBILE, ALABAMA 36603
- 5

PARCEL NUMBER: 43-04-41-0-005-036.000
MOST REVEREND OSCAR H. LIPSCOMB, ARCHBISHOP
C/O ARCHDIOCESE OF MOBILE
P.O. BOX 1966
MOBILE, ALABAMA 36603
- 6

PARCEL NUMBER: 43-04-41-0-005-035.000
MOST REVEREND OSCAR H. LIPSCOMB, ARCHBISHOP
C/O ARCHDIOCESE OF MOBILE
P.O. BOX 1966
MOBILE, ALABAMA 36603
- 7

PARCEL NUMBER: 43-04-41-0-005-033.000
MOST REVEREND OSCAR H. LIPSCOMB, ARCHBISHOP
C/O ARCHDIOCESE OF MOBILE
P.O. BOX 1966
MOBILE, ALABAMA 36603
- 8

PARCEL NUMBER: 43-04-41-0-005-034.000
MOST REVEREND OSCAR H. LIPSCOMB, ARCHBISHOP
C/O ARCHDIOCESE OF MOBILE
P.O. BOX 1966
MOBILE, ALABAMA 36603
- 9

PARCEL NUMBER: 43-04-20-2-000-046.001
MOST REVEREND THOMAS J. RODI, ARCHBISHOP
C/O CHRIST THE KING
711 COLLEGE AVENUE
DAPHNE, ALABAMA 36626
- 10

PARCEL NUMBER: 43-04-20-2-000-046.000
MOST REVEREND THOMAS J. RODI, ARCHBISHOP
C/O CHRIST THE KING
711 COLLEGE AVENUE
DAPHNE, ALABAMA 36626
- 11

PARCEL NUMBER: 43-04-20-2-000-047.000
MOST REVEREND THOMAS J. RODI, ARCHBISHOP
C/O CHRIST THE KING
711 COLLEGE AVENUE
DAPHNE, ALABAMA 36626
- 12

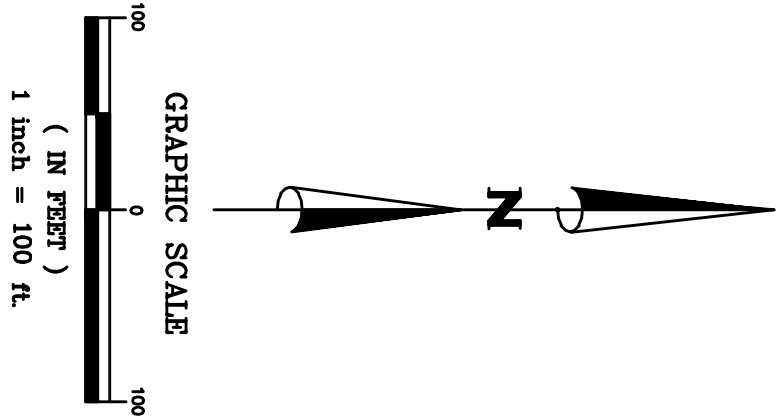
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MOST REVEREND THOMAS J. RODI, ARCHBISHOP
C/O CHRIST THE KING
711 COLLEGE AVENUE
DAPHNE, ALABAMA 36626
- 13

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MOST REVEREND THOMAS J. RODI, ARCHBISHOP
C/O CHRIST THE KING
711 COLLEGE AVENUE
DAPHNE, ALABAMA 36626
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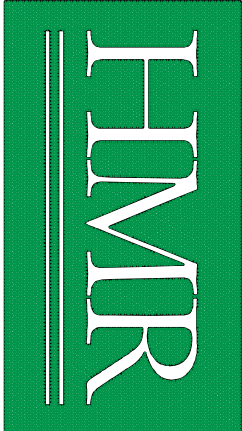
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MOST REVEREND OSCAR H. LIPSCOMB, ARCHBISHOP
C/O ARCHDIOCESE OF MOBILE
P.O. BOX 1966
MOBILE, ALABAMA 36603
- 15

