

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
MAY 1, 2017

1. CALL TO ORDER

2. ROLL CALL

INVOCATION / Pastor Charles Jackson of Macedonia Baptist Church

PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council meeting minutes / April 17, 2017

CONGRATULATIONS: Baldwin County Secondary Teacher of the Year / Mrs. Nikki Minoso

PROCLAMATION: Older Americans Month

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE / Rudicell

B. BUILDINGS & PROPERTY COMMITTEE: LeJeune

C. PUBLIC SAFETY COMMITTEE: Davis

Review minutes / April 17th

D. CODE ENFORCEMENT / ORDINANCE COMMITTEE: Goodlin

E. Review minutes / April 17th

Favorable recommendation for: Ordinance 2017-34 / Ordinance 2017-35 / Resolution 2017-27

F. PUBLIC WORKS COMMITTEE: Coleman

Appoint members to the Environmental Advisory Committee:

- John Lake
- Noel Yoho
- Larry Norris

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. BOARD OF ZONING ADJUSTMENTS: Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY: Conaway

C. INDUSTRIAL DEVELOPMENT BOARD: Davis

Review minutes / April 24th

D. LIBRARY BOARD: Rudicell

E. PLANNING COMMISSION: Scott

F. RECREATION BOARD: LeJeune

G. UTILITY BOARD: LeJeune

Review minutes / March 29th

6. MAYOR'S REPORT**7. CITY ATTORNEY REPORT****8. DEPARTMENT HEAD REPORTS****9. CITY CLERK'S REPORT**

a.) Event Permit / Scott Ward Memorial 5K / Family Fun Run / November 11, 2017

b.) **MOTION:** To approve the Eastern Shore Carnival Association Mardi Gras Group to parade as one of the four approved groups in the City of Daphne

10. PUBLIC PARTICIPATION**11. RESOLUTIONS & ORDINANCES****RESOLUTIONS:**

a.) 2017-26. Approving the City of Daphne's Participation in the State of Alabama "Back to School" Sales Tax Holiday

b.) 2017-27. Establishing an Education Advisory Committee

ORDINANCES:**2ND READ**

a.) 2017-28. Funding for a First Responder Safe Room for Public Works through the Hazard Mitigation Grant Program (HMGP)

b.) 2017-29. Appropriation of Funds: City Hall Fencing

c.) 2017-30. Appropriation of Funds: Invasive Species Control for Bayfront and Village Point Wetlands Areas

d.) 2017-31. Appropriation of Lodging Tax Funds: Bayfront Master Plan: Engineering Services for Bayfront Street Scape and Wetland Delineation

e.) 2017-32. Appropriation of Funds: Tiawasee Stream Restoration

f.) 2017-33. Revision to the Job Classification Schedule

1ST READ

a.) 2017-34. Repealing and Replacing Ordinance 2016-61 Regarding The Rules and Regulations for Daphne City Parks

b.) 2017-35. Establishing a Policy for Events Held Within the City of Daphne

12. COUNCIL COMMENTS**13. ADJOURN**

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

COUNCILWOMAN CONAWAY	PRESENT____	ABSENT____
COUNCILMAN RUDICELL	PRESENT____	ABSENT____
COUNCILMAN COLEMAN	PRESENT____	ABSENT____
COUNCILMAN GOODLIN	PRESENT____	ABSENT____
COUNCILMAN LEJEUNE	PRESENT____	ABSENT____
COUNCILMAN DAVIS	PRESENT____	ABSENT____
COUNCIL PRESIDENT SCOTT	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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**APRIL 17, 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; David McKelroy, Recreation Director; Adrienne Jones, Planning Director; Margaret Thigpen, Civic Center Director; Kelli Kichler, Finance Director/Treasurer; David Carpenter, Police Chief; Richard Johnson, Public Works Director; Tonja Young, Library Director; Vickie Hinman, HR Director; Ashley Campbell, Environmental Programs Manager; Dorothy Morrison, Beautification Committee/DRA; Don Ouellette, Environmental Advisory Committee; Tomasina Werner, Beautification Committee.

Absent: Richard Merchant, Building Official.

INVOCATION/PLEDGE OF ALLEGIANCE:

Mr. Eric Helms gave the invocation.

3. APPROVE MINUTES:

There being no corrections to the April 3, 2017 council meeting minutes, the April 10, 2017 work session minutes or the April 10, 2017 special called council meeting minutes they stand approved as written.

CONGRATULATIONS: Bayside Academy Chess Team / Alabama State Champions

Mayor Haygood read and presented the proclamation to the Chess team.

PRESENTATION: Mr. Fredrick Joiner, Sr. / Eastern Shore Carnival Association Mardi Gras Group

Mr. Joiner requested permission to be added to the parade list for Mardi Gras. He said they are looking for members for Daphne, and they will act as mentors to the Daphne schools. He said the first year will be a parade and ball, and the second year they will have a court of 20 girls and 20 boys from Daphne High School.

Council President Scott asked that there be a motion on the May 1st agenda for permission for this organization to parade in Daphne.

PRESENTATION: Beautification Committee / Best Small Commercial Building of the Year / Fulcrum Construction / Nathan Dunn, COO

Mrs. Laurel Anderson presented the award to Mr. Nathan Dunn the COO and Mr. Ron Yeager of Fulcrum Construction.

PROCLAMATION: Prodissee Pantry Day / May 1, 2017

Mayor Haygood read the proclamation. There was no one from Prodissee Pantry to accept the proclamation.

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4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Rudicell

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

Treasurers Report / March 2017

As of March, 2016 Total Unrestricted Cash Balance - \$15,683,820 and Total City Cash Balance - \$22,026,099.

As of March 31, 2017						
Account Type/Title	Bank / Brokerage	3/31/2017	2/28/2017	Increase (Decrease) from last Month	3/31/2016	Increase (Decrease) from Last Year
Total Unrestricted Cash Balance		15,683,820	16,805,459	(1,121,639)	13,226,036	2,457,784
Total Restricted Cash Balance		6,342,279	8,493,803	(2,151,524)	7,267,857	(925,578)
Total City Cash Balance		\$ 22,026,099	\$ 25,299,262	\$ (3,273,163)	\$ 20,493,893	\$ 1,532,206
Encumbrance Total as of 3/31/2017					\$ 449,795.32	

Sales & Use Tax Collections / February 2017

The collections for February, 2017 were \$ 94,287 which is up \$9,290 from February 2016's collections.

- YTD Variance over Budget: \$ 21,400

MOTION BY Councilman Rudicell to forward the information from the County's Land Use Ordinance to the Planning Commission meeting for discussion on amending the City's Land Use Ordinance. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Rudicell to authorize the mayor to enter into the agreement with Environmental Systems Research Institute, Inc. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

B. *BUILDINGS & PROPERTY COMMITTEE* – LeJeune

The April 3rd meeting minutes are in the packet. The committee made favorable recommendations for Ordinance 2017-20 and 2017-21 regarding surplus property.

C. *PUBLIC SAFETY COMMITTEE* – Davis

The committee met today and the minutes will be in the next packet. The next meeting will be May 15th at 4:30 p.m.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Goodlin

The committee met this afternoon, and the next meeting will be May 15th at 5:30 p.m.

E. *PUBLIC WORKS COMMITTEE* – Coleman

The February 6th and March 6th minutes are in the packet along with the February 1st and March 1st Beautification minutes and the March 27th Environmental Advisory Committee minutes. Councilman Coleman reported that May 17th is Public Works Day at Lott Park, May 20th is Recycle Day and April 24th the EAC will be having a field trip.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

No report. No meeting.

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B. Downtown Redevelopment Authority – Conaway

MOTION BY Councilwoman Conaway to accept the resignation of Kiki Mikkelsen from the Downtown Redevelopment Authority. (*Out of committee no second required*)

MOTION CARRIED UNANIMOUSLY

The next meeting will be April 26th at Mancini's at 5:30 p.m.

C. Industrial Development Board – Davis

The next meeting will be April 24th.

D. Library Board – Rudicell

There has been \$31,000 collected so far for the porch project.

E. Planning Commission – Scott

The next meeting will be Thursday April 27th at 5:00 p.m.

F. RECREATION BOARD - LeJeune

The Park Drive facility is moving along. Councilman LeJeune said they are adding pickle ball to the recreation lineup. The next meeting will be the second Wednesday of the month.

G. Utility Board – LeJeune

There is a second read ordinance on the agenda regarding the lease of property. The next meeting will be April 26th at 5:00 p.m.

6. MAYOR'S REPORT

Mayor Haygood mentioned that ESRI is the GIS provider for the city, and this will move things toward a city wide license. He reported that the annexation legislation HB209 passed the house on March 9th, and on April 11th it passed the Senate, and was transmitted to the governor for signing on April 13th. The four parcels in the annexation are the Dollar Generals on Highway 181 and CR 13, the apartments under construction on Highway 181 and the Chevron station in Malbis on Highway 181. He reported that the city received a bronze designation from the AMIC Municipal Workman's Compensation Fund which indicates the city has a loss ratio of 20%-40%. The city engages in risk management and loss control throughout the year to help reduce the premiums. He thanked the HR department and the staff's participation, and the Council for funding the different programs. He reported that he and Mr. Johnson attended a county commission work session and asked the commission to help with the paving of Corte Road. He asked for use of road graders, help in obtaining right-of-way acquisitions, the county has right-of-way specialists, they asked the county to participate in the project to the tune of \$200,000, and they asked that the county to quit claim deed the road to the city, and the city would take over the maintenance responsibility. He feels the county will support three of the requests. The request for the \$200,000 does not have the needed support. This project is important to the city's long term plan to connect to Johnson Road, which will improve the east/west corridor and improve Public Safety. He mentioned the improved audio was provided by Atlantic Video Corporation. He invited Mr. Gary Crumbly to speak on how they improved the sound quality.

Mr. Crumbly gave a synopsis of what they did to improve the sound quality in the council chambers.

7. CITY ATTORNEY REPORT:

No report.

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8. DEPARTMENT HEAD COMMENTS:

David McKelroy – Recreation Director – reported Brown Bag by the Bay is at May Day Park Thursday from 11:30 a.m. - 1:00 p.m.; Sunday Series with the Mobile Big Band performed this past Sunday.

9. CITY CLERK'S REPORT:

a.) Events Permit / Christ the King Catholic School / Christ the King Seminary 1 Mile Fun Run / May 5, 2017

MOTION BY Councilman Rudicell to approve the Events Permit for Christ the King Catholic School / Christ the King Seminary 1 Mile Fun Run / May 5, 2017. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

Mrs. Hayes thanked Council for their quick response to signing the paper for the bond issue in a quick manner.

10. PUBLIC PARTICIPATION

Mr. Rod Drummond – Ridgewood Drive - asked what pickle ball was, and asked for a confirmation that Bradley Byrne was coming to city hall.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) 2017-20. Declaring Certain Property Surplus & Authorize the Mayor to Dispose of Such Property
Dump Truck, Hydro Mower, Scag Walk-Behind Mower, Air Compressor, Compressor Fill Station
- b.) 2017-21. Declaring Certain Property Surplus & Authorize the Mayor to Disposition of Such for Donation
To Multiple Organizations: Computers to: Four (4) to The Ruff Wilson Youth Organization /
One (1) to Daphne Museum / One (1) to Exceptional Foundation / One (1) to The Gardens Senior Living
- c.) 2017-22. Authorizing and Consenting to the Transfer of Ownership, Maintenance and Responsibility
of a Portion of Van Buren Street, 1st Street and Jackson Street from Baldwin County to the
City of Daphne
- d.) 2017-23. Approving the City of Daphne's Participation in the State of Alabama "Back to School" Sales
Tax Holiday
- e.) 2017-24. Bid Award: 2017-J-D'Olive Bay Park Boat Ramp Improvements (PW-001) / Gillis Construction
- f.) 2017-25. Bid Award: 2017-K-Ledgerock Material / Lambstone Company, Inc.

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- a.) 2017-20. . . . Declaring Certain Property Surplus & Authorize the Mayor to Dispose of Such Property / Dump Truck/Hydro Mower/Scag Walk-Behind Mower/Air Compressor/Compressor Fill Station
- b.) 2017-21. . . . Declaring Certain Property Surplus & Authorize the Mayor to Dispose of Such for Donation to Multiple Organizations / Computers to: Four (4) to the Ruff Wilson Youth Organization / One (1) to Daphne Museum / One (1) to Exceptional Foundation / One (1) to the Gardens Senior Living
- c.) 2017-22. . . . Authorizing and Consenting to the Transfer of Ownership, Maintenance and Responsibility of a Portion of Van Buren Street and Jackson Street from Baldwin County to the City of Daphne
- d.) 2017-23. . . . Approving the City of Daphne's Participation in the State of Alabama "Back to School" Sales Tax Holiday
- e.) 2017-24. . . . Bid Award: 2017-J-D'Olive Bay Park Boat Ramp Improvements (PW-001) Gillis Construction
- f.) 2017-25. . . . Bid Award: 2017-K-Ledgerock Material / Lambstone Company

MOTION BY Councilman Rudicell to waive the reading of Resolutions 2017-20, 2017-21, 2017-22, 2017-23, 2017-24 and 2017-25. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2017-20. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2017-21. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Resolution 2017-22. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Resolution 2017-23. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Resolution 2017-24. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Rudicell to adopt Resolution 2017-25. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ ORDINANCES

- a.) 2017-25. Repealing and Replacing Ordinance 2017-08 for Commercial Waste Collection Services and Franchises
- b.) 2017-26. Regulate Taxicabs and Other Vehicles for Hire
- c.) 2017-27. Consenting to the Lease of Certain Property by the Utilities Board of the City of Daphne

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- a.) 2017-25. . . . Repealing and Replacing Ordinance 2017-08 for Commercial Waste Collection Services and Franchises
b.) 2017-26. . . . Regulate Taxicabs and Other Vehicles for Hire
c.) 2017-27. . . . Consenting to the Lease of Certain Property by the Utilities Board of the City of Daphne

**MOTION BY Councilman Rudicell to waive the reading of Ordinances 2017-25, 2017-26 and 2017-27.
Seconded by Councilman LeJeune.**

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Ordinance 2017-25. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Goodlin to adopt 2017-26. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Ordinance 2017-27. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

ORDINANCES 2017-28, 2017-29 and 2017-30, 2017-31, 2017-32 and 2017-33 ARE 1ST READ.

12. COUNCIL COMMENTS

Councilman Pat Rudicell – mentioned that Major Jack Jacobson who was 106 passed away, and everyone owes him a debt of gratitude. He spoke regarding the position of Operations Manager.

Councilwoman Conaway – thanked the Police Department for the invitation to the annual fish fry event.

Councilman President Scott – appreciates the efforts on the sound system, and the annexation that was passed by the legislature.

Mayor Haygood – presented council with the shovels they used for the ground breaking at the new sports facility.

