

**JANUARY 3, 2017
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Scott called the meeting to order at 6:30 p.m.

2. ROLL CALL

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

Also Present: Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; Patrick Dungan, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; Vickie Hinman, HR Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Tonja Young, Library Director; Kim Sparks, Building Inspection Tech; Captain Judd Beedy, Police Department; Al Guarisco, Village Point Foundation; Don Ouellette, Environmental Advisory Committee; Ed Kirby, Planning Commission; Beautification Committee: Laurel Anderson, Tomasina Werner, Dorothy Morrison; Steve Sasser, LFPOA.

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

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Rife Steward with Destiny Church gave the invocation.

3. APPROVE MINUTES:

There being no corrections to the December 19, 2016 council meeting minutes they stand approved as written.

PRESENTATION: Beautification Award / Best Neighborhood Entrance of the Year Potter's Mill Subdivision

The Beautification Committee presented the award to Mrs. Cheri Forte, the POA secretary and Mr. John McCarty, Landscape Chairman.

PUBLIC HEARINGS:

- | | |
|-----------------------|---|
| 1. Pre-Zone: | Bertolla Properties, LLC |
| Location: | Northwest corner of Alabama Highway 181 and Milton Jones Road |
| Present Zoning: | B-2, Neighborhood Business District, Baldwin County District 15 in the Extraterritorial Planning Jurisdiction |
| Requested Zoning: | B-3, Professional Business District |
| Recommendation: | Unanimous Favorable |
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 | |
| 2. Annexation: | Bertolla Properties, LLC |
| Location: | Northwest corner of Alabama Highway 181 and Milton Jones Road |
| Recommendation: | Unanimous Favorable |

The pre-zoning and annexation Public Hearings were held at the same time.

Ms. Jessica McDill gave the presentation for both the pre-zoning and annexation.

Council President Scott opened the Public Hearing at 6:40 p.m.

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No one spoke for or against the proposed pre-zoning or annexation.

Council President Scott closed the Public Hearing at 6:41 p.m.

3. Annexation: John White-Spunner et al
Location: At the southwest intersection of County Road 13 and U.S. Highway 90
Recommendation: Unanimous Favorable

Mr. John Peterson gave the presentation.

Council President Scott opened the Public Hearing at 6:45 p.m.

No one spoke for or against the proposed annexation.

Council President Scott closed the Public Hearing at 6:46 p.m.

4. Amend Land Use Ordinance / Article 14, Section 14-11, the addition of menu type signs to the Old Towne Daphne Sign Provisions
Recommendation: Unanimous Favorable

Mrs. Adrienne Jones gave the presentation.

Council President Scott opened the Public Hearing at 6:48 p.m.

No one spoke for or against the proposed amendment to the Land Use Ordinance.

Council President Scott closed the Public Hearing at 6:49 p.m.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Rudicell
No report. The next meeting will be January 9th at 4:30 p.m.

B. BUILDINGS & PROPERTY COMMITTEE – LeJeune
The committee met today, and it was a busy meeting. Councilman LeJeune reported that the Chamber of Commerce is vacating the Scenic Overlook building and will be completely vacated at the end of January. They are looking at different options for the use of the property.

C. PUBLIC SAFETY COMMITTEE – Davis
The next meeting will be January 17th at 4:30 p.m. Councilman Davis said that Public Safety may be interested in the Scenic Overlook.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Goodlin
The December 19th minutes are in the packet. The next meeting will be January 17th at 5:30 p.m.

E. PUBLIC WORKS COMMITTEE – Coleman

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The committee met today, and the next meeting will be February 6th at 5:30 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

The September 11, 2016 minutes are in the packet. The next meeting will be February 2nd at 6:00 p.m.

B. *Downtown Redevelopment Authority* – Conaway

The December 16, 2016 minutes are in the packet. The next meeting will be January 25th, and a representative from Main Street Alabama will be at the meeting.

C. *Industrial Development Board* – Davis

The next meeting will be January 23rd. They are continuing to work on the EDA grant, and work on the site. There are still two vacancies on the board.

D. *Library Board* – Rudicell

There was not a meeting in December. The next meeting will be the second Thursday of January.

E. *Planning Commission* – Scott

The November 17, 2016 minutes are in the packet along with the staff report for the December 15, 2016 meeting.

MOTION BY Councilman Davis to set a Public Hearing Date for February 6, 2017 and approve advertising to consider:

Pre-Zone:	Joseph A. Allegri, Jr.
Location:	Northwest of the Intersection of County Road 64And Alabama Highway 181
Present Zoning:	R-A, Rural Agricultural District, B-3, General Business District and B-4, Major Commercial District
Requested Zoning:	PUD, Planned Unit Development
Recommendation:	Due to a lack of a super majority of members present there is no recommendation

Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

F. *RECREATION* - LeJeune

No report.