PARCEL NUMBER: 43-04-20-2-000-054.000
MOST REVEREND OSCAR H. LIPSCOMB, ARCHBISHOP
C/O ARCHDIOCESE OF MOBILE
P.O. BOX 1966
MOBILE, ALABAMA 36603
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PARCEL NUMBER: 43-04-20-2-000-057.000
MOST REVEREND OSCAR H. LIPSCOMB, ARCHBISHOP
C/O ARCHDIOCESE OF MOBILE
P.O. BOX 1966
MOBILE, ALABAMA 36603



NO.	REVISION	DATE	ENGR.



HUTCHINSON, MOORE & RAUCH, LLC
2039 MAIN STREET
DAPHNE, ALABAMA 36526

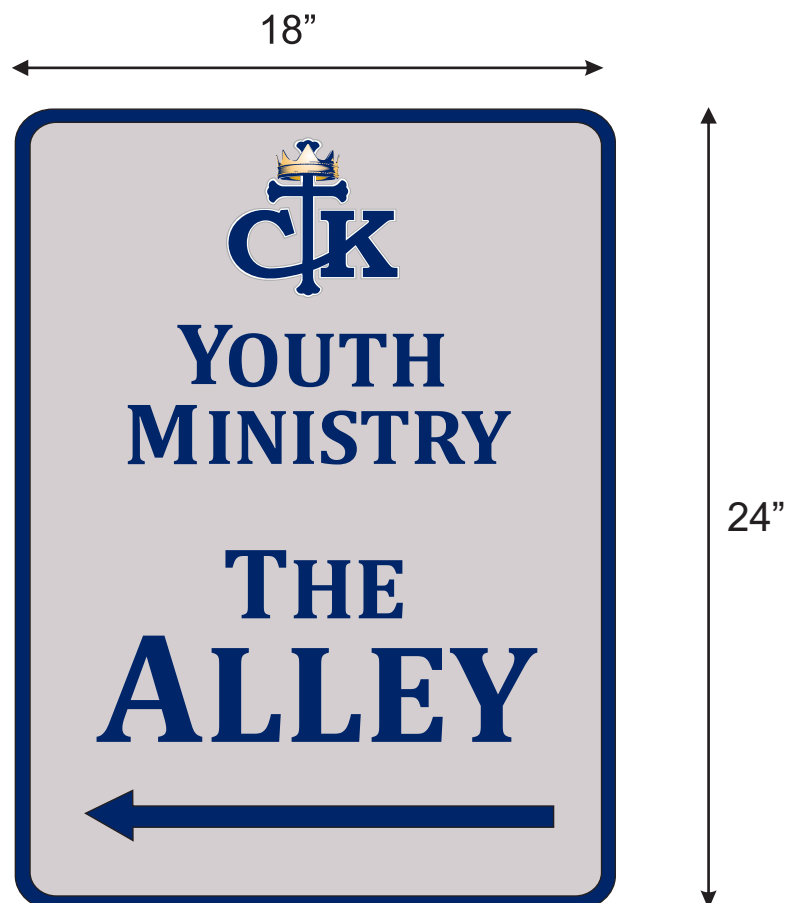
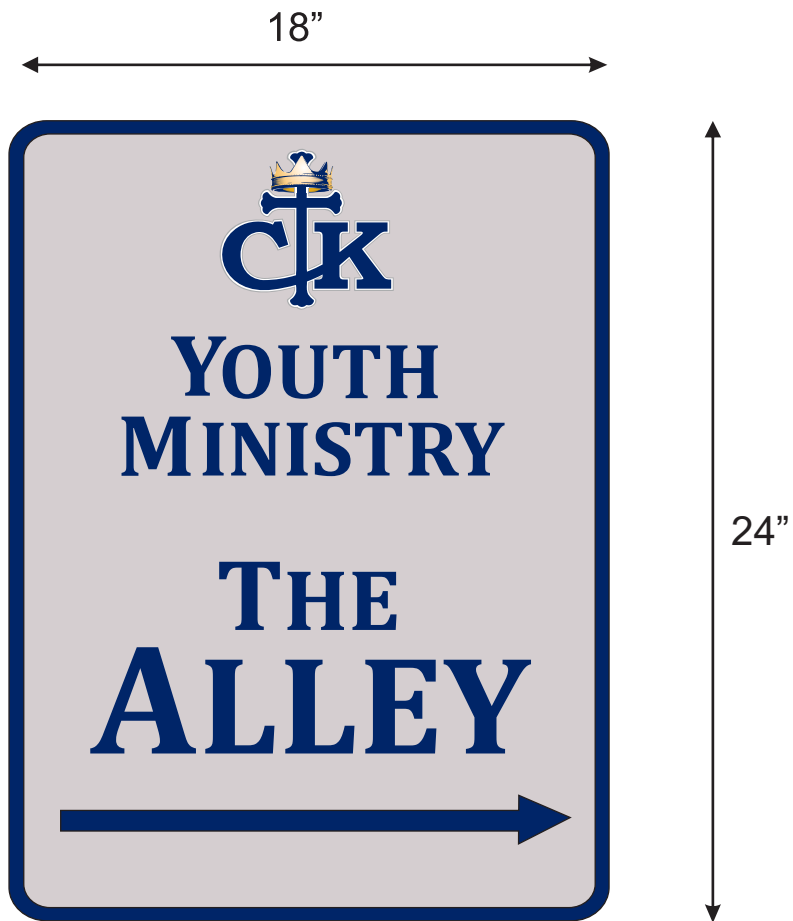
ENGINEERS ♦ SURVEYORS
LAND PLANNERS