13. ADJOURN:

MOTION BY Councilwoman Conaway to adjourn. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:35 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes, City Clerk

Ron Scott, Council President

CITY OF DAPHNE, ALABAMA

Congratulations

WHEREAS: Mrs. Nikki Minoso began her teaching career 23 years ago, and joined the Baldwin County Board of Education School System in 2014; and

WHEREAS: Mrs. Minoso currently teaches AP Language and AP Literature classes at Daphne High School as well as serves on the Daphne High School Veterans Day Assembly Committee, sponsors the yearbook and prom committees and leads the Daphne High School Teacher Cooperative and the National Board Candidate Cooperative; and

WHEREAS: she is a strong advocate of collaborative learning and seeks to provide experiences for students to develop honor, character, critical thinking, social skills, trust and self-discipline; and

WHEREAS: Mrs. Minoso is a progressive teacher who links learning to something real in students' lives and believes in highlighting social reform, and her classroom features open communication along with a clearly-sated purposes and expectations; and

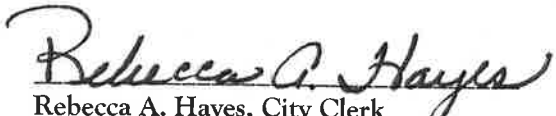
WHEREAS: Mrs. Minoso's dedication and leadership lead to her being recognized as the Secondary Teacher of the Year by the Baldwin County Board of Education on March 24, 2017.

NOW, THEREFORE, I, Dane Haygood, as Mayor of the City of Daphne together with the City Council present this Certificate of Congratulations on this 1st day of May 2017 to Mrs. Nikki Minoso on being named "Baldwin County Public Schools Secondary Teacher of the Year."




Dane Haygood, Mayor

ATTEST:


Rebecca A. Hayes, City Clerk

CITY OF DAPHNE, ALABAMA

Proclamation

WHEREAS, the City of Daphne, Alabama includes a large number of senior residents who richly contribute to the quality of our community; and

WHEREAS, the City of Daphne finds it desirable to provide opportunities for engagement and enjoyment for our seniors; and

WHEREAS, the City of Daphne, Alabama is committed to supporting older adults as they take charge of their health, explore new opportunities and activities, and focus on independence; and

WHEREAS, the City of Daphne can provide opportunities to enrich the lives of individuals of *all ages* by:

- offering a place and value in our community to be active and involved;
- promoting community-based services that support independent living;
- encouraging older adults to speak up for themselves and others;
- providing opportunities for older adults to share experiences.

NOW, THEREFORE, I, Dane Haygood as the Mayor of the City of Daphne, together with the City Council do hereby proclaim May 2017 as

Older Americans Month

and urge every resident to take time during this month to acknowledge older adults and the people who serve them as influential and vital parts of our community.



A handwritten signature in black ink, appearing to read "D. Haygood", written over a horizontal line.

Dane Haygood, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Rebecca A. Hayes", written over a horizontal line.

Rebecca A. Hayes, City Clerk

Public Safety Committee

Monday, April 17, 2017

Councilman Pat Rudicell
Councilman Doug Goodlin
Councilman Robin LeJeune
Councilman Ron Scott
Fire Chief James White
Public Works Director, Richard Johnson

Police Chief David Carpenter
Captain Scott Taylor
Tracy Bishop - Secretary
Councilwoman Tommie Conaway
Councilman Joe Davis
Councilman Joel Coleman

Committee Members Attending:

Councilman Joe Davis, Councilman Pat Rudicell, Councilman Ron Scott, Councilman Joel Coleman, Councilman Doug Goodlin, Public Works Director Richard Johnson, Chief David Carpenter, Lt. Brian Gulsby, Chief James White, Richard Johnson.

CALL TO ORDER

Councilman Joe Davis **convened** the meeting at 4:30 p.m.

PUBLIC PARTICIPATION – None

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from March 20, 2017 were adopted after a correction brought to light from Councilman Goodlin. Correction made and minutes were approved.

POLICE DEPARTMENT

- A. New Business** - Chief went over the stats and D-runs. He stated nothing unusual happening. Councilman Rudicell asked if there were an empty lot and someone was on it that should not be and a neighbor witnesses it, should the neighbor call the police so they can be trespassed? He stated he is not sure of the procedure. Chief asked if anyone has talked to the landowner? Rudicell stated they were trying to find the landowner. Councilman Coleman looked at 1,500 complaints on the stats and said that would be 50 complaints per day which is a large number. Chief responded that includes daily activity in patrol. Councilman Davis has residents complaining about Republic Waste Services dumping dumpsters between 2-4 am at a location that backs up to Timbercreek. He will call Republic and ask what their procedures are then will get with Chief and Richard on the results. Richard Johnson said that is not unusual for them to empty dumpsters at that time of the morning. The Mayor stated that between 11p-6a is a blackout time noise wise. Davis asked what they need to do about the dumpster noise. Code Enforcement Officer Billy Kennedy asked for the address and the name of the dumpster company and he will contact them. Councilman Coleman asked what White Collar Crimes were. Gulsby advised anything like fraudulent use of a credit card, embezzlement, etc. Councilman Goodlin asked if the officers while doing D-Runs look for cell phone use. Chief advised that cell phone use is not against the law. He asked if the police department can do a D-Run on South Lamhatty, along with the speed trailer. He also advised that on the D-Runs there was a misprint saying Pollard@ Brookside the speed limit is 55 mph and it should be 35 mph. Chief advised that 7 of the 8 Tahoes are in, 3 new officers have been hired one with experience and two without experience.

FIRE DEPARTMENT

A: New Business – Chief White went over his stats. He continued with a report that Councilman LeJeune requested. Daphne assisted with 4 structure fires in Fairhope, they received mutual aid x 4 (2 by Fairhope, 2 by Spanish Fort). In February we treated 152 patients (132 ALS), in March we treated 190 patients *169 ALS).

Old Business –

OTHER BUSINESS – Councilman Davis had some compensation questions so he googled starting salary for police departments and handed out his findings (attached). He wants to research starting salaries for firefighters next. The recommendation of good people is contingent on a good work atmosphere, good organization, and we have to be competitive in compensation. Chief Carpenter stated that this printout averages all employees of a police department not just the patrol officers. Chief White said he has used this printout before and it was not accurate. Carpenter advised that when we advertise we need to put the annual salary for police officers on the advertisement. Richard Johnson mentioned the need for more money in Public Works. Chief White said that Vickie in Human Resources provided a more accurate salary comparison. Chief Carpenter mentioned that there were 39 officers killed in the line of duty in the past 3 months.

Sabrina Single on Crepe Myrtle called about a stop sign at Pine Run and Hickory. She wondered if this would be a good location for a stop sign. Richard Johnson stated that it was placed originally by support of the citizenry and council but he will look at it again. He advised that Fredrick Blvd and Dimitrios needs to be made a 4 way stop after last month's meeting. It needs to be done. Motion was made to recommend to council to make Fredrick Blvd/Dimitrios a 4 way stop. There was no discussion. Motion passed

ADJOURN

There being no further business to discuss, Councilman Scott made a motion to adjourn the meeting at 5:27 p.m. The next meeting will be Monday, May 15, 2017 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,


Daphne Public Safety Committee

Monthly Report February 2017

Patrol Division		Detective Division:		JAIL:		Animal Control		Crimes Reported This Month:	
(Capt.Beedy/Lt.Hempfleng)		(Capt.Beedy/Lt. Gulsby)		(Capt. Taylor/Lt. Yelding)		(Capt. Taylor/ Lt.Yelding)			
# Complaints	1,464	# New Cases Received:	47	Total Arrestees Received & Processed:	148	YTD	803	Arson	0
Accidents, Private Property	11	# Previous Unsolved Cases:	75	Arrestees by Agency:				Burglary – Commercial	0
Accidents, Roadway	78	# Cases Solved:	36	Daphne PD	108		551	Burglary – Residence	2
Accidents, Traffic Homicide	0	Resulting in Total Arrests:	4	BCSO	10		56	Burglary - Vehicle	5
Arrest, Controlled Substance	1	Felonies:	4	Spanish Fort PD	30		176	Criminal Mischief	1
Arrest, Drug Paraphernalia	7	Misdemeanors:	0					Disorderly Conduct	0
Arrest, Felony Marijuana	1	Houses Searched	0	Troopers	0		0	Domestic Disturbance	5
Arrest, Misdemeanor Marijuana	6			Other Agencies	0		3	False Info to Police	1
Arrest, Alias Warrant	45							Felony Assault	0
Arrest, DUI	14	Warrants:						Felony Theft	10
Arrest, Felony	5	Served	3					Harassment	7
Arrest, Misdemeanor	86	Agency Assists	0	Highest	21			Identity Theft	0
Assists, Motorist / Citizen	163	Recalls (Pd Fines)	15	Lowest	8			Indecent Exposure	1
Citations	324	Total Warrants Served	18					Kidnapping	0
Drug Report	8			Meals Served	1,241		6,328	Menacing	0
Foot Patrols	641	Sex Offender:		Medical Cost	\$1,062.50		\$5,395.11	Misdemeanor Assault	0
Searches, Vehicle	39	New Registration:	0	Worker Inmate Hours	10		251	Misdemeanor Theft	16
Security Checks	847	Contact Verification	6					Murder	0
Warnings	198	Total # registered in Daphne	6					Other Death Investigations	0
		DARE:						Public Intoxication	0
		# Hours Report Writing:	2					Public Lewdness	0
		# Students Instructed SRO	100					Receiving Stolen Property	4
Drugs Seized:	8	# Students Instructed DARE	450					Reckless Endangerment	0
Money Seized:	0	# Police Reports by SRO	2					Resisting Arrest	1
Vehicles Seized:	0	# Arrest by SRO	2					Robbery	0
								Sex Crime Investigations	0
		CODE ENFORCEMENT:						Suicide	0
		Warnings:	61					Suicide, attempted	0
CMV Inspections / CMV OOS	22	Citations	1					Theft of Services	0
		Warning Compliance	34					Unauthorized Use of Services	0
		Follow – Up	97					Weapon Offenses	4
		Business License/Enforcement	15					White Collar Crimes	3

Approved By: David B. Carpenter, II
Chief of Police

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period February 2017

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	1	1
11-Structure Fire/Commercial	1	1
11-Structure Fire/Residential	2	5
12-Fire in Mobile Property used as fixed structure	1	2
13-Mobile Property (vehicle) Fire	0	1
14-Natural Vegetation Fire	0	1
15-Outside Rubbish Fire	0	0
16-Special Outside Fire	0	0
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	164	333
4-Hazardous Conditions (No fire):	3	11
5-Service Call:	10	35
6-Good Intent Call:	14	33
7-False Alarm & False Call:	13	32
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	0	1
Total Emergency Calls:	204	445
Monthly Total Calls:	209	456
Highest:		
	14:00	14:00
Lowest:		
	<1:00	<1:00
Average (Minutes/Seconds) :		
	5:01	5:01
Training Hours		
	341.24	798.24
Property Loss - \$		
	100.00	17,350.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire		
	0	0
Advance Life Support Rescues		
	132	266
Number of Patients Treated		
	152	316
Child Passenger Safety Seat Inspections/Installations		
	12	21
Pre-Plans		
	55	435
Classes		
	33	65
Persons Attending		
	234	435
Plan Reviews		
	3	3
Final/Certificate of Occupancy		
	1	1
General/Annual Inspections		
	68	228
General/Re-Inspections (Violation Follow-up - Annual)		
	52	66
Business Licenses		
	8	8
All Other/Misc. Activities		
	16	16
Total Activities:	148	322

Authorized by:

James White

CODE ENFORCMENT/ORDINANCE COMMITTEE

*April 17, 2017
City Hall Executive Conference Room
1705 Main Street
Daphne, AL
5:30 P.M.*

*Councilman Goodlin, Chairman
Councilman Ron Scott
Councilman Pat Rudicell
Councilwoman Tommie Conway*

*Councilman Joe Davis
Councilman Joel Coleman
Councilman Robin LeJeune*

I. CALL TO ORDER/ROLL CALL

The chairman declared a quorum was present and called the meeting to order at 5:30 p.m.

Members Present: Doug Goodlin; Ron Scott; Tommie Conaway; Pat Rudicell; Joe Davis; Joel Coleman.

ABSENT: Robin LeJeune.

Also Present: Rebecca Hayes, City Clerk / recording secretary; Mayor Haygood; Richard Johnson, Public Works Director; David Carpenter, Police Chief; Jay Ross, City Attorney; Patrick Dungan, City Attorney; Suzanne Henson, Senior Accountant; William Kennedy, Code Enforcement.

II. APPROVE MINUTES / March 20, 2017

There being no corrections the minutes for the March 20, 2017 meeting stand approved as written.

III. PUBLIC PARTICIPATION

No one spoke.

IV. ORDINANCE REVIEW/DISCUSSION

1.) Amending Ordinance 2016-61 / Park Rules / To Include Language regarding Drones

Patrick gave a synopsis of the language regarding drones.

MOTION BY Councilman Scott to recommend the revisions to Ordinance 2016-61 as amended to include language regarding the use of drones on city property, and the setting of a Public Hearing for the ordinance. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY

Discussion was held regarding expanding this beyond the parks and include verbiage in the Right-of-Way ordinance 2017-25 in order to control the use of drones on city property.

2.) Events Permit Ordinance 2014-23 / Adding Insurance Clause

Patrick gave a synopsis of the changes to include an insurance clause requirement on the permit, and to delete Section 5(3).

MOTION BY Councilwoman Conway to recommend the Events Permit Ordinance 2014-23 as amended to include an insurance requirement and to delete Section 5(3) to the full council. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

3.) Amending the Speed Limit Ordinance 2016-22

Richard Johnson will update the list of streets and the speed limit, and get it back to the committee. It was mentioned that school zones speed limits only apply when school is in session.

This will come back to the committee in May.

4.) For Discussion:

a.) Naming City Property

Doug went through the ordinances that were in the packet from other cities and said they could use the first one from Olympia as a template:

- Page 29 Section C
- No time frame for naming property. Suzanne Henson said it is nice for the finance department to have a name for bids and adding as fixed assets. Continuity is nice
- Page 30 B & C / Instead of going to Parks & Recreation it should go to Buildings & Property
- All buildings and parks should have the same procedure to come through the Buildings & Property Committee and Council to hold a public hearing
- Under Policy Page 31 should read: The naming of park areas and park facilities shall be the function of the City Council with assistance from all boards
- Page 31 under Objective: This is a function of the city council / Not the Planning Commission
- Page 31 under Criteria: Section B,C,E,F and G
- Page 33 under Park Renaming: Have a Park naming form
- Page 34 under the City of Yelm Section 2 / Designation of name by Council
- Page 38 under Individual/Organizational Recognition – Considered having sponsors for parks /The committee will discuss this further at the next meeting

This will come back to the May 15th meeting.

b.) Establishment of an Education Advisory Committee

MOTION BY Councilwoman Conaway to recommend to the full Council the establishment of an Education Advisory Committee. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY

The other items on the agenda will be carried over to the May meeting.

VI. OTHER BUSINESS

VII. NEXT MEETING / May 15, 2017

VIII. ADJOURN

MOTION BY Councilman Scott to adjourn. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED AT 6:25 P.M.