G. *Utility Board* – LeJeune

No report. There was not a meeting in December. The next meeting will be January 25th.

6. MAYOR'S REPORT

Mayor Haygood discussed the reinstatement and ratification of a Third Amendment to the Lease Agreement with New Cingular Wireless. He received a policy update from AMIC saying they are adding cyber and privacy liability coverage to the city's policy at no additional charge, and they are also adding at no extra charge liability coverage for drones, which they have been exploring at a high level for the city, but you have to register the serial number, specify the department and

describe the type of use for the drone. AMIC has updated the terrorism forms, and they are removing the two (2) fellow employee liability endorsement. AMIC is also concerned about loss control and safety programs with police departments,

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because they paid a visit to the Daphne police department on December 19, 2016, and they wrote a nice letter indicating that they were very pleased with their findings. They documented all the loss control methods and the safety training that the department does, and they do not put a grade on the findings, but he thinks it would be 100-A+ with a smiley face. He mentioned that he signed the bid advertisement for Park Drive Sports Complex, Phase II which is for the site work. The pre-bid meeting will be January 19th and the bid deadline is February 2nd. The bid packet specifies a 270 day completion period.

7. CITY ATTORNEY REPORT:

Mr. Ross discussed the amendments to the Strike Soccer Club agreement which he handed out before the meeting.

8. DEPARTMENT HEAD COMMENTS:

Richard Johnson – Public Works Director – reported on the makeup garbage schedule.

9. CITY CLERK'S REPORT:

a.) Eastern Shore Chamber of Commerce Requests for the Jubilee Festival

MOTION BY Councilman Rudicell to approve the requests by the Eastern Shore Chamber of Commerce for the 2017 Jubilee Festival. *Seconded by Councilwoman Conaway.*

1. Permission to block Main Street from Magnolia Avenue to Dryer Avenue. The closing of this area would still allow access by area residents and church visitors. Permission to close Trione Street from Guarisco Street and Main Street for KidsART infrastructure.
2. Permission to use Centennial Park for KidsART.
3. Permission to allow children to paint on the back fence in Centennial Park.
4. Assistance from Police and Street Department with street closings and barricades from Friday, September 22, 2017 after 5:00 p.m. until Sunday September 24, 2017 after 6:00 p.m.
5. Coordination by the Mayor with Riviera Utilities for additional electrical power access at the City Hall entrance utility pole.
6. Permission to use City Hall as headquarters for the festival staff and volunteers.
7. Permission to place temporary banners to help promote the 29th Annual Jubilee Festival. Specifics of the banners are as follows:
 - __Banners to read: Jubilee Festival, September 23 and 24, 2017
 - __Banners to be posted 2 weeks prior to event
 - __Size of Banners to be 120" x 34"
 - __Location to include:
 - *Santa Rosa & Main Street
 - *Jubilee Mall
 - *Lawson Road
 - *Highway 98 at Montrose Welcome Sign
8. Permission to place banners within the site of the festival.

MOTION CARRIED UNANIMOUSLY

10. PUBLIC PARTICIPATION

Mrs. Ruth Seawell – Daphne Strike Soccer Club – thanked council for working with them on the agreement with the Strike Soccer Club.

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Mr. Don Ouellette – Madison Place – spoke regarding the heavy traffic on Highway 181 as it is hard for residents to get in and out of side streets. Traffic lights that are holding traffic up need to be fixed.

Mr. John Lake – 110 Paige Circle – spoke regarding the Strike agreement, and asking Public Works to again put the garbage pickup schedule on the trash cans. He also spoke regarding drainage mentioning that the rezonings that council is doing will affect people downstream.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2017-01.**Agreement with ALDOT Utility Program for Project STOPA-0216 (250)
- b.) **Resolution 2017-02.**Approving a Project Agreement Between the City of Daphne & Daphne Strike Club, Inc.

a.) Resolution 2017-01.Agreement with ALDOT Utility Program for Project STOPA-0216-0216 (250)

b.) Resolution 2017-02.Approving a Project Agreement Between the City of Daphne & Daphne Strike Club, Inc.