TEL (251) 626-2626
FAX (251) 626-6934
dophne@mrengineers.com

PROP-OWNERSHIP
CHRIST THE KING

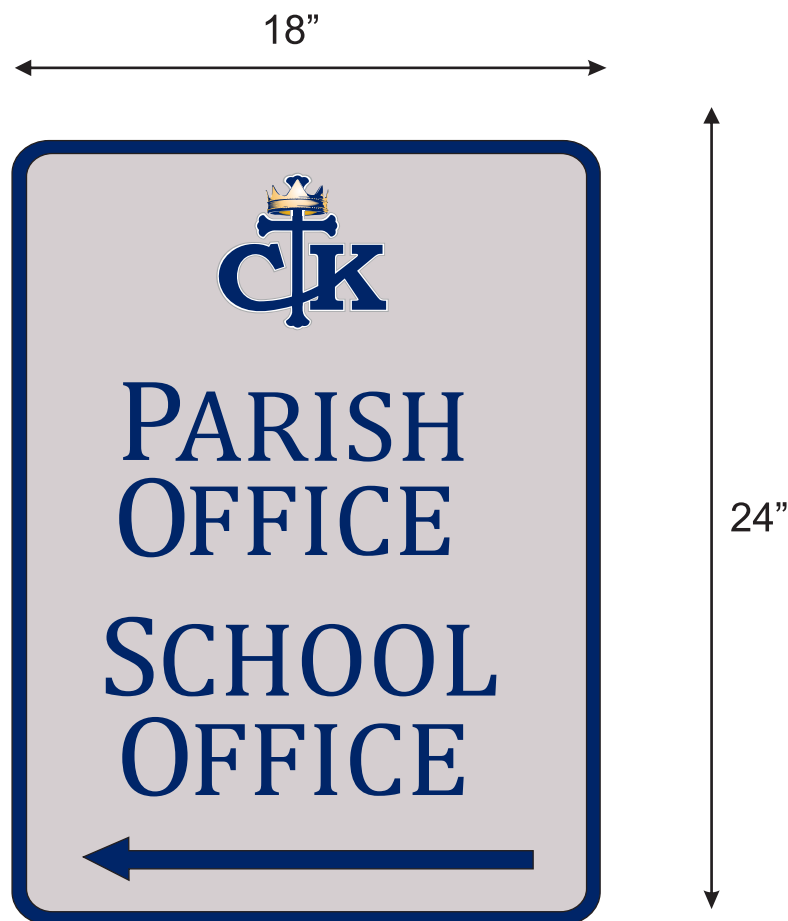
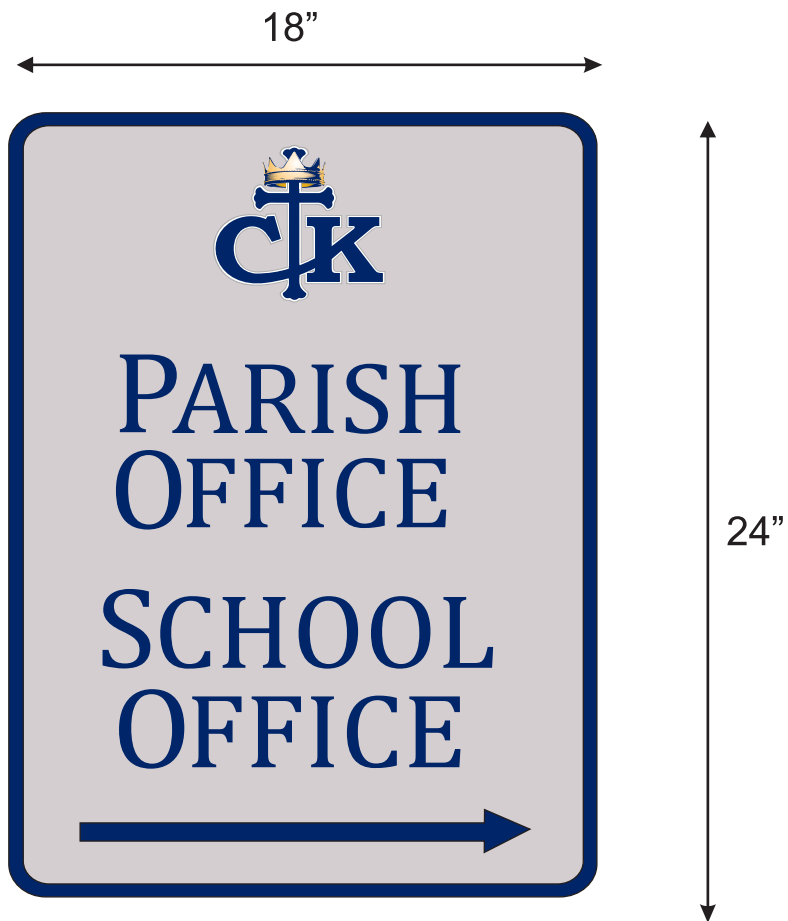
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PROPERTY OWNERSHIP
DAPHNE, ALABAMA
CHRIST THE KING CHURCH













ALABAMA LEAGUE OF MUNICIPALITIES

P.O. Box 1270 • MONTGOMERY, ALABAMA 36102 • 535 ADAMS AVENUE
334-262-2566 • FAX 334-263-0200

WWW.ALALM.ORG

KEN SMITH
Executive Director

MAYOR WALT MADDOX, TUSCALOOSA
President

February 21, 2014

COPY

TO: All Mayors and Clerks
FROM: Ken Smith 
Executive Director
SUBJECT: Voting Delegate, Annual Convention Business Meeting
ENCLOSURE: Voting Delegate Designation Form

The Annual Convention of the Alabama League of Municipalities will be held on May 3 – 6, 2014, in Mobile, at the Arthur R. Outlaw Convention Center. **The Annual Business Session will be held at 3:45 p.m. on Monday afternoon, May 5, 2014.**

The League Constitution contains the following provision pertaining to voting powers at the Annual Convention Business Session:

"Each member municipality shall have one vote in the Convention proceedings of the League, such vote to be cast by the delegate authorized by the governing body of such town or city. The League shall send to the mayor of each member municipality a form to be used by the municipal governing body to designate the municipality's voting delegate, first alternate voting delegate and second alternate voting delegate. In order for the municipality to be eligible to cast its vote during convention proceedings, the official delegate designation form must be returned to the League Headquarters not later than fifteen (15) days prior to the first day of the Annual Convention."