City of Daphne - Environmental Advisory Committee (EAC)
Daphne City Hall – Executive Boardroom

- 2) Daphne Middle School-Alabama Cooperative Extension System (ACES)- Stormwater Education Program- A paper survey was sent to Daphne Schools with only two responses. Due to low participation, the City created a Monkey Survey and sent it out to Daphne Schools. So far, 40 teachers have responded. The deadline for the survey is April 30th. Denise, Ashley and Heather will meet in early May to discuss the survey results and present the information during the May EAC meeting.
- 3) ADEM 319 Tiawasee Creek ADEM 319 Grant-Porous Paving at Trione Park- The final plans will be presented during the May EAC meeting.
- 4) As mentioned last month, the City has received the donation of the detention basin located west of the Public Works Facility. However the donation of the Brookhaven basin has become a little more complicated. The basin has never been turned over to the Brookhaven POA. The original developer (Mike Tew) owns the basin. He has committed to the donation but the City's attorney wants to get permission from $\frac{3}{4}$ of the POA's members by vote to state that they do not object to the donation. Ashley has met with the POA twice and the board has no objections but is not sure how they will get $\frac{3}{4}$ member participation in the vote. The question of why does the City need the POA permission came up. Ashley relayed that the City's attorney's stated that since the homeowners of the subdivision benefit from the basin and that it adjoins their property she wants their permission. The EAC discussed several options including mailing a certified letter but the conclusion was made that it would be a difficult task. Elliot riser offered to send a letter that he created for a similar situation with his POA for the City to use. The letter is attached for review. Ashley stated that if we could not get permission that the project could be removed from the grant. The EAC advised that it may be easier to re-evaluate attorney's opinion than the $\frac{3}{4}$ vote. Ashley will continue the effort and update the EAC in May.

- g. New EAC Members: A motion was made by Don to send a recommendation to Council for the acceptance of the 3 new EAC members; John Lake, Noel Yoho & Larry Norris. Ami seconded the motion. The vote was unanimous.

- IV. Other Business: Ashley mentioned that the City had discovered a new stream channel problem on Tiawasee Creek near Mont Clair Loop. She asked the EAC to notify her if anyone knows of a potential funding source. Ashley asked the committee if they would like to see the site and visit the latest stream restoration during the April meeting. All agreed to the site tour.

Other Business: Paul Lammers with the Mobile Bay National Estuary Program talked about the D'Olive Restoration efforts.

Lawrence Andrew Norris
27768 Oakachoy Loop
Daphne, Alabama 36526
(334) 324-8584
larryandstacey91@yahoo.com

Objective: Position as **Environmental Manager, Senior**

SUMMARY OF QUALIFICATIONS

- ❖ **Twenty-six years+ of experience** with a wide range of environmental and regulatory issues, thirteen years+ of which as a supervisor, **Unit Chief** (~3.5 years) and **Section Chief** (~10 years).
- ❖ **Certified Public Manager - State of Alabama (CPM I & II)**
- ❖ Bachelor's Degree in Biology, with major coursework in ecology and environmental science.
- ❖ Bachelor's Degree in Psychology.
- ❖ **Obtained permanent status as an Environmental Manager (~10 years) prior to retirement from State.**
- ❖ **Managed a total annual budget in excess of \$3,000,000 including \$2,000,000 for the Brownfields Revolving Loan Fund Program.**
- ❖ **Extensive public speaking experience, having been a presenter at numerous brownfields conferences and outreach activities.**
- ❖ **Extensive experience meeting with local government officials (primarily mayors, city councils, county commissions and development boards).**
- ❖ Experience in implementing and coordinating new programs (ADEM Division 5, 15 & 16).
- ❖ Experience in drafting/writing regulatory language (**PRIMARY AUTHOR for ADEM Division 5, 15 & 16 Regulations**).
- ❖ Well developed communication and assessment skills.
- ❖ Experience in environmental program presentation and group facilitation.
- ❖ **Experience in writing and submitting USEPA grant applications.**
- ❖ **Experience in managing grant awards ensuring all conditions and reporting activities are met.**
- ❖ Ability to work independently and with multidisciplinary team settings.
- ❖ Experience in conducting water quality studies including sampling and analysis, conducting stream impact studies, sampling and analysis of solid and hazardous wastes, and utilization of map reading capabilities including ability to use various types of Global Positioning Satellite (GPS) units.
- ❖ Extensive experience with personnel computers including most Microsoft and internet applications.
- ❖ Working knowledge of wetland management, mitigation, and regulations.
- ❖ Working knowledge of Endangered Species Act and applicability to actual or potential regulated activities.
- ❖ Working knowledge of environmental rules and regulations concerning industrial, silviculture, agriculture, construction, mining activities, wetland delineation and the generation, assessment, remediation, treatment, storage, and disposal of hazardous waste, solid waste and pollutants with regard to applicable State and Federal laws including the: Clean Water Act (State and Federal); Resource Conservation and Recovery Act (RCRA); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Small Business Liability Relief and Brownfields Revitalization Act (CERCLA Amendment); Alabama Hazardous Substance Cleanup Fund Act (AHSCF); Alabama Drycleaner Environmental Trust Fund Act (ADERTF); Alabama Land Recycling and Economic Redevelopment Act (ALRERA); and Toxic Substances Control Act (TSCA).
- ❖ Experience with composition, editing, evaluation and submission of technical reports, power point presentations and administrative orders.
- ❖ Working knowledge of plant and animal taxonomy, including familiarity with the flora and fauna indigenous to the southeast United States. Ability to work on multiple projects simultaneously and complete work in a timely manner.
- ❖ Experienced boat operator (Alabama State License), sail, motor, and canoe.
- ❖ **Military (Veteran, US Navy) and civil service (ADEM) supervisory experience.**

PROFESSIONAL EXPERIENCE

Supervision and Administration:

Served in the position of Chief of the Redevelopment Section (Environmental Manager position) from November 2, 2006 through March, 31 2016 (Retired from State Service).

Responsibilities included:

Drafting competitive and non-competitive grant applications and associated budget work plans;
Managing ~\$3 million dollar budget (\$2 million of which was dedicated to the Brownfield Revolving Loan Fund Program);

Tracking and ensuring that applicable USEPA grant commitments were achieved.
Supervised eight subordinates;
Interviewed and made hiring recommendations for new Redevelopment Section personnel;
Made assignments and conducted evaluations of all Redevelopment Section personnel;
Conducted brownfields redevelopment workshops and seminars;
Provided technical oversight of the Alabama Land Recycling Revolving Loan Program and;
Met with local government officials, representatives of the Alabama State Legislature, and representatives of private industry concerning brownfields redevelopment activities.

State of Alabama Certified Public Manager since October of 2004.

Served three years, nine months as an Environmental Scientist III in the position of Chief of the Site Assessment Unit, then Voluntary Cleanup Unit and finally as Chief of the Redevelopment Unit (All changes were the result of internal ADEM reorganizations). Responsible for the supervision of eight junior personnel. Responsible for interviewing and making hiring recommendations of new Unit personnel. Responsible for the assignments to and evaluations of all Unit personnel.

Served six years in the United States Navy as an Enlisted Surface Warfare Qualified Electronics Technician, the last 18 months as assistant leading petty officer in charge of the supervision and training of 5 junior electronics technicians.

Served as U.S.S. Mount Hood's (AE-29) Shipboard Nontactical Automated Data Processing (SNAP II) **Assistant Coordinator** (Harris Computer System).

Have five and one half years experience in maintaining the Ashton-Tate dBase data system for the Mining and Nonpoint Source Section of the Alabama Department of Environmental Management.

Technical:

Cooperative Education Student for three full college quarters with the Field Operations Division of the Alabama Department of Environmental Management:

- 1.) Maintained various sampling & test equipment.
- 2.) Procured, performed field analysis on, and preserved samples of wastewater discharges (both surface and subsurface) from municipal sewage treatment plants and various types of industrial facilities.

Pollution Control Specialist for two years with the Mining and Nonpoint Source Section of the Alabama Department of Environmental Management:

- 1.) Responded to citizen complaints concerning agricultural, silvicultural, mining, construction, and wetland activities.
- 2.) Performed compliance inspections in accordance with EPA regulations for agricultural, silvicultural, mining, and construction operations, including procurement, field analysis, and preservation of samples.
- 3.) Initiated formal enforcement actions by the Alabama Department of Environmental Management when necessary.
- 4.) Responded to fish kill reports including species identification, fish counts, and investigation of responsible source(s).
- 5.) Participated in the stream impact and water quality study of the Sand Mountain Watershed Project.
- 6.) Represented the Alabama Department of Environmental Management at various agricultural, silvicultural, mining, and construction seminars, conferences, workshops, and legal hearings, giving oral and visual presentations.

Environmental Scientist I for two and one half years with the Mining and Nonpoint Source Section of the Alabama Department of Environmental Management:

- 1.) Responded to citizen complaints concerning agricultural, silvicultural, mining, construction, and wetland activities.
- 2.) Performed compliance inspections in accordance with EPA regulations for agricultural, silvicultural, mining, and construction operations, including procurement, field analysis, and preservation of samples.
- 3.) Initiated formal enforcement actions by the Alabama Department of Environmental Management when necessary.
- 4.) Participated in the stream impact and water quality study of the Sand Mountain Watershed Project.
- 5.) Represented the Alabama Department of Environmental Management at various agricultural, silvicultural, mining, and construction seminars, conferences, workshops, and legal hearings, giving oral and visual presentations.

Environmental Scientist II for one year with the Permits/Compliance Unit of the Mining and Nonpoint Source Section, four years with the Northern Compliance Section and one year+ with Environmental Assessment Section of the Hazardous Waste Branch of the Alabama Department of Environmental Management:

- 1.) Responded to citizen complaints concerning hazardous waste, agricultural, silvicultural, mining, construction, and wetland activities. Performed compliance inspections in accordance with ADEM & EPA regulations for hazardous waste, agricultural, silvicultural, mining, and construction operations, including procurement, field analysis, and preservation of samples.
- 2.) Initiated formal enforcement actions by the Alabama Department of Environmental Management when necessary.
- 3.) Participated in the stream impact and water quality study of the Sand Mountain Watershed Project.
- 4.) Represented the Alabama Department of Environmental Management at various hazardous waste, agricultural, silvicultural, mining, and construction seminars, conferences, workshops, and legal hearings, giving oral and visual presentations.
- 5.) Primary author responsible for drafting ADEM's Brownfield Redevelopment and Voluntary Cleanup Program-Division 15 Regulations.
- 6.) Acted as ADEM's Brownfield Redevelopment and Voluntary Cleanup Program Coordinator during and after implementation of the program.
- 7.) Primary author responsible for drafting ADEM's Drycleaner Trust Fund Remediation Program-Division 16 Regulations.
- 8.) Represented the ADEM at numerous Brownfield Redevelopment and Voluntary Cleanup Program presentations.

Environmental Scientist III (Supervisor), Chief of the Site Assessment Unit then Chief of the Redevelopment Unit of the Environmental Services Branch, Land Division of the Alabama Department of Environmental Management:

- 1.) Responsible for the supervision and evaluations of eight subordinates; one Pollution Control Specialist, two Environmental Scientist I's, and five Environmental Scientist II's.
- 2.) Responsible for the oversight of ADEM's Brownfield Redevelopment and Voluntary Cleanup Program, the Brownfield Cleanup State Revolving Fund (indirectly) and the Federal Brownfields 128a Program.
- 3.) Represented the Alabama Department of Environmental Management at various redevelopment seminars, conferences, workshops, and legal hearings, giving oral and visual presentations.

Environmental Manager (Supervisor), Chief of the Redevelopment Section of the Environmental Services Branch, Land Division of the Alabama Department of Environmental Management:

- 1.) Responsible for the supervision and evaluations of eight subordinates; all Environmental Senior Scientists.
- 2.) Responsible for the oversight of ADEM's Brownfield Redevelopment and Voluntary Cleanup Program, the Alabama Land Recycling State Revolving Fund (technical Review), the Federal Brownfields 128a Program, and the Uniform Environmental Covenants Register (Total Budget including State Revolving Fund of ~\$3 million).
- 3.) Represented the Alabama Department of Environmental Management at various Brownfields Redevelopment seminars, conferences, workshops, and legal hearings, giving oral and visual presentations.
- 4.) Primary author responsible for drafting ADEM's Brownfield Redevelopment and Voluntary Cleanup Program Division 15 Regulations, Alabama Drycleaner Environmental Response Trust Fund Program Division 16 Regulations and the Alabama Uniform Environmental Covenants Program Division 5 Regulations.

EMPLOYMENT HISTORY

Currently Retired.

Environmental Manager Redevelopment Section, Environmental Services Branch, Land Division, Alabama Department of Environmental Management- November 2, 2006 to March 31, 2016. (Reorganization & Promotion)

Environmental Scientist III Redevelopment Unit, Environmental Services Branch, Land Division, Alabama Department of Environmental Management- July, 2006 to November 2, 2006. (Reorganization)

Environmental Scientist III Voluntary Cleanup Unit, Environmental Services Branch, Land Division, Alabama Department of Environmental Management- March, 2006 to July, 2006. (Reorganization)

Environmental Scientist III Site Assessment Unit, Environmental Assessment Section, Land Division, Alabama Department of Environmental Management- November, 2002 to March, 2006. (Promotion)

Environmental Scientist II Environmental Assessment Section, Hazardous Waste Branch, Land Division, Alabama Department of Environmental Management- February, 2001-November, 2002. (Reorganization)

Environmental Scientist II Northern Compliance Section, Hazardous Waste Branch, Land Division, Alabama Department of Environmental Management-November, 1996 to February 2001. (Transfer)

Environmental Scientist II Permits/Compliance Unit, Mining and Nonpoint Source Section, Field Operations Division, Alabama Department of Environmental Management-November, 1995 to November, 1996. (Promotion & Reorganization)

Environmental Scientist I Permits/Compliance Unit, Mining and Nonpoint Source Section, Water Division, Alabama Department of Environmental Management-May, 1993 to November, 1995. (Promotion)

Pollution Control Specialist Mining and Nonpoint Source Section, Water Division, Alabama Department of Environmental Management-March, 1991 to May 1993.

Cooperative Education Student Field Operations Division, Alabama Department of Environmental Management December 1989 to March 1991 (alternating quarters).

Electronics Technician United States Navy - USS Mount Hood AE-29, San Francisco, CA
2nd Class (SW) April 1983 to April 1989.