MOTION BY Councilwoman Conaway to wave the reading of Resolutions 2017-01, and 2017-02. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2017-01. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2017-02 as amended. *Seconded by Councilman Coleman.*

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

- a.) **Ordinance 2016-76.**Appropriation of Funds: Emergency Repairs for City Facilities & Equipment
- b.) **Ordinance 2016-77.**Additional Appropriation for Adaptive Utility Cost (*ALDOT CE&I Direct Overhead Cost*) for ALDOT Project: Access Improvements through Signalization and Service Roads onS Highway 98 Between County Road 64 & Van Ave. / City Match
- c.) **Ordinance 2016-78.**FY 2017 New Police Personnel Equipment
- d.) **Ordinance 2016-79.**Replace Police Vehicle

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- e.) Ordinance 2016-80.** Appropriation of Funds: Daphne Sports Complex Timber Removal Fees
- f.) Ordinance 2016-81.** Rezone: Property Located at the Southwest Intersection of County Road 13 & US Highway 90 / John White-Spunner, Blacksher White-Spunner, Rollins Tindell, Jr., Marl Cummings and Sean Coley
- g.) Ordinance 2016-82.** Pre-Zone: Property Located at the Southwest Intersection of County Road 13 and US Highway 90 / John White-Spunner, et al

ORDINANCE 2016-77 WAS PULLED FROM THE AGENDA AND WILL BE BACK ON THE JANUARY 17, 2017 COUNCIL MEETING AGENDA

- a. Ordinance 2016-76.** Appropriation of Funds: Emergency Repairs for City Facilities & Equipment
b. Ordinance 2016-78. FY 2017 New Police Personnel Equipment
c. Ordinance 2016-79. Appropriation of Funds: Replace Police Vehicle
d. Ordinance 2016-80. Appropriation of Funds: Daphne Sports Complex Timber Removal Fees

MOTION BY Councilman Rudicell to waive the reading of Ordinance 2016-76, 2016-78, 2016-79, 2016-80, 2016-81 and 2016-82. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Rudicell to adopt Ordinance 2016-76. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to adopt Ordinance 2016-78. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to adopt Ordinance 2016-79. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to adopt Ordinance 2016-80. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

- e. Ordinance 2016-81.** Rezone: Property Located at the Southwest Intersection of County Road 13 and US Highway 90 / John White-Spunner, Blacksher White-Spunner, Rollins Tindell, Jr., Marl Cummings and Sean Coley
f. Ordinance 2016-82. Pre-Zone: Property Located at the Southwest Intersection of County Road 13 and US Highway 90 / John White-Spunner

MOTION BY Councilman Davis to adopt Ordinances 2016-81 and 2016-82. *Seconded by Councilman Coleman.*

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MOTION BY Councilman Goodlin to amend Ordinance 2016-81 to take the B-3, Professional Business zoning .411 acres, out of the ordinance. *Seconded by Councilwoman Conaway.*

VOTE ON THE AMENDMENT TO ORDINANCE 2016-81

MOTION CARRIED UNANIMOUSLY

VOTE ON ORIGINAL MOTION AS AMENDED

MOTION CARRIED UNANIMOUSLY

1ST READ

- a.) Ordinance 2017-01.** Pre-Zone Property Located at the Northwest Intersection of AL State Highway 181 and Milton Jones Road / B-3, Professional Business District / Bertolla Properties / B-3, Professional Business District
- b.) Ordinance 2017-02.** Annexation: Property Located Northwest Intersection of AL State Highway 181 And Milton Jones Road / Bertolla Properties
- c.) Ordinance 2017-03.** Annexation: Property Located at the Southwest Intersection of County Road 13 and US Highway 90 / John White-Spunner, et al
- d.) Ordinance 2017-04.** Amending the Land Use Ordinance / Article XIV, Section 11, Signage, Menu Type Sign Provisions
- e.) Ordinance 2017-05.** Regulating Operation of Motorized Vehicles on Trespassed Private Property, Public Property and Rights-of-Ways Within the City of Daphne and it's Police Jurisdiction

ORDINANCES 2017-01, 2017-02, 2017-03, 2017-04 AND 2017-05 ARE FIRST READ

12. COUNCIL COMMENTS

Councilman Davis – welcomed everyone to 2017, and said it was a time to reflect on what they did well and where they did not do well. He thanked all those who keep everyone safe.

Councilman LeJeune – wished everyone a happy new year.

Councilman Coleman – wished everyone a happy new year.

Council President Scott – mentioned that the traffic on Highway 181 is bad and ALDOT has a remedy in store to help the situation. He wished everyone a happy new year.

Mayor Haygood – mentioned that ALDOT will have the bid out by April for Highway 181. They are still trying to find more Federal funds for improvements. Resetting the timing of the lights will be very effective. He wished everyone a happy new year.

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13. ADJOURN:

MOTION BY Councilman Coleman to adjourn. *Seconded by Councilman Goodlin.*

MOTION CARRIED UNANIMOUSLY

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

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes, City Clerk

Ron Scott, Council President