In accordance with the League Constitution, a copy of the official Voting Delegate Authorization Form, which should be used by your municipal governing body to designate the official voting delegate and alternates eligible to cast the municipality's vote during the business session of the convention, is being sent to each mayor. An additional copy is being sent to each clerk, but **only one completed form** should be returned by each League member municipality.

Please complete the enclosed form and returned to the League by April 18 so that your municipality will be eligible to cast its vote at the Convention.

We look forward to seeing a good delegation from your municipality in Mobile.

tl

VOTING DELEGATE AUTHORIZATION FORM

COPY

This form must be returned to
THE ALABAMA LEAGUE OF MUNICIPALITIES NO LATER THAN
April 18, 2014, in order for the municipality named below to be eligible to have its
designee cast a vote at the **Official Business Session of the League on**
Monday afternoon, May 5, 2014, at 3:45 p.m.

The following person(s) is authorized to cast the municipality's vote at the business session of the Annual Convention of the Alabama League of Municipalities on May 5, 2014.

Please print the requested information.

Voting Delegate:

Name/Title

1st Alternate

Voting Delegate:

Name/Title

(To vote only in absence of Voting Delegate)

2nd Alternate

Voting Delegate:

Name/Title

(To vote only in absence of Voting Delegate & 1st Alternate)

IMPORTANT NOTICE

*THE LEAGUE CONSTITUTION REQUIRES THAT VOTING DELEGATES
AND ALTERNATES BE **ELECTED MUNICIPAL OFFICIALS.***

Completed by:

(Please Print)

Title:

City/Town:

Date:

Return complete form to:

Alabama League of Municipalities, P. O. Box 1270, Montgomery, AL 36102

or by FAX:

(334) 263-0200

RESOLUTIONS & ORDINANCES

CITY OF DAPHNE

RESOLUTION 2014-12

**APPROVE APPLYING FOR A CDBG GRANT
Dauphine Acres/Whispering Pines area**

WHEREAS, there is a critical need to extend public sewer services to residential households in the Dauphine Acres/Whispering Pines area who currently rely on individual on-site septic systems; and

WHEREAS, the Alabama Department of Economic and Community Affairs (ADECA) has announced the availability of Fiscal Year 2014 Community Development Block Grant (CDBG) grant funds whereby the City can apply for up to \$450,000 for this activity; and

WHEREAS, Hutchinson, Moore & Rauch, LLC, a local engineering firm, and Grant Management, LLC, a local grant consulting firm, have offered to assist the City in applying to this competitive grant program at no cost to the City;.

NOW, THEREFORE IT BE RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA authorize Hutchinson, Moore & Rauch, LLC and Grant Management, LLC to proceed with preparing an FY 14 CDBG grant for the City.

BE IT FURTHER RESOLVED that these firms will present the Council with final costs and other information prior to submission of an FY 14 CDBG grant application, as final submission will require authorization of the full Council.

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

CITY OF DAPHNE

ORDINANCE NO. 2014-12

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

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

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

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

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

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

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

(a) General Prohibition:

(1) Signs Prohibited:

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

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

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

(d) Residential Real Estate Signs:

(1) General Provisions:

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

(2) Violations:

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

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

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

SECTION IV: CONFLICT WITH OTHER ORDINANCE

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

SECTION V: SEVERABILITY

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

SECTION VI: EFFECTIVE DATE

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

SECTION VII: REPEALER

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

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

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

**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 CBMPs, 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 MAINTENANCE REQUIREMENTS

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