EDUCATION

Bachelor of Science in Biology,	Auburn University Montgomery,	March 1991,	Montgomery, AL
Bachelor of Arts in Psychology,	University of South Alabama,	June 1982,	Mobile, AL
High School Diploma,	Pass Christian High School,	June 1976,	Pass Christian, MS

University level courses:

Environmental Science	General Inorganic Chemistry	Statistical Research Design & Analysis
Ecology	Organic Chemistry	Statistics
Population Ecology	Biochemistry	Physics
Field Biology (Ind. Study)	General Biology I, II, & III	FORTTRAN Computer Language
Fishery Biology	Invertebrate Zoology	College Algebra
Nonvascular Plant Biology	Plant Physiology	Introduction to Geology
Cell Biology	Evolutionary Biology	Introduction to Meteorology
Microbiology	Genetics	Animal Behavior

Professional level courses and seminars:

Alabama Ethics Law Training	Alabama Ethics Commission	
Sexual Harassment Prevention	State of Alabama Personnel Department Training	
Basics of Partnering Workshop	The Management Edge	
Focus: Achieving Your Highest Priorities	Alabama Department of Environmental Management	
4 Disciplines of Execution	Alabama Department of Environmental Management	8 Contact Hours
Supervisory Skills	Alabama State University	0.6 CEUs
Leadership Skills	Alabama State University	0.6 CEUs
Time Management	Alabama State University	0.6 CEUs
Conflict Management	Alabama State University	0.6 CEUs
Cultural Diversity Management	Auburn University Montgomery	4 Contact Hours
Certified Public Manager	Auburn University Montgomery	9 Month Course
Associate Certified Public Manager	Auburn University Montgomery	9 Month Course
Performance Appraisal	University of Alabama Birmingham Special Studies	1.2 CEUs
Positive Discipline	University of Alabama Birmingham Special Studies	0.6 CEUs
Employment Law	University of Alabama Birmingham Special Studies	0.6 CEUs
Interview and Selection	University of Alabama Birmingham Special Studies	0.6 CEUs
Quality Customer Service	University of Alabama Birmingham Special Studies	0.6 CEUs

Computer courses:

Microsoft Windows 3.1
 Microsoft Excel Graphics
 Microsoft Intro to Word 6.0
 Microsoft Advanced Excel 5.0
 Microsoft Advanced Access 2.0
 Local Area Network Systems

Microsoft Power Point 4.0
 Microsoft Application Integration
 Microsoft Advanced Word 6.0
 Microsoft Intro to Access 2.0
 Navigating the Internet
 Microsoft Intro to Access 97 (8.0)

Microsoft Intro to Word 8.0
 ProComm Plus II
 Microsoft Intro to Excel 5.0
 Microsoft Intermediate Access 2.0
 Microsoft Intermediate Access 97

Technical courses:

Uniform Environmental Covenants Course
 Effective Erosion & Sediment Control
 Land Boundaries & Legal Descriptions
 Alabama Boating Basics Certification Course
 Fish Kill Investigation Workshop
 Toxic Substance Control Act Seminar (TSCA)
 Sampling Training Course
 Pollution Prevention Integration Training
 Managing Contaminated Sediments
 Ecological Risk Assessment
 RCRA Inspector Institute Course
 Defensive Driving Course
 Accelerated Bioremediation
 Intro to Superfund-RCRA/CERCLA Interface Course
 First Aid/CPR Training & Annual Recertification
 Basic Environmental Crimes Investigations
 Construction Site Erosion Controls
 Interagency Wetland Delineation Training Pilot Course
 Hazardous Waste Site Sampling-EPA Course #165
 RCRA Orientation/Permit Writers Training Course
 Hazardous Waste Site Sampling Course
 RCRA Sampling & Strategies Seminar
 Hazardous Waste Training Institute Advanced Course
 Treatment Technologies for Superfund
 Introduction to Groundwater Investigations
 Advanced Groundwater Investigations
 Hazardous Ranking System (HRS) Training Course
 Brownfields 2002 Pilot Workshop
 40 Hour Hazardous Waste Worker Training Course
 Acid-Mine Drainage/Quality

Lorman Education Services
 Auburn University
 Auburn University
 Alabama Department of Conservation & Natural Resources
 Alabama Department of Environmental Management
 Alabama Department of Environmental Management
 Alabama Department of Environmental Management
 Alabama Department of Environmental Management
 Alabama Department of Environmental Management
 Dames & Moore, Inc.
 National Environmental Training Institute
 National Safety Council, Alabama Chapter
 National Groundwater Association
 PRC Environmental Management, Inc.
 Red Cross
 Southern Environmental Enforcement Network
 University of Alabama at Birmingham
 U.S. ACOE/U.S. EPA/U.S. Soil Conservation Service
 U.S. EPA
 U.S. EPA
 U.S. EPA
 U.S. EPA
 U.S. EPA
 U.S. EPA
 U.S. EPA
 U.S. EPA
 U.S. EPA
 U.S. EPA
 University of Alabama at Birmingham
 University of Kentucky

JOHN LAKE

110 Paige Circle
Daphne, Al. 36526
(251)-454-2513

PERSONAL BACKGROUND

- Married to Emiko S. Lake
- Resident of Eastern Shore since 1975
- Graduate of Fairhope High School
- Graduate of University of Mobile (BA in Organization Management)
- Part of Large Eastern Shore Family
- Former Daphne business owner, (John's Jubilee)

COMMUNITY INVOLVEMENTS

- Member Park City Civic Association
- Baldwin County Martin Luther King Committee
- Founding Member Village Point Foundation
- Past Chairman of Village Point Foundation
- Member of Lake Forest Improvement Committee
- Former Council Representative to the Daphne Library Board
- Former Chairman Buildings & Property Committee
- Served on National League of Cities Transportation and Infrastructure Committee
- Past member and Chairman of the USS Alabama Battleship Commission
- Member of Baldwin County Republican Executive Committee

PERSONAL QUALIFICATIONS

- Past President of Daphne City Council
- Daphne City Council member since 1991 to 2016
- Member Republican Municipal Officials Organization
- Graduate Alabama State League of Municipalities
- Certified Municipal Officials Certification
- Graduate of Advanced Municipal Officials Certification
- Recipient of Emeritus Certified Municipal Official one of only three in the state of Alabama to date
- Employed Huntington Ingalls Shipbuilding since 1991 (Joiner)
- Member SMART 441 (Sheet Metal Workers Union)

NOEL S. YOHO	Director, Wildlife & Environmental Services 805 Dogwood Court Daphne, Al 36526 205/626-3656
INDUSTRIAL CONSULTANT 1984-Present	Natural Resource Industrial Consultant with executive background in forestry, surface mine reclamation, water and air quality. Established authority in pesticide technology, industrial wildlife management and forest environmental policy. Widely-traveled author of numerous resource papers. Active leader in association and professional affairs.
SR. FORESTER 1983	Bay llinette Timberlands International Paper Company - Supervised forest management operations. - Prepared \$2.5 million/annum timber budget. - Maintained quality control of harvesting operations.
MANAGER, FOREST ECOLOGY 1977-1983	Wood Products and Resources International Paper Company - Exercised Company-wide management of environmental affairs on 7.1 million-acre land base Provided functional supervision of 5 regional ecologists. - Evaluated environmental legislation/regulation. Recommended positions and advanced adopted positions on issues. - 1979-1983, developed and directed surface mine reclamation consulting business. - 1982-1983, assumed duties of Manager-Wildlife and Recreation, a business unit with sales of \$2 million.
SUPERVISOR, WILDLIFE AND RECREATION 1971-1977	Western Region International Paper Company - Implemented and supervised policies and programs on 1.7 million-acre land base. Developed \$300,000 in recreation sales. - Fostered and maintained favorable working relationship with State agencies influencing forest administration. - 1973-1975, Acting Supervisor-Public Relations. - 1975-1976, Acting Supervisor-Reforestation, established 100,000 acres of forest plantations.
PERSONAL DATA	Born 10/13/46, married, 2 children, excellent health, Honorable Discharge USAR, Rank-Captain, Ruling Elder, Spanish Fort Presbyterian Church.
EDUCATION	West Virginia University, B.S. Forestry, 1968 University of Tennessee, M.S. Forestry/Wildlife, Minor- Ecology, 1970.

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
APRIL 24, 2017
6:00 P.M.**

1. CALL TO ORDER/ROLL CALL

There being a quorum present the vice chairman called the meeting to order at 6:05 p.m.

MEMBERS PRESENT – Doug Bailey; Dan Romanchuk; Steve Carey; Don Ruble (*arrived at 6:20 p.m.*); John Cox; Scott Koser; Steve Carey (*arrived at 6:30 p.m.*).

Absent: Denis Kearney.

Also present – Rebecca Hayes, recording secretary; Mayor Haygood; Councilman Joe Davis, Cara Stallings, Grant Consultant.

2. APPROVE MINUTES / March 27, 2017 Meeting Minutes

MOTION BY John Cox to approve the March 27, 2017 special called meeting minutes. Seconded by Scott Koser.

MOTION CARRIED UNANIMOUSLY

3. PUBLIC PARTICIPATION

No one spoke.

4. OLD BUSINESS

Cara said that she submitted the revisions requested by Mr. Cochran Friday before Easter. She has called him numerous times but has not heard from him regarding the approval of the contract.

5. TREASURERS REPORT: JANUARY 2017

Cash Balance February 28, 2017 \$329,357.10

Cash Balance March 31, 2017: \$337,265.90

MOTION BY John Cox to accept the Treasurers Report as of March 31, 2017. Seconded by Scott Koser.

MOTION CARRIED UNANIMOUSLY

6. NEW BUSINESS

Doug reported that he has talked with the Utility Board and they are interested doing a test on the DISC property to see if there is potential for development of a new well. He asked that this be on the May agenda.

7. REPORT FROM BALDWIN COUNTY ECONOMIC DEVELOPMENT ALLIANCE

No one was present to give report.

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
APRIL 24, 2017
6:00 P.M.**

Continuing under **OLD BUSINESS:**

**MOTION BY Don Ruble to appoint Steve Carey as Chairman of the Industrial Development Board.
Seconded by Dan Romanchuk.**

MOTION CARRIED UNANIMOUSLY

8. OTHER BUSINESS

There was discussion of being covered by insurance in case they were sued by someone, or if someone was injured on the property. The Mayor will check with AMIC to see if they are covered.

9. ADJOURN

MOTION BY John Cox to adjourn. Seconded by Don Ruble.

MOTION CARRIED UNANIMOUSLY

There being no further business to discuss the meeting adjourned at 7:35 p.m.

The next meeting will be May 22, 2017

Submitted by:

Rebecca Hayes, Secretary

Certification of Presiding Officer:

Doug Bailey, Vice Chairman

Accepted by:

Secretary/Treasurer, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ March 29, 2017 ♦ 5:00 p.m.

I. Call to Order

The regular March 2017 Board meeting for the Utilities Board of the City of Daphne was held on March 29, 2017 at 5:02 p.m. in the Council Chambers at Daphne City Hall and called to order by Chairman Robert Segalla, proceeded by the Roll Call:

II. Roll Call

Members Present: Robert Segalla, Chairman
Billy Mayhand, Vice Chairman
Selena Vaughn, Secretary/Treasurer

Members Absent: Mayor Dane Haygood, Board Member
Robin LeJeune, Board Member

Others Present: Jerry Speegle – Board Attorney
Danny Lyndall – General Manager
Van Baggett – Operations Manager
Drew Klumpp – Administrative Services Manager
Teresa Logiotatos – Finance Manager
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Moore – HMR

Others Absent:

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Minutes from February 22, 2017:

The Chairman requested any additions, corrections, or deletions for the submitted Minutes from the February 22, 2017 Utilities Board Meeting.

MOTION by Selena Vaughn to approve the submitted Minutes for the February 22, 2017, Utilities Board meeting; SECONDED by Billy Mayhand.

AYE: Mayhand, Segalla, Vaughn

NAY:

ABSENT: Haygood, LeJeune

ABSTAIN:

MOTION CARRIED

V. OLD BUSINESS – None

VI. NEW BUSINESS –

A. Right of Entry Agreement between Utilities Board of the City of Daphne and Point Broadband LLC for sites listed below: (BOARD ACTION: Motion)

1. Historic Malbis Water Tank;
2. Lake Shore Water Tank
3. Sixth Street Water Tank
4. Stanton Road Water Tank

Danny Lyndall explained the Right of Entry Agreement for each of the sites is a leasing agreement between Daphne Utilities and Point Broadband that had been negotiated over the past month and recommended the Board approve the submitted four Right of Entry Agreements. He confirmed that once approved by the Utilities Board of the City of Daphne, they will require to be presented before the Daphne City Council for approval in order to move forward.

MOTION by Billy Mayhand to approve the Right of Entry Agreement between Daphne Utilities and Point Broadband LLC as submitted; SECONDED by Selena Vaughn.

AYE: Mayhand, Segalla, Vaughn

NAY:

ABSENT: Haygood, LeJeune,

ABSTAIN :

MOTION CARRIED

B. Amendment to Standard Construction Specifications

Melinda Immel from Volkert advised that the Daphne Utilities Standard Construction Specifications are primarily technical and have not been amended since 2008. She explained this amendment would bring the Specifications up to date with many industry changes; these Specifications would be posted on the Daphne Utilities website for a month for comments with request for adoption of the Amendments at the April board meeting.

C. Authorization for General Manager to Negotiate an Agreement to Purchase Water Meter Readings between Daphne Utilities and Spanish Fort Water System (BOARD ACTION: Motion)

Danny Lyndall reminded the Board of the recent sewer billing transition with our Spanish Fort sewer customers. He advised that he had met with the Board of Directors for Spanish Fort Water again in an attempt to negotiate a purchase of their water meter readings for our Spanish Fort sewer customers which would allow for billing on an actual consumption rather than billing on an average or flat rate. He informed the Board that an agreement had been made although had not been signed by either Utility Board and will be presented for approval at the Spanish Fort Water board meeting on April 11th and the Daphne Utilities April board meeting thereafter. He explained that due to the dollar amount of the agreement, he was requesting Board approval to enter into this agreement with Spanish Fort Water for \$2,000 per month for the meter readings for a 5-year period equating to approximately \$125,000 which is slightly over his purchase authority. Mr. Speegle advised that he drafted the agreement and is awaiting comments from the Spanish Fort Water System attorney.

MOTION by Billy Mayhand to authorize the General Manager to negotiate the agreement to purchase water meter readings between Daphne Utilities and Spanish Fort Water System; SECONDED by Selena Vaughn.

AYE: Mayhand, Segalla, Vaughn

NAY:

ABSENT: Haygood, LeJeune,

ABSTAIN :

MOTION CARRIED

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle advised that discussions are continuing with the City of Fairhope. He informed the Board that Algae Systems had completed their site clean-up and made arrangements for required final underwater survey work and that further mediation will be determined pending the outcome of the underwater survey.

VIII. FINANCIAL REPORT

Teresa Logiotatos noted for the Board the reduction in inventory due to the meter project, gave an estimated time for the audit presentation, examined the gas and irrigation graphs clarifying the variance with the budget figures, reviewed several entries in the Check History Report and answered questions from the Board.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Danny Lyndall gave a brief presentation to the resigning Chairman Robert Segalla on behalf of the employees of Daphne Utilities at his last board meeting as Daphne Utilities Board Chairman.

Mr. Chairman,

In light of this being your last meeting on the Board of Directors for Daphne Utilities, for my report to the Board, I want to take a moment to recognize you, Mr. Chairman, for your service to Daphne Utilities, all of our customers, and this Eastern Shore Community.

When you joined the Board in February 2003, this was a wholly different company. Our Finance Manager and our auditors can attest to the fact we were in serious financial straits when you joined. There was even point at the beginning when this utility had to take out a short-term bank loan simply to make payroll.

But things have definitely changed.

In 2003 our annual revenue was just over \$7 million. Last year, our annual revenue had grown to \$13.8 million – a 95% increase.

In the same time frame, we have increased our customer base by more than 40% and we have invested \$26 million in new and upgraded infrastructure.

Because of your financial oversight:

- *we have paid down our outstanding debt,*
- *refinanced several bonds (saving tens of millions of dollars), and*
- *because of sound financial management, were upgraded by S&P to AA with a stable outlook which will save millions more in interest payments in the coming years.*

Operationally, during your tenure on the Board, we have added 2 new water storage tanks holding 4 million gallons of finished water. We have added 4 new water wells and have extended our production and treatment capacity to more than 9 million gallons of water per day.

We have added more than \$10million in additional treatment and upgrades at our water reclamation facility to meet increased customer demand and regulatory requirements. Likewise, throughout our wastewater

collection system we have added several new lift stations and made significant improvements to the overall operation. Our natural gas distribution system has grown with nearly double the customer base and has been operating in the black for the past several years. Just last month, the Alabama Public Service Commission upon completing its audit of our operation said we operated a system worthy of being emulated by every other utility across the state.

During your time on our Board, Mr. Chairman, this utility has become nationally known as one of the top utility operations in the country.

- We have been recognized by the EPA with the Gulf Guardian Award, the Operational Excellence Award, and for our Customer Outreach.
- We were recognized by the Wall Street Journal and Inc. Magazine as one of the top small workplaces in the country – the only utility to ever make the list.
- The national Water Environment Federation recognized us as a “Utility of the Future” and the National Association of Clean Water Agencies awarded us the Gold Level Peak Performance Award for 100% compliance.
- And we also been recognized for our operational and environmental excellence by the American Water Works Association, the Alabama League of Municipalities, the Baldwin County Commission, the Eastern Shore Chamber of Commerce, and the Alabama Water Pollution Control Association to name just a few.

Even you, Mr. Segalla, were recognized by the Alabama Rural Water Association as “Director of the Year” at its annual conference a few years ago.

The Utilities Board has achieved a great number of accomplishments during your tenure and, looking back, your influence is evident in everything we have done.

In the 11 years I have known you, I have gotten to know you very well and respect you immensely as a Board member, and as a friend. I have sought your counsel and guidance on many occasions and you have always provided me sound advice.

Mr. Chairman, on behalf of the management and staff of Daphne Utilities, we thank you for volunteering your time and efforts to the oversight of this fine organization these past 14 years. It has been a pleasure working with you and we appreciate everything you have done for us.

If you would please come forward, we have a token of our appreciation for you.

He then presented Chairman Segalla with a special plaque.

Mr. Lyndall gave a presentation on our current sewer system conditions in Spanish Fort and advised of plans to remedy the issues with the obstructed locations of the lift stations. He and Van Baggett answered questions from the Board regarding this concern.

Mr. Lyndall recognized Samantha Coppels as Ambassador of the Month for the Eastern Shore Chamber of Commerce.

He also briefed the Board on the agreement with Belforest Water System.

B. Operations Report

Van Baggett had nothing additional to add to his report.

C. Engineering & Consulting Reports

Melinda Immel from Volkert had nothing further to add to her report.

Ray Moore from HMR advised the Board on the collaboration with the City of Daphne for the sewer connections for Whispering Pines sewer customers. He expressed his appreciation for the Chairman for his time serving on the Utilities Board.

X. PUBLIC PARTICIPATION – None.

XI. BOARD ACTION – Previously addressed.

XII. BOARD COMMENTS –

Selena Vaughn commented that Chairman Segalla will be called on for advice and thanked him for his guidance. Chairman Segalla announced that former Board member, Mr. Randy Fry, will be his replacement, expressed his gratitude to Volkert's Melinda Immel and HMR's Ray Moore and Robbie Strom for their continued assistance, recognized Mr. Lyndall and his staff, acknowledged Mr. Jerry Speegle for his outstanding work for Daphne Utilities, and concluded by thanking the employees of Daphne Utilities for the outstanding job they do.

XIII. ADJOURNMENT –

MOTION by Billy Mayhand to adjourn.

The meeting adjourned at 5:43 pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities



City of Daphne Event Permit Application

Date of Application: 3/29/17 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information	
Organization Name	<u>THE SCOTT WARD MEMORIAL 5K / FAMILY FUN RUN</u>
Contact Name	<u>ANDREA WARD</u> E-mail Address <u>ANDREA.WARD@RAYMONDJAMES.COM</u>
Address	<u>PO BOX 1690 FAIRHOPE AL 36533</u>
Primary Phone Number	<u>251-591-3053</u> Secondary <u>251-929-9185</u> <u>WORK</u>
Event Information	
Event Name	<u>THE SCOTT WARD MEMORIAL 5K</u> Event Date <u>4/1/2017</u>
Event Location	<u>TRION PARK</u> # Participants/Vehicles <u>250-300/15-100</u>
Start Time	<u>8 AM</u> Stop Time <u>10:30 AM</u> Assembly Time <u>7:30ish</u>
Special Requests	<u>ROUTE 1</u>
Road Closures Requested ☒ Yes ☐ No	

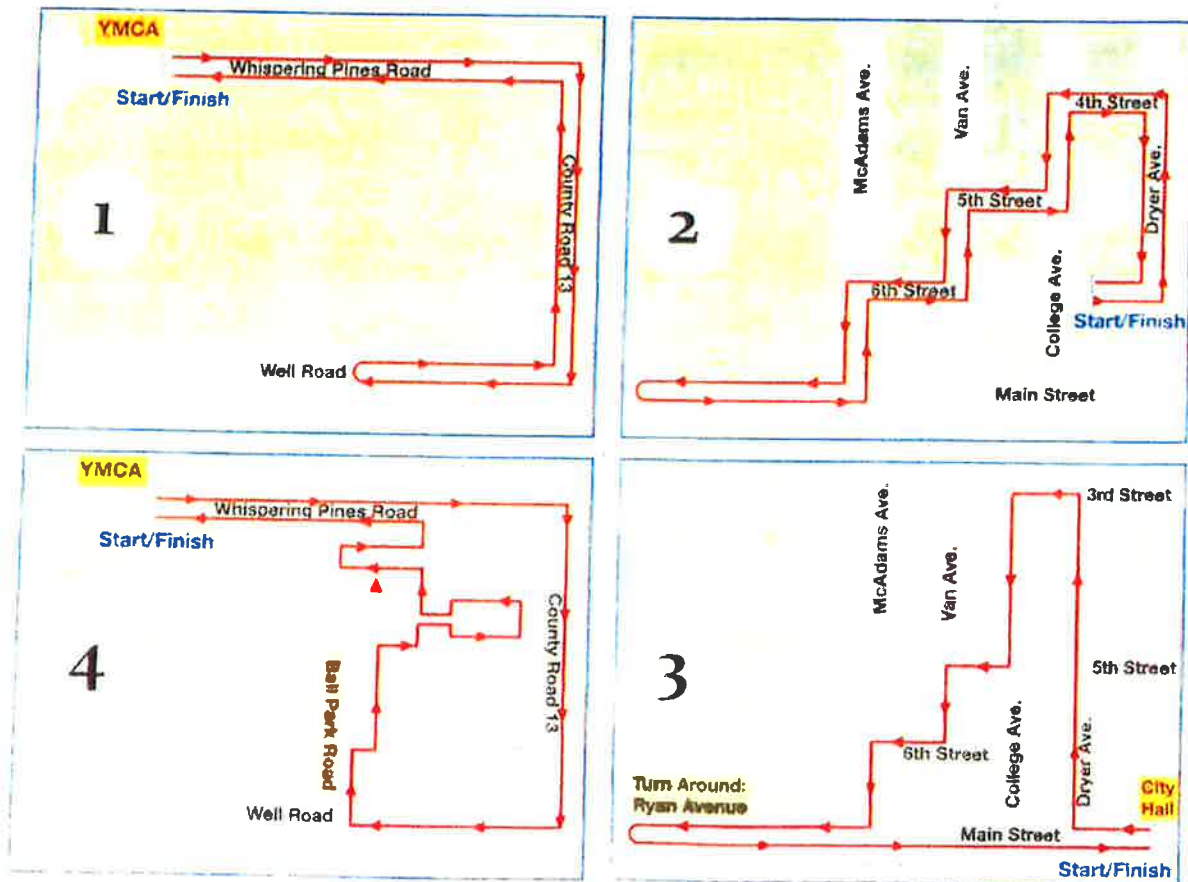
Special Instructions

Approval: Internal Use Only	
Date Routed	<u>April 6, 2017</u>
Fire Dept	<u>[Signature]</u>
Police Dept	<u>Richard D. Johnson, PE</u> Digitally signed by Richard D. Johnson, PE DN: cn=Richard D. Johnson, PE, o=City of Daphne, ou=Division of Public Works, email=rjohnson@daphneal.com, c=US Date: 2017.04.20 13:21:16 -0500
Public Works	<u>Johnson, PE</u>
Parks & Recreation	<u>N/A</u>
For Special Event/Band Permits:	
Council Member	
For Parade/Run Permits & Use of City Grounds:	
City Council	
Parade/Run Permits ONLY	
☐ Fee Paid \$	☐ N/A ☐ Waived
☐ Insurance Filed	☐ N/A
Route Selection	☐ 1 ☐ 2 ☐ 3 ☐ 4

Scott WARD MEMORIAL Family Fun Run & 5K - Route 1 Route Map Selections

Please denote route selection at the bottom of your permit application where indicated.

*



RESOLUTION NO. 2017-26

A RESOLUTION APPROVING THE CITY OF DAPHNE'S PARTICIPATION IN THE STATE OF ALABAMA "BACK TO SCHOOL" SALES TAX HOLIDAY

BE IT RESOLVED, by the City Council of the City of Daphne, Alabama as follows:

- Section 1. Section 4 of Alabama Act No. 2006-574 grants municipal governments authority to provide for the exemption of certain covered items from the payment of municipal sales and use tax during a period designated by the State of Alabama (*generally commencing the third full weekend of July of each year*) under the same terms, conditions, and definitions as provided for in the State's Back to School Sales Tax holiday.
- Section 2. The City of Daphne grants approval for the exemption of certain covered items from the payment of municipal sales and use tax for the period during the designated tax holiday period under the same terms, conditions, and definitions as provided for by Act No. 2006-574 and Alabama Department of Revenue Rule 810-6-3-.65.
- Section 3. This Resolution shall become effective upon adoption and the City will participate each year thereafter until and unless the annual participation is rescinded by further action of the council.
- Section 4. City of Daphne Resolutions 2015-27 and 2017-23 are hereby repealed and replaced by this Resolution.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this the ____ day of _____, 2017.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2017- 27**

ESTABLISHING AN EDUCATION ADVISORY COMMITTEE

WHEREAS, the City of Daphne recognizes the importance of a good education; and

WHEREAS, the City seeks to encourage citizen input and involvement through the formation of an advisory committee dedicated to study and make recommendations on matters relating to the schools in the City of Daphne; and

WHEREAS, citizens of Daphne have expressed interest in serving the City as volunteers in this endeavor.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the Council form the City of Daphne Educational Advisory Committee;

BE IT FURTHER RESOLVED, that

SECTION 1: ESTABLISHMENT AND AUTHORITY

The Education Advisory Committee shall make recommendations to the City Council on how to enhance academic performance for all students attending K-12 schools in the City of Daphne.

SECTION 2: MEMBERSHIP

The Education Advisory Committee shall consist of five (5) members, each appointed by a majority vote of the City Council. For the first slate of committee members elected, two (2) members shall serve a three (3) year term, two (2) members shall serve a two (2) year term, and one (1) member shall serve a one (1) year term. After each original member's initial term, his or her successors shall serve terms of three (3) years and their terms shall remain staggered thereafter. Any vacancy in the membership shall be filled by the City Council.

SECTION 3: RULES OF PROCEDURE

Meetings of the Education Advisory Committee shall be conducted pursuant to by-laws adopted by the committee. The committee shall elect a chairperson, a vice-chairperson, and a secretary. These officers shall serve terms of two (2) years or until re-elected or successors are elected. The officers shall be elected at the first meeting following the appointment of new or reappointment of existing members. The committee shall meet the first Wednesday of the month at 6:00 p.m. or at the call of the chairperson or the request of any two (2) members. All meetings shall be open to the public.

SECTION 4: DUTIES

The Education Advisory Committee shall:

- a.) Make recommendations to the City Council regarding Daphne's mission for education.
- b.) Work actively with local PTA groups, principals, teachers, and stakeholders to assess educational needs.
- c.) Serve as liaison between the local schools and the Board of Education to improve communication.
- d.) Advise the City Council as to concerns within the Daphne schools in order to obtain the best possible education.

BE IT FURTHER RESOLVED that one City Council member shall be appointed by the City Council to serve as a liaison to the committee.

BE IT FURTHER RESOLVED that the committee shall report regularly to the full City Council.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this _____ day of _____, 2017.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Ordinance 2017-28

Funding for a First Responder Safe Room for Public Works through the Hazard Mitigation Grant Program (HMGP)

WHEREAS, Ordinance 2016-56 approved and adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHERE AS, the City of Daphne received 16.5" of rainfall for the period of April 29-30, 2014; and

WHERE AS, on May 2, 2014 affected Alabama Counties, including Baldwin County, received a Presidential Disaster Declaration - FEMA-4176-DR; and

WHERE AS, Disaster Declaration number FEMA-4176-DR made available Individual Assistance, Public Assistance and Hazard Mitigation Grant Program (HMGP) funds available; and

WHERE AS, the Hazard Mitigation Grant Program (HMGP) provides grants to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration with the purpose of the HMGP is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster; and

WHERE AS, currently Public Works First Responders are housed in a non-fortified structure during hurricanes and are exposed to wind hazards during the critical preparation and first response to a wind based disasters; and

WHERE AS, the City of Daphne has been selected for Grant Funding for a safe room at Public Works through HMGP in the amount of \$468,518.00 with a Federal share of \$351,389.00 (75%) and non-federal share of \$117,129.00 (25%).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that:

1. Funds in the amount of \$117,129.00 from the General Fund are appropriated and made a part of the Fiscal Year 2017 budget for the match portion of the HMGP; and
2. Authorize the Mayor to execute any agreements and/or documents between all involved parties (FEMA, State EMA, County EMA, EnCompass360) associated with the Hazard Mitigation Grant for the Public Works Safe Room.
3. Authorize the Mayor and Public Works Director to select through an approved procurement process to select an Architectural Firm for design; and
4. Authorize the project to advertise for bid as soon as the design process is complete

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this ____ day of _____, 2017.

Attest:

Dane Haygood, Mayor

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE

ORDINANCE 2017-29

CITY HALL FENCING

WHEREAS, Ordinance 2016-56 approved adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, fencing improvements are needed on the West and North side of the City Hall building.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2017 Budget is hereby amended to include an appropriation in the amount of \$6,600 from the General Fund for fencing improvements on City Hall property.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this ____ day of _____, 2017.

Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk

ORDINANCE 2017-30

**APPROPRIATION: INVASIVE SPECIES CONTROL FOR BAYFRONT AND
VILLAGE POINT WETLAND AREAS**

WHEREAS, Ordinance 2016-56 approved adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for Bayfront grounds/property improvements; and

WHEREAS, the this invasive species control project meets such criteria; and

WHEREAS, the wetland areas at Bayfront and Village Point require routine invasive species control to maintain the wetland areas; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that

1. the Fiscal Year 2017 Budget is hereby amended to include an appropriation from the Lodging Tax Fund in the amount of \$5,400 for Invasive Species Control Project: Village Point and BayFront wetlands.
2. The Mayor is authorized to execute all agreements, on behalf of the City of Daphne, as necessary for such purpose.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this ____ day of _____, 2017.

Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk

Ashley Campbell presented quotes for Wetland Area at Bayfront and Village Point
Parks on Invasive Species Control

Wetland Resource Quota			
Description	Hourly Rate	40 hours	Total
6 Man Crew	\$150.00	40	\$6,000.00
1-Supervisor	\$85.00	40	\$3,400.00
Total	\$235.00	40	\$9,400.00
		*	-\$4,000.00
		Amount Requested	\$5,400.00
Environmental Native Nursery Quote			
Description	Hourly Rate	40 hours	Total
6 Man Crew	\$210.00	40	\$8,400.00
1-Supervisor	\$85.00	40	\$3,400.00
Total	\$295.00	40	\$11,800.00
		'''	-\$4,000.00
		Amount Requested	\$7,800.00
*\$4000 is already appropriated in the 2017 Budget			

CITY OF DAPHNE

ORDINANCE 2017-31

BAYFRONT MASTER PLAN: ENGINEERING SERVICES FOR BAYFRONT STREET SCAPE AND WETLAND DELINEATION APPROPRIATION

WHEREAS, Ordinance 2016-56 approved adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for Bayfront grounds/property improvements; and

WHEREAS, the Bayfront Street Scape and Wetland Delineation project meets such criteria; and

WHEREAS, the wetland delineation, Right-of-Way mapping, and topographical surveying are required for the initial stage of the Bayfront Master Plan project; and

WHEREAS, the engineers Dewberry/Preble-Rish were selected by Council to provide services and oversee the project and have provided a cost estimate for these services in the amount of \$14,500.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2017 Budget is hereby amended to include

1. an appropriation from the Lodging Tax Fund in the amount of \$14,500 for the Master Plan: Engineering Services for Bayfront Street Scape and Wetland Delineation.
2. The Mayor is authorized to execute all agreements, on behalf of the City of Daphne, as necessary for such purpose.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this ____ day of _____, 2017.

Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk



Dewberry Engineers Inc. 251.990.9950
9949 Bellaton Avenue 251.990.9910 fax
Daphne, AL 36626 www.dewberry.com

April 5, 2017

Mr. Richard Johnson
City of Daphne
Public Works Director
PO Box 400
Daphne, AL 36526

Ms. Ashley Campbell
City of Daphne
Environmental Programs Manager
PO Box 400
Daphne, AL 36526

RE: Bayfront Street Scape and Parking Improvement

Mr. Johnson / Ms. Campbell,

Dewberry | Preble-Rish is pleased to offer the following services for the Bay Front Drive and Off Street Parking Improvements. As the scope of work has been modified from our 12/29/16 proposal and it is the request of the City to conduct onsite due diligence before awarding an engineering service and design contract, we propose the following services

SECTION 1 - PROJECT UNDERSTANDING

The scope of work will consist of professional services related to wetland delineations and land surveying for the Bay Front Drive Street Scape and Parking Improvements.

1. Wetland Delineation
2. Right of Way Map, topographical survey, and utility locates of the Bay Front Drive Right of Way and Parcels

TASK 1 – WETLAND DELINEATION

Wetland Delineation and GPS mapping of wetland flagging (parcel 78298 and northern boundary of 304565)

TASK 2 – SURVEYING SERVICES

- A. Prepare a right of way map from east side of PPIN 8925 to east side of City of Daphne Bayfront Park Parking Lot and City access lot of PPIN 304559.
- B. Provide a topographical survey for the referenced right of way map to including the existing trees, wetlands and utilities.



City of Dupont
Bay Front Drive Street Scape and Parking Improvements
4-5-2017

SECTION 2 – FEES

Task 1: Wetland Delineation and GPS mapping of wetland flagging	\$ 6,000.00
Task 2: Surveying Services – Right of Way Map	\$ 3,500.00
Task 2: Surveying Services – Topographic Survey	\$ 5,000.00

SUB-TOTAL

\$ 14,500.00

TERMS AND CONDITIONS

In consideration of the engineering services provided by Dewberry Engineers Inc. d/b/a Dewberry | Preble-Rish, Client agrees to pay in addition to the invoice amount, interest at the rate of 1.5% per month (18% APR) for all balances outstanding for more than thirty (30) days from the invoice date, said interest to be calculated retroactively to the invoice date. In the event that Dewberry Engineers Inc. d/b/a Dewberry | Preble-Rish prevails in any litigation brought with respect to any dispute that may arise out of or in connection with this Contract, Client agrees to pay reasonable attorney's fees and expenses of Dewberry Engineers Inc. d/b/a Dewberry | Preble-Rish associated with said litigation. In the event the Client prevails in any such litigation, Dewberry Engineers Inc. d/b/a Dewberry | Preble-Rish agrees to pay reasonable attorney's fees and expenses of the Client associated with said litigation.

RESTRICTION OF USE

This proposal includes information that shall not be disclosed outside of the CLIENT and shall not be duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offer, or as a result of, or in connection with, the submission of this information, CLIENT shall have the right to duplicate, use, or disclose the information to the extent provided in the resulting contract. This restriction does not limit, CLIENT's right to use information contained in this proposal if it is obtained from another source without restriction. The information subject to this restriction is contained on all pages of this proposal.

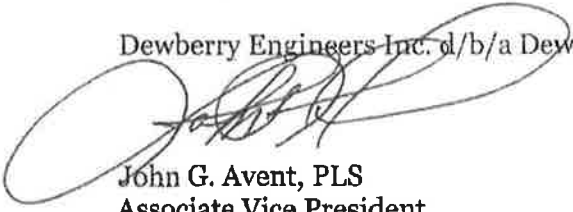
City of Daphne
Bay Front Drive Street Scape and Parking Improvements
4-5-2017

AUTHORIZATION

If this proposal meets with your approval, please return one (1) executed original to this office. Receipt of the executed proposal will serve as our authorization to proceed. If you have questions, please do not hesitate to contact us.

Sincerely,

Dewberry Engineers Inc. d/b/a Dewberry | Preble-Rish



John G. Avent, PLS
Associate Vice President

Attachments:

Attachment A:

Standard Hourly Billing Rate Schedule (8/16)

CITY OF DAPHNE

ORDINANCE 2017-32

APPROPRIATION: TIAWASEE STREAM RESTORATION

WHEREAS, Ordinance 2016-56 approved adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, 900 linear feet of existing creek and tributaries are impacted and in need of restorations; and

WHEREAS, the purpose of the project is to stabilize and restore a portion of Tiawasee creek by stabilizing head-cuts, restoring natural stream function, and coordinating with Daphne Utilities; and

WHEREAS, the stream stabilization and restoration will be designed in accordance with Mobile Bay National Estuary Program (MNBEP) and approved Natural Stream Restoration Design Standards; and

WHEREAS, this will be a joint project with the Daphne Utilities Board with a total project cost of \$43,000.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that

1. the Fiscal Year 2017 Budget is hereby amended to include an appropriation from the **General Fund** in the amount of \$21,500 for the Tiawasee Stream Restoration project.
2. Request Daphne Utility Board participate in a 50/50 cost share for related pipe work required.
3. Authorize the Mayor and staff to apply for any grants applicable to this project.
4. The Mayor is hereby authorized to enter into any agreements associated with the project.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this ____ day of _____, 2017.

Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk



Volkert, Inc.
316 South McKenzie Street
Foley, AL 36535

Office 251.968.7551
Fax 251.968.2318
foley@volkert.com

LETTER AGREEMENT

March 31, 2017

www.volkert.com

Mrs. Ashley Campbell
City of Daphne, Alabama
Post Office Box 400
Daphne, Alabama 36526

SUBJECT: Tiawasee Stream Restoration Project Scope of Services and Fee Proposal

Dear Mrs. Campbell,

Volkert, Inc. is pleased to provide the Engineering, Environmental, Survey and Utility Coordination proposal for the Tiawasee Creek stream restoration project, see attached map for project limits. From preliminary site visits, it is our understanding that 900 linear feet of existing creek and tributaries are impacted and in need of restoration. The purpose of the project is to provide 30 percent plan sets and cost estimates to stabilize and restore a portion of Tiawasee Creek by stabilizing head-cuts, restoring natural stream function, and coordinating with Daphne Utilities. The stream stabilization and restoration will be designed in accordance with MBNEP approved Natural Stream Restoration Design Standards.

The Scope of Services will include the following:

General Services

- The design team will work closely with the City of Daphne and its Technical Advisor on all design issues and permitting issues. The design team will provide monthly e-mail progress reports with schedule updates in addition to deliverables outlined in the scope.
- The project will be designed to withstand the hydraulic forces expected during a 100-year flood event. The design team will coordinate with John Curry regarding ongoing hydrologic studies in the watershed. Modeling is not included in this scope, if modeling is required the Owner will contract directly Mr. Curry for these services.

SURVEY SERVICES: VOLKERT, INC.:

- Perform Topographical Survey of Stream Restoration Area and supplemental areas adjacent to creek.
- Locate property corners abutting the project limits.
- Locate Utilities and record type and size.

Office Locations:

Birmingham, Foley, Mobile, Montgomery, Alabama • Chipley, Ft. Myers, Gainesville, Orlando, Pensacola, Tampa, Florida
Atlanta, Georgia • Collinsville, Belleville, Wheaton, Illinois • Baton Rouge, New Orleans, Shreveport, Slidell, Louisiana
Jackson, Mississippi • Raleigh, Wilmington, North Carolina • Harrisburg, Pennsylvania • Chattanooga, Nashville, Tennessee
Austin, Dallas-Ft. Worth, Houston, Texas • Alexandria, Chesapeake, Virginia • Washington, D.C.





ENGINEERING SERVICES: VOLKERT, INC.

- Conduct an existing conditions assessment including visual assessment of current conditions.
- Reference reach data collection upstream and downstream of the project to determine stable forms and vegetation communities that may withstand future events.
- Develop design parameters to describe the design morphological conditions based upon existing and reference reach conditions.
- Complete Plans and Specifications for the Creek Stabilization through the 30 percent stage. Future submittals are not included in this scope and will be determined by funding sources at a later date.
- Gantt Chart Schedule updates with each submittal – 30 percent.
- Reviews with City Staff and Daphne Utilities Staff including review meetings after project submittals – 30 percent.
- Monthly Status Reports to City's Project Manager.
- Hydrologic and Hydraulic Studies of the project limits using available topographic and soils data. Determine stream flows for 1-year through 100-year recurrence intervals. This study will be used for risk assessment of proposed improvements.
- Prepare cost estimates using previous MBNEP restoration bid data.
- Utility coordination with Daphne Utilities. Volkert's Utilities Department will review the 30 percent plans and determine if relocation or modification of utilities is necessary. If Utility design is needed it will be provided under a separate scope.

ENVIRONMENTAL SERVICES:

- Initial site visit by Volkert Environmental. General measurements/dimensions of areas damaged. To be performed concurrently with Engineering field visits.
- Provide Pre and Post photo Documentation (GPS referenced to recreate context).
- Arrange for pre-application meeting with USACE, ADEM and other agencies as necessary.
- Assist with locating a reference reach as necessary.
- Prepare the permit application package.



- Obtain permits/approval -This permit is anticipated to be a Nationwide 27 *.
- Prepare project vegetation plan based upon existing vegetation communities.

*Note: Permit fees not included.

DELIVERABLES:

1- 30% Submittal-

- 30% Plans which include preliminary Title Sheet/Key Sheet/General Notes/Stream Alignment/ Summary of Pay Items / Typical Creek Sections and Details/Summary of Quantities/ Creek Plan and Profile /Cross Sections/ - 2 Hard Copies, 1 electronic copy (original format and .pdf).
- Preliminary Hydrological Study including a summary of flow estimates by recurrence interval- 1 Hard Copy, 1 electronic copy (original format and .pdf).
- Preliminary Cost Estimate- 1 Hard Copy, 1 electronic copy (original format and .pdf).

ITEMS TO BE PROVIDED BY CITY OF DAPHNE:

The City of Daphne will provide the existing hydraulic and hydrologic models performed for previous stream restorations, surveys, calculations and records for upstream and downstream drainage improvements and structures along Creek as available.

The Fee Proposal for the above services is as follows:

FEE PROPOSAL:

The scope of work outlined above will be performed for a lump sum fee of \$43,000.00.

Fee Breakdown:

Civil Design to prepare 30% plans	\$23,000.00
Environmental	\$ 6,000.00
Survey	\$12,000.00
Utilities Department Review and Coordination	\$ 2,000.00

SCHEDULE:

Work will be scheduled upon receipt of authorization and will continue until complete in order to meet the agreed upon schedule. The schedule for this project is 3 months and is based on the assumption that the client is able to provide reasonable access and the information listed above in a reasonable timeframe.



We appreciate the opportunity to present this proposal and look forward to working with you to the successful completion of this project. If you have any questions, please contact me at your convenience.

Sincerely,
Volkert, Inc.

A handwritten signature in dark ink, appearing to read "Brett V. Gaar". The signature is fluid and cursive, written over a horizontal line.

Brett V. Gaar, REPA
Vice President
Environmental Services

ACCEPTANCE OF PROPOSAL NO. 17-P0401 FOR CITY OF DAPHNE, ALABAMA:

Signature

Date

Printed Name and Title

SS# or Tax ID #

Signature required by an officer with authority to legally bind the organization into this agreement. Signature of this document authorizes Volkert, Inc. to access the property to perform the environmental services contained in this scope of work.

VOLKERT, INC.
STANDARD BUSINESS CONDITIONS

1. GENERAL

- 1.1 The contractual terms contained herein apply to specific services to be provided to the CLIENT as indicated in an attached or referenced proposal.
- 1.2 In the event the CLIENT contracts for services from VOLKERT through the use of a purchase order, the contractual terms contained herein shall apply unless other items are substituted and included on the face of the purchase order and subsequently accepted by VOLKERT.
- 1.3 VOLKERT agrees to perform all professional and project support services attendant to the services included under the Basic Services clause presented herein. In support of such work, the CLIENT agrees to provide all necessary information under its control and all required approvals in a timely manner to ensure continuous prosecution of the work by VOLKERT to completion. CLIENT agrees to provide right of entry to VOLKERT, its sub-contractors, and their equipment as required to complete the work.
- 1.4 Volkert shall endeavor to perform the services hereunder in reasonable conformity to the generally accepted standards of care exhibited by similarly situated consultants performing similar services at the same time and in the same location. Nothing herein shall constitute a warranty of any kind, expressed or implied.
- 1.5 VOLKERT will commence work promptly upon notification by the CLIENT that such work has been authorized and will use reasonable effort to complete all project work in accordance with the schedule presented in the proposal.
- 1.6 All documents, including drawings and specifications, prepared or furnished by VOLKERT (and VOLKERT'S independent professional associates and consultants) pursuant to this agreement are instruments of service in respect of the project, and VOLKERT shall retain an ownership and property interest therein whether or not the project is completed. CLIENT may make and retain copies for information and reference in connection with the use and occupancy of the project by CLIENT and others; however, such documents are not intended or represented to be suitable for reuse by CLIENT or others on extension of the project or on any other project. Any reuse without written verification or adaptation by VOLKERT for the specific purpose intended will be at CLIENT'S sole risk and without liability or legal exposure to VOLKERT, or to VOLKERT'S independent professional associates or consultants, and CLIENT shall indemnify and hold harmless VOLKERT and VOLKERT'S independent professional associates and consultants from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle VOLKERT to further compensation at rates to be agreed upon by CLIENT and VOLKERT.
- 1.7 CLIENT shall provide all criteria and full information as to CLIENT'S requirements for the project; designate a person to act with authority on CLIENT'S behalf in respect of all aspects of the project; examine and respond promptly to VOLKERT'S submissions; and give prompt written notice to VOLKERT whenever CLIENT observes or otherwise becomes aware of any defect in the work.

- 1.8 The CLIENT will furnish right-of-way on the property for VOLKERT to perform the planned work. VOLKERT will take reasonable precautions to minimize damage to the property during the course of its services; but the cost for restoration of damaged property, which may result from Volkert's operations, is not included in the fee estimate unless specifically stated in the proposal. If the CLIENT desires to restore the property to its former condition, this will be accomplished and the cost will be added to the fee.

2. FEE

- 2.1 The negotiated fee stated in the proposal shall remain in effect for 60 days following the date of the proposal. If the proposal is not accepted within this 60-day period, an updated cost proposal will be required.

3. TERMS OF PAYMENT

- 3.1 VOLKERT shall submit invoices to the client monthly. All invoices are payable within thirty (30) days following receipt of the invoice by the CLIENT.
- 3.2 If CLIENT fails to make any payment due VOLKERT for services and expenses within thirty (30) days after receipt of VOLKERT'S statement therefore, the amounts due VOLKERT will be increased at the rate of 1.5% per month (annual rate of 18%) from said thirtieth day; and in addition, all costs of collections, including a reasonable attorney's fee. VOLKERT may, after giving seven days written notice to CLIENT, suspend services under this agreement until VOLKERT has been paid in full all amounts due for services, expenses, and charges.
- 3.3 Should any invoiced item be questioned or rejected by the CLIENT, the value of such item shall be deducted from the pertinent invoice and the remaining amount of the invoice paid, in accordance with the timing set forth in the preceding paragraph. After VOLKERT and the CLIENT have reached a mutual settlement relative to the disputed item previously withheld from payment, the agreed upon amount (appropriately referenced) will be added to the next invoice submitted by VOLKERT and included in the next CLIENT payment. No retainage will be held during the execution of the project except where specifically agreed upon, in writing, by VOLKERT and the CLIENT prior to contract execution.
- 3.4 Should any invoiced item be questioned or rejected by the CLIENT, the value of such item shall be deducted from the pertinent invoice.
- 3.5 Reimbursable expenses (if designated under "Compensation" section) are defined as follows (a multiplier of 1.15 is applied to reimbursable expenses):
 - 3.5.1 Travel and subsistence costs, mileage, application fees or deposits, and all other costs incidental to performing the assignment.
 - 3.5.2 Laboratory, geotechnical and subconsultant costs associated with the contract as invoiced.

- 3.6 It is expressly agreed and stipulated between the parties that this contract shall be deemed to have been made in the State of Alabama where the principal office of Volkert, Inc. is located. This contract shall be governed by the laws of the State of Alabama. The Circuit or District Court of Mobile County, Alabama shall have jurisdiction over any dispute which arises under this contract, and each of the parties shall submit and hereby consents to the jurisdiction of either such court.

4. LIABILITY

- 4.1 To the fullest extent permitted by law, Volkert shall indemnify client for damages, losses, costs, and expenses (including reasonable attorney's fees) to the extent caused by the negligent acts, errors, and omissions of Volkert in its performance of professional services hereunder.
- 4.2 Client hereby agrees to the fullest extent permitted by law the consultant's total liability to client for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of or in any way relating to the project, the site, or this agreement, including but not limited to the consultant's negligent acts, errors, and omissions, shall not exceed the greater of the total amount of Volkert's compensation for the services under this contract, or \$50,000.00, whichever is greater.

5. CHANGES IN PROJECT SCOPE

- 5.1 The CLIENT may request changes in the scope of work. VOLKERT will advise the CLIENT of the effects of such changes with regard to schedule, compensation, and/or construction cost (if any). Where it is determined that such changes in scope will result in additional costs to VOLKERT, such work will proceed only upon authorization by the CLIENT with written confirmation, which shall serve as client's agreement to pay such additional costs to Volkert.

6. SAMPLES

- 6.1 Disposal of test samples and specimens will occur during the contract period, thirty (30) days after the laboratory analysis is completed.

7. INSURANCE

- 7.1 VOLKERT hereby represents that it carries professional liability insurance (claims - made basis), commercial general liability insurance (occurrence-based), automobile liability insurance (occurrence-based), and workers compensation insurance.
- 7.2 Certified evidence of insurance coverage in the form of insurance certificates will be furnished upon request.

8. FORCE MAJEURE

- 8.1 Any delays in or failures of performance by either the CLIENT or VOLKERT shall not constitute default nor give rise to any claims for damages if and to the extent such delays or failures of performance are caused in whole or in part by occurrences beyond the control of VOLKERT or the CLIENT, and which, by the exercise of reasonable diligence, VOLKERT or the CLIENT is unable to prevent.

9. DISCOVERY OF UNANTICIPATED HAZARDOUS MATERIALS

- 9.1 CLIENT warrants that a reasonable effort to inform VOLKERT of known or suspected hazardous materials on or near the project site has been made and that all such material has been disclosed to Volkert.
- 9.2 Hazardous materials may exist at a site where there is no reason to believe they could or should be present. VOLKERT and the CLIENT agree that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the basic services or termination of services. VOLKERT and the CLIENT also agree that the discovery of unanticipated hazardous materials may make it necessary for VOLKERT to take immediate measures to protect health and safety. CLIENT agrees to compensate Volkert for any steps or measures reasonably taken by Volkert and/or its subcontractors to protect health and safety, including but not limited to remediation, identification, handling, transport, storage, treatment, disposal, or recovery and other costs incidental to the discovery of unanticipated hazardous waste.
- 9.3 VOLKERT agrees to notify CLIENT when unanticipated hazardous materials or suspected hazardous materials are encountered. CLIENT agrees to make any disclosures required by law to the appropriate governing agencies. CLIENT also agrees to hold VOLKERT harmless for any and all consequences of disclosures made by VOLKERT which are required by governing law. In the event the project site is not owned by the CLIENT, the CLIENT recognizes that it is the CLIENT'S responsibility to inform the property owner of the discovery of unanticipated hazardous materials or suspected hazardous materials.
- 9.4 Notwithstanding any other provision of the agreement, the CLIENT waives any claim against VOLKERT, and to the maximum extent permitted by law, agrees to defend, indemnify and hold VOLKERT harmless from any claim, liability and/or defense costs for injury or loss arising from VOLKERT'S discovery of unanticipated hazardous materials or suspected hazardous materials including any costs created by delay of the project and any cost associated with possible reduction of the property's value.
- 9.5 CLIENT will be responsible for ultimate disposal of any samples secured by VOLKERT which are found to be contaminated with hazardous materials.

10. TERMINATION

- 10.1 The obligation to provide further services under this agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In the event of any termination, VOLKERT will be paid for all services rendered to the date of termination and all reimbursable expenses including reimbursement for reasonable demobilization expenses in the event of termination due to no fault of Volkert.

CITY OF DAPHNE

ORDINANCE 2017-33

An Ordinance to establish a new Job Description to the City's Job Classification Plan: Operations Director

WHEREAS, the City Council has considered the personnel needs in the Executive Department; and

WHEREAS, there is a need for the creation of an Operations Director position; and

WHEREAS, the Archer Company did prepare a job description for such position and recommended the position be classified as a Grade 30.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the position of Operations Director is hereby created and such position shall be placed at a Grade 30 in the Job Classification Schedule.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2017.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE, ALABAMA CLASSIFICATION SPECIFICATION

CLASSIFICATION TITLE: OPERATIONS DIRECTOR

PURPOSE OF CLASSIFICATION

The purpose of this classification is to coordinate special projects and conduct research and analysis of various City functions, services, and operations. This classification provides professional level administrative and management support to the Mayor at the highest level of local government, serving as a direct liaison for the Mayor and providing operational and strategic analysis in support of City programs and services. Work at this level is of a responsible, technical or professional level relative to a supporting role in the management of the City, but without supervisory or managerial responsibilities; positions in this class will not exercise any independent authority over the department directors, however, incumbents will be expected to work cooperatively with key City officials to plan and implement various programs and services. All authority and autonomy inherent in this classification is at the discretion of and delegated by the Mayor.

ESSENTIAL FUNCTIONS

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

Conducts operational research, productivity analyses and management studies to assist in the management of city operations, programs, and services: compiles and/or monitors various administrative and statistical data pertaining to operations; researches information pertinent to task or project; analyzes data and identifies trends; and prepares or generates reports.

Assists the Mayor with the development, planning, and implementation of goals and objectives to meet the operation needs of the City: conducts analysis in support of strategic and long-range planning for city operations; participates in planning efforts at the local and regional level; keeps director apprised of developments at the state and federal level that impact the department; monitors pending legislation for impact on operations; oversee compliance with new legislation.

Assists in formulating and implementing City Administrative policies and procedures: makes recommendations for changes in policies and procedures to improve operations, provide more responsive service, and/or optimize the use of resources; develops recommendations for changes in policies and procedures; and provides technical assistance and information to management to aide decision making.

Coordinates special projects for the city, including city-wide initiatives, management studies, introduction of new programs, and various professional services: assists in defining the scope of the project; identifies and recommends proper allocation of financial, material, and human resources committed to the project; formulates solutions and resolves problems; facilitates implementation of the project; and provides administrative support to the project as needed.

Serves as a liaison between the Mayor and department heads, various civic or governmental organizations and committees, taskforces, boards, and commissions; represents the Mayor at various meetings, functions, and events; confers regularly with officials from the state, authorities, and commissions; provides information about city operations; participates in discussions and decisions; maintains positive relations with the media; and keeps the Mayor apprised of activities.

Assists the Mayor with functions related to financial management: assists with the preparation of the annual budget; tracks and monitors expenditures against the approved budget; compiles and evaluates operational data and cost histories; conducts detailed cost analysis; makes recommendations to improve cost and operational effectiveness.

Oversees professional contractors and/or consultants providing services for projects; participates in the evaluation and selection of contractors/consultants; interfaces with and monitors the contractors/consultants to ensure timely and quality completion of project; facilitates cooperation with the project throughout the organization; and provides information and support as needed.

Administers grants for various state and federally funded programs as assigned: compiles and submits grant applications; researches funding sources and program opportunities; assists departments with grant activities; monitors and ensures compliance with all requirements for awarded grants.

Responds to complaints and questions from citizens related to city or department operations, activities, or other issues: provides information, researches problems, and initiates problem resolution; works with supervisors and managers to ensure effective coordination and cooperation across units; makes site visits as necessary to assess potential problems; and corresponds with citizens, staff, and affected third parties as appropriate.

Maintains a comprehensive, current knowledge of applicable policies, procedures, codes, regulations; conducts research and maintains an awareness of new issues, methods, equipment, trends and advances in the profession; reads updates and other professional literature; maintains professional affiliations; participates in continuing education activities; attends meetings, conferences, workshops and training sessions as appropriate.

Prepares, completes, receives, and processes various forms, reports, correspondence, and other documents; reviews, completes, processes, forwards or retains as appropriate.

Operates a personal computer and other general office equipment as necessary to complete essential functions, to include the use of word processing, spreadsheet, database, or other system software.

ADDITIONAL FUNCTIONS

Performs other related duties as required.

MINIMUM QUALIFICATIONS

Bachelor's degree in Public/Business Administration or a closely related field, Master's Degree preferred; supplemented by five (5) years of progressively responsible professional or management experience in local government operations and/or training that includes; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job.

PERFORMANCE APTITUDES

Data Utilization: Requires the ability to synthesize, hypothesize, and/or theorize concerning data involving modification of existing policies, strategies and/or methods to meet unique or unusual conditions. Requires the ability to do so within the context of existing organizational theories and management principles.

Human Interaction: Requires the ability to function in a managerial capacity for a division or organizational unit. Includes the ability to make decisions on procedural and technical levels.

Equipment, Machinery, Tools, and Materials Utilization: Requires the ability to operate, maneuver and/or control the actions of equipment, machinery, tools, and/or materials used in performing essential functions.

Verbal Aptitude: Requires the ability to utilize consulting and advisory data and information, as well as reference, descriptive and/or design data and information as applicable.

Mathematical Aptitude: Requires the ability to perform addition, subtraction, multiplication and division; ability to calculate decimals and percentages; may include ability to perform mathematical operations involving basic algebraic principles and formulas, and basic geometric principles and calculations.

Functional Reasoning: Requires the ability to apply principles of logical or synthesis functions; to deal with several concrete and abstract variables; and to analyze major problems that require complex planning for interrelated activities that can span one or several work units.

Situational Reasoning: Requires the ability to exercise judgment, decisiveness and creativity in situations involving broader aspects of organizational programs and operations, moderately unstable situations, or the direction, control and planning of an entire program or set of programs.

ADA COMPLIANCE

Physical Ability: Tasks require the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (5-10 pounds). Tasks may involve extended periods of time at a keyboard or work station.

Sensory Requirements: Some tasks require the ability to perceive and discriminate colors or shades of colors, texture, and visual cues or signals. Some tasks require the ability to communicate orally.

Environmental Factors: Essential functions are regularly performed without exposure to adverse environmental conditions.

Daphne, Alabama, is a Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

CITY OF DAPHNE, ALABAMA

ORDINANCE NUMBER 2017-34

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE 2016-61 OF THE CITY OF
DAPHNE, ALABAMA
REGARDING THE RULES AND REGULATIONS FOR DAPHNE CITY PARKS**

WHEREAS, Chapter 15, Section 15-10 of the City of Daphne Municipal Code establishes rules and regulations relating to the operation and usage of Daphne City Parks; and

WHEREAS, Ordinance 2016-61 promulgates the rules and regulations for the City of Daphne Parks; and

WHEREAS, the City of Daphne has undertaken a comprehensive review of the rules and regulations governing City parks with the intent of revising any and all provisions to improve the health, safety, and enjoyment of park patrons;

WHEREAS, the City of Daphne has determined that it is in the best interests of its citizens to revise and update certain provisions relating to the use of park areas or facilities as such relates to motorized vehicles, pets and commercial watercraft; and

WHEREAS, the City of Daphne desires to amend Chapter 15, Section 15-10 to better serve and protect its citizens and ensure proper operation and usage of City parks.

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

Chapter 15, Section 15-10 of the City of Daphne Municipal Code is hereby amended to read and Ordinance 2016-61 is hereby repealed and replaced with the following:

SECTION 1: DAPHNE CITY PARK RULES AND REGULATIONS

General Park Rules

1. City parks will open at sunrise and close at sunset, with the exception of parks which have lighting specifically designed for night activities and not merely parking.
2. No alcoholic beverages are allowed in any parks.
3. No person shall possess a weapon or discharge any weapon or explosive in a park or into a park from beyond the park boundaries to the maximum extent allowable by law.
4. No person shall deposit, drop or abandon garbage, rubbish, waste or any other kind of litter in or upon any waters or land within a park.
5. It shall be unlawful for any person to bring into, use or discard any glass beverage container, including any soft drink, beer, water bottles, drinking glasses or drinking cups made of glass and any and all similar beverage containers in any park.

6. Fires are allowed in cooking grills in designated areas only, Open “camp” fires are prohibited, unless permitted in writing by the Daphne Fire Department.
7. No person shall distribute or disseminate leaflets, pamphlets or other printed material or use any mechanical device in a park for soliciting or advertising, except upon prior written consent of the City. No person shall carry on or conduct any business or service within a park without the prior written approval of the City.
8. All camping activities shall be confined to designated areas in a park.
9. Hitting golf balls at any City park is strictly prohibited.
10. No person shall launch, land or leave unattended any boat, canoe, raft or other watercraft upon any water, bay, lagoon, lake or pond within a park except at locations and times designated for that purpose. No person shall operate any watercraft in a designated swimming area or other prohibited area or in violation of Alabama State Law.
11. No person shall use any marine areas or marine facilities, including, but not limited to, boat launches, docks, piers, wharfs, landings, moorings, floats, or shorelines within the limits of a park for commercial purposes or for commercial watercraft. For purposes of this section, “commercial watercraft” shall mean and include any and all boats, houseboats, motorboats, yachts, cruisers, inflatables, barges, vessels, canoes, rafts, jet skis, wet bikes and/or any other watercraft that is self-propelled or designed to be propelled by the use of internal combustion engines or electric motors.
12. No person shall wade or swim within a park except at beaches designated for that purpose and then only between sunrise and sunset or at such hours as may be designated by the City.
13. No person shall fish in a park in violation of Alabama State Law or in any area designated as “no fishing”.
14. No person shall operate a bicycle except on designated bikeways and roadways in a park.
15. No person shall operate any motorized vehicle within a park except on roadways, parking areas, or other designated locations. The speed limit shall be 15 MPH within the parks. For purposes of this rule, “motorized vehicle” shall mean and include any and all automobiles, motorcycles, all-terrain vehicles whether two, three or four wheel; mobile trailers; trucks; truck tractors; semitrailers; trailers and/or any other device that is self-propelled or drawn in, upon, or by which any person or property is or may be transported or drawn upon any trail, path, road, or highway.
16. No person shall launch, operate, or land within or upon any City park any remote control airplane, unmanned aircraft system (i.e. “drone” or “quad-copter”), or other unmanned aerial device (excluding kites) unless authorized by prior written consent of the City, except that certain areas may be designated appropriate landing places for law enforcement or official government aviation equipment. Exempted from the restrictions of this provision are:

- a.) any sports field located at Al Trione Sports Complex that is not otherwise occupied or in use; and
 - b.) any other fields (and the airspace immediately above such fields) approved for such purposes by the Daphne City Council.
- 17. Any person who obtains a special event permit may use a drone to photograph their special event in the park during the course of the event. For hobby or recreational use, unmanned aircraft, including but not limited to drones, quad-copters, and remote control planes, may only occur on fields located at Al Trione Sports Complex that are not otherwise occupied or in use and any other fields approved for such purposes by the Daphne City Council. Operation of any unmanned aircraft must be done so as to not be flown within 100 feet of people, power lines, buildings, or light fixtures.
 - 18. No person shall intentionally kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed any species of wildlife within a park, except that fishing will be permitted in designated areas.
 - 19. No person shall remove, leave or deposit any animal, living or dead, from a park, and any animal so taken or left will be considered contraband and subject to seizure and confiscation.
 - 20. No person shall intentionally feed any species of wildlife within a park.
 - 21. No person shall bring a dog, cat or other pet into a park unless caged or kept on a leash not more than six feet in length. All dogs must be under the control and within sight of owners/custodians at all times. All owners/custodians are legally and financially responsible for their dog's behavior. All users of the Park do so at their own risk and assume all liability.
 - 22. It shall be unlawful for any person to allow any dog, cat or other pet under his or her ownership, care, custody, or control to defecate in a park without removing the defecation to a proper trash receptacle.
 - 23. No person shall allow any dog, cat or other pet under his or her ownership, care, custody, or control to disturb, annoy or harass any patrons of the park, wildlife, or other pets.
 - 24. No person shall tether any animal to a tree or other plant. No person shall bring a dog, cat, or other pet into a park designated as an unauthorized area (playgrounds, athletic event parks).

Dog Park Rules – In addition to the Rules stated above, the following rules also apply within the confines of the Dog Park.

- 1. There is a limit of three (3) dogs per person. Owners/custodians must carry a leash for each dog and dogs may not be left unattended.
- 2. All dogs must be on a leash until inside the Park and upon leaving the Park.

3. There will absolutely be no female dogs in heat allowed inside the Park.
4. Each owner/custodian is responsible for cleaning up and properly disposing of dog excrement.
5. A dog must be removed from the Park at the first sign of aggression.
6. All dogs must wear a collar displaying current vaccination tags and current registration.
7. No collars that are visibly studded are permitted.
8. All children must be supervised and accompanied by an adult at all times. Children must not play in the Dog Park. The Daphne Dog Park is designed expressly for the recreation of dogs and the City of Daphne is not responsible for injuries to children.
9. No dogs under the age of four (4) months are allowed in the Park.
10. No food - human or pet - shall be allowed inside the Park.
11. All owners/custodians must stop their dog(s) from digging and shall fill any holes made by their dog(s).
12. The small dog area is reserved for dogs up to twenty-five (25) pounds. Small dogs are allowed in the large dog area, but no large dogs shall be allowed in the small dog area.

SECTION II: PENALTIES

Any person found guilty of violating any provision of this Ordinance shall be punished for a first offense by a fine of \$25, for a second offense \$50 and for a third offense \$100. For offenses greater than three, punishment may include a fine of not over \$500, by imprisonment for a period not exceeding six (6) months, or both, in the discretion of the municipal judge.

SECTION III: SEVERABILITY

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

SECTION IV: REPEALER

Ordinances 2016-01 and all other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION V: EFFECTIVE DATE

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA ON THE ____ DAY OF _____, 2017.**

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE

ORDINANCE NO. 2017-35

**AN ORDINANCE ESTABLISHING A POLICY
FOR EVENTS HELD WITHIN THE CITY OF DAPHNE**

WHEREAS, the City Council of the City of Daphne has determined that it is in the public interest to provide access to city-maintained roads for the purpose of holding parades, races, and other special events; and,

WHEREAS, to ensure that City resources are properly utilized, and to ensure the safety of participants for these events, the Council desires to provide for an established procedure for the administration of parades, races, and other events requiring City assistance; and,

WHEREAS, Ordinances 1968-7 and 2014-23 are repealed in their entirety and replaced with the following:

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

SECTION 1. DEFINITIONS

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

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

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

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

"Race" shall mean any running event, which may but not necessarily be timed, that requires closure of City roads for the safety of participants.

"Band" shall mean a band, DJ, radio, CD player or any means to produce music outside.

"Special Event" is any event, including but not limited to parades, races, use of bands, cook-offs, or pastry sales, that significantly impacts the use of streets, roads, or other public place in the City.

"Parade" is any formal public procession, march, ceremony, show, exhibition, pageant, or a group of persons or vehicles containing persons moving forward in an orderly, ceremonious, or solemn procession, or any similar display in or upon any street, park or other public place in the City.

"Permit" is a permit as required by this Ordinance.

"City Council" is the City Council of the City of Daphne.

"Street" is any part of a public right-of-way in the City, including, but not limited to, that part known as a sidewalk.

SECTION 2. APPLICATION PROCESS

1. The City will create an approved Special Events Application Form. The current version of the Special Events Application Form is herein attached as an example but is not the definitive form. The form may be altered periodically by the City Council or its designee. This Form will be the only manner in which a request for City approval of all special events, including but not limited to parades, races, use of bands, and fundraising sales, will be entertained.

2. If a permit is issued, said permit will exempt the Special Event from Ordinance 2012-35, commonly known as the Noise Ordinance.

3. Application forms will be available upon request from the City Clerk's office or online at www.daphneal.com.

4. No person shall engage in, participate in, aid, form or start any Special Event, unless a permit shall have been obtained from the City Council.

5. This Ordinance shall not apply to:

- a. Funeral processions;
- b. Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities;
- c. Any governmental agency acting within the scope of its functions;
- d. Lawful picketing on sidewalks near the individuals' place of work;
- e. Demonstrations that do not involve the use of vehicles, animals, fireworks, pyrotechnics, or equipment, provided that:
 - i. No fee or donation is required or requested as a condition
 - ii. of participation in or attendance at such demonstration;
 - iii. The City Clerk is notified at least 48 hours in advance of the commencement of the demonstration.

SECTION 3. APPLICATION SUBMISSION DEADLINES

1. Applicants may not submit a permit for an event earlier than one (1) year before its scheduled date of occurrence.

2. Persons seeking to have their permit approved in a timely manner should complete their application form and submit it to the City Clerk's Office no later than as described below:

- a. For events requesting closure of City streets, or with over 200 expected participants, a completed application form must be submitted no later than sixty (60) days before the event date.
- b. For any other events requesting use of City property, a completed application form must be submitted no later than thirty (30) days before the event date.
- c. All other permits must be submitted no later than fifteen (15) days before the event date.

3. The City Council, where good cause is shown therefore, shall have the authority to consider any application hereunder which is filed less than ten (10) days before the date such event is proposed to be conducted.

SECTION 4. PERMIT APPROVAL PROCESS

The City Council shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

1. All Special Event permits have been approved by the Fire Chief and Police Chief, or their designees.

2. All Special Event permits related to band, parade and race permits, or which may impede the flow of traffic, have been approved by the Public Works Director or his designee.

3. All Special Event permits to include activity at or around any City park or other recreational facility have been approved by the Parks and Recreation Director or his designee.

4. The conduct of the Special Event will not require the diversion of so great a number of police officers of the City to properly police the line of movement and the areas contiguous thereto as to prevent reasonable police protection of the City.

5. The conduct of such Special Event will not require the diversion of so great a number of ambulances as to prevent reasonable ambulance services to portions of the City.

6. The concentration of persons, animals and vehicles at assembly points of the Special Event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.

7. The conduct of such Special Event will not interfere with the movement of firefighting equipment in route to a fire.

8. The conduct of the Special Event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.

9. If the Special Event is a parade, it is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route. The parade will not substantially interrupt the safe and orderly movement of other traffic continuous to its route

10. The Special Event is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

11. Absent specific approval by the City Council, no special event or other permitted event may operate between the hours of 11:00 p.m. and 7:00 a.m.

SECTION 5. INSURANCE REQUIRED TO CONDUCT SPECIAL EVENTS

1. The event organizer of a special event must possess or obtain comprehensive general liability insurance from no less than an A-rated company to protect the City against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. Such insurance shall name the City, its officers, employees, and agents and, as required, any other public

entity involved in the event, as additional insured. Insurance coverage must be maintained for the duration of the event, including pre-event setup and post-event clean-up. Notice of cancellation shall be provided immediately to the City. When applicable, the City may require proof of workers compensation and auto liability insurance.

2. Except as provided in section 5-3, comprehensive general liability insurance coverage required by section 5-1 shall be in a combined aggregate limit of not less than \$1,000,000.00.

3. The insurance required by section 5-1 shall be provided for the benefit of the City and not as a duty, express or implied, to provide insurance protection for spectators or participants. The event organizer's current effective insurance policy, or copy, along with necessary endorsements, shall be filed with the City Clerk at least sixty (60) calendar days before the event, unless the Mayor for good cause modifies the filing requirements.

4. No permit is valid until the applicant shall accept the classification and conditions imposed in accordance with the resolution of Council, as well as the applicant's agreement to hold harmless the City and its officers and employees from any damages to persons or property on claims that arise from the permitted event and by paying the applicable fees and providing adequate insurance.

SECTION 6. WAIVER OF INSURANCE REQUIREMENTS

1. Except for special events where the sale of alcoholic beverages is authorized or for traffic control issues, the insurance requirements of section 5 may be waived by the City Council. In making the determination of whether to waive insurance, the City Council shall consider the factors provided in subsections 6-(a)–(e).

- a. Whether the special event is expressive activity protected by the First Amendment;
- b. Whether the applicant or an officer of the sponsoring organization of a nonathletic event has filed a verified statement that he or she believes the event's purpose is First Amendment expression;
- c. Whether the applicant or officer of the sponsoring organization has determined that the cost of obtaining insurance is financially burdensome and would constitute an unreasonable burden on the right of First Amendment expression;
- d. Whether the event will involve the use of equipment (other than sound equipment), vehicles, animals, fireworks, or pyrotechnics; or
- e. Whether a fee or donation is charged or required as a condition of admission or participation in the event.

2. The statement required by subsection 6-1(c) shall include the name and address of one insurance broker or other source for insurance coverage contacted to determine premium rates for coverage.

3. Even if insurance is waived, no permit may be issued without the organizer of a special event agreeing to defend, indemnify, and hold harmless the City from any claim or liability arising from the event.

SECTION 7. DESIGNATED ROUTES AND TIMES FOR SPECIAL EVENTS

1. In addition to completing an application form as noted in Section 3 above, applicants requesting the closure of City streets for events including parades and races will be required to specify a route for their event. Applicants are limited to selecting among the provided pre-approved, certified routes.

2. Races may only be held on Saturdays, with set up beginning no earlier than 7 a.m. and ending no later than noon. Roads must be cleared by 10 a.m.

3. Mardi Gras events must be held in accordance with the provisions of Ordinances 2003-17 and 2005-03.

4. The number of races requiring street closures within one calendar year shall be limited to eight (8). This number shall not include events associated with national holidays, weekday runs or walks associated with the normal operation of public and private schools, Mardi Gras parades and any parade organized by a school within the limits of the City of Daphne.

5. The City Council shall act upon the application for a Special Event permit within a reasonable time but no later than thirty (30) days after the filing thereof. If the City Council fails to act within those thirty days, the application is deemed denied. If the City Council disapproves the application, the City Clerk shall mail to the applicant within six (6) days after the date upon which the Council acted, a notice of the City Council action, stating the reasons for denial of the permit.

SECTION 8. CITY LISTED AS EVENT SPONSOR

1. All events requesting street closures or use of City property shall be required to list the City as an event sponsor on any advertising or merchandise (including but not limited to t-shirts, flyers, signs, and newspaper advertisements). Listing may include use of the City logo if deemed necessary by the City Council or its designee.

2. Permittee shall comply with all permit directions and conditions and will follow all applicable laws and ordinances.

3. The parade chairman or other person leading such activity shall carry the Special Event permit upon his person for the duration of the Special Event.

SECTION 9. PUBLIC CONDUCT DURING SPECIAL EVENT

1. No person shall unreasonably hamper, obstruct, impede, or interfere with any Special Event or Special Event assembly or with any person, vehicle or animal participant or used in a Special Event. The permit language may put reasonable restrictions as to the conduct of the Special Event including but not limited to location and timing.

2. No driver of a motor vehicle, street car, golf cart, rickshaw, or trackless trolley shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

3. The City Council shall have the authority to prohibit or restrict the parking of motor vehicles and other modes of transportation along the highway or part thereof constituting a part of the Special Event. The City Council may cause the Police Chief to post signs to such affect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

SECTION 10. PENALTIES

Any person or persons or association of persons, violating any of the provisions of the foregoing sections, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than \$25 nor more than the maximum allowed by law and may also be sentenced to imprisonment or hard labor for not exceeding six (6) months.

SECTION 11. RIGHT TO CANCEL/REVOCATION OF PERMIT

1. The City of Daphne reserves the right to cancel or postpone events for any reason deemed necessary by the City Council.

2. The City Council shall have the authority to revoke a parade permit issued hereunder upon failure of the applicants or participants to comply with the standards for issuance and the provisions herein set forth and such authority may be delegated to the officer or such other person designated by the City Council to supervise said parade.

SECTION 12. FEES

1. There are no fees for special events but donations to the City to offset costs may be accepted.

2. Refunds for donations associated with a Special Event permit are authorized only if written notice of cancellation is given to the City Clerk's office no later than 3:00 p.m. on the day before the event is scheduled to occur.

SECTION 13. APPROVED PERMITS

Within six (6) business days of approval, the applicant will be notified and a copy of the permit shall be supplied to them. All approved permits shall additionally be submitted to any appropriate City departments for adequate notification.

SECTION 14. SEVERABILITY

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

SECTION 15. 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 MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF ____, 2017.

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK