

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
SEPTEMBER 18, 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 – September 5, 2017	3
Council Work Session – September 11, 2017	8
Special Called Council Work Session – September 12, 2017	9
- PRESENTATION** –Jonathan Ellis – Daphne Elementary School
4. **REPORTS OF STANDING COMMITTEES**
 - A. **FINANCE COMMITTEE** – Rudicell
 - B. **BUILDINGS & PROPERTY COMMITTEE** – LeJeune
Review minutes – September 11, 2017 10
 - C. **PUBLIC SAFETY COMMITTEE** – Davis
Review minutes – August 21, 2017 15
 - D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** – Goodlin
Review minutes – September 5, 2017 18
 - E. **PUBLIC WORKS COMMITTEE** – Coleman
5. **REPORTS OF SPECIAL BOARDS & COMMISSIONS**
 - A. **BOARD OF ZONING ADJUSTMENTS** – Adrienne Jones
Review minutes – August 3, 2017 20
 - B. **DOWNTOWN REDEVELOPMENT AUTHORITY** – Conaway
 - C. **INDUSTRIAL DEVELOPMENT BOARD** – Davis
 - D. **LIBRARY BOARD** – Rudicell
 - E. **PLANNING COMMISSION** – Scott
 - F. **RECREATION BOARD** – LeJeune
 - G. **UTILITY BOARD** – LeJeune
6. **MAYOR’S REPORT**

MOTION Authorizing Mayor Dane Haygood to enter into a contract with Harbor Communications for VOIP services subject to legal approval.
7. **CITY ATTORNEY REPORT**
8. **DEPARTMENT HEAD REPORTS**

City Council Agenda – September 18, 2017

9. CITY CLERK’S REPORT

MOTION: To approve SEEDS 2018 Classic Rock 5K & 1 Mile Fun Run on March 3, 2018. 24

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

RESOLUTIONS:

NONE

2ND READ ORDINANCES:

NONE

1ST READ ORDINANCES

A. 2017-77 – Adopting the Fiscal Year 2018 Budget 27

B. 2017-78 – Establishing a Policy for Events held within the City of Daphne 28

C. 2017-79 – Commercial Solid Waste Collection Services and Franchises 42

D. 2017-80 – Council Rules and Procedures 57

E. 2017-81 – Establishing a Policy for Community Grants 64

12. COUNCIL COMMENTS

13. ADJOURN

**September 5, 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 Councilwoman Conaway called the meeting to order at 6:31 p.m.

2. ROLL CALL

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

Also Present: Dane Haygood, Mayor; Candace Antinarella, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; David McKelroy, Recreation Director; Adrienne Jones, Planning Director; Richard Merchant, Building Official; Kelli Kichler, Finance Director/Treasurer; David Carpenter, Police Chief; Richard Johnson, Public Works Director; Tonja Young, Library Director; Margaret Thigpen, Civic Center Director.

Absent: Councilman Ron Scott

INVOCATION/PLEDGE OF ALLEGIANCE:

Rev. Robert H. Seawell with Church of the Apostles

3. APPROVE MINUTES:

There being no corrections the August 21, 2017 City Council meeting minutes stand approved as written.

Presentation – Mayor Dane Haygood and Police Chief David Carpenter presented Sgt. Robin Snider with his service weapon and congratulated him on his retirement after 28 years of service with the Daphne Police Department as a patrolman and DARE/SRO officer.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Rudicell

Minutes are in the packet. Next meeting is the third Monday of September.

B. *BUILDINGS & PROPERTY COMMITTEE* – LeJeune

Councilman LeJeune stated the next meeting will be September 11 and will begin at 5:15pm.

C. *PUBLIC SAFETY COMMITTEE* – Davis

Minutes in the next packet. Next meeting is at 4:30pm on September 11, 2017. Still working on summary data for the Strategic Plan. Supportive of our public safety departments.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Goodlin

Committee met earlier today. The next meeting is October 2 at 4:30pm. Four ordinances have been moved on to the next council meeting. We will do more study on chickens in Daphne.

E. *PUBLIC WORKS COMMITTEE* – Coleman

Museum minutes are in the packet. Museum is still fundraising with the bricks. Next meeting is October 2 at 5:30pm.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

No report.

B. *Downtown Redevelopment Authority* – Conaway by Scott

August 23 minutes are in the packet. Next meeting is September 27 at 5:30pm.

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C. Industrial Development Board – Davis

Minutes are in the packet. Recognized the IBD members. Continuing to work on the DISC project.

D. Library Board – Rudicell

Donations are accepted. Next meeting is September 14 at the library.

E. Planning Commission – Conaway for Scott

Minutes of July 27, 2017 and report of August 24, 2017 are in the packet.

MOTION BY Councilman LeJeune to set a Public Hearing date of October 16, 2017 and approve the advertising to consider the Annexation of property located southeast of Corte Road and County Road 13 as well as the property southeast of Austin Road and Alabama Highway 181. Seconded by Councilman Rudicell. Councilman Coleman abstained from the vote.

AYE –Davis, Conaway, LeJeune, Goodlin, Rudicell. MOTION CARRIED

MOTION CARRIED UNANIMOUSLY

F. Recreation Board - LeJeune

Park project is moving along. Next meeting is September 13.

G. Utility Board – LeJeune

Minutes are in the packet.

6. MAYOR'S REPORT

Mayor Haygood indicated the need for a motion authorizing the Mayor to enter into an Agreement with Architects Southwest for a transportation study for Olde Towne Daphne in conjunction with the Eastern Shore MPO.

MOTION BY Councilman Davis to authorize the Mayor to enter into an Agreement with Architects Southwest. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

Mayor Haygood mentioned Hurricane Irma and the need to stay aware and be prepared. Mayor Haygood regrettably informed everyone that Richard Johnson, Public Works Director, has resigned from Daphne and thanked Richard for his hard work in his time at Daphne. He will stay through the end of the month. Also, Mayor Haygood mentioned the budget packets the council has received and staff is working with a new phone system. Lastly, the Mayor mentioned the movie filming taking place in Daphne.

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

David Carpenter – Thanked the Mayor and Council for recognizing Sgt. Snider.

Richard Johnson – Thanked the Mayor for his kind words. Also, the City has sandbags available to the citizens if needed.

David McKelroy – Brown Bag by the Bay is coming up this Thursday at May Day Park.

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9. CITY CLERK'S REPORT:

MOTION to approve the following:

ABC License: Eastern Shore Chamber Foundation – 29th Jubilee Festival of Arts – 240-Non-Profit Tax Exempt

MOTION BY Councilman Rudicell to approve the Eastern Shore Chamber Foundation – 29th Jubilee Festival of Arts. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION: To approve Shephard's Flock Run for Shep on January 20, 2018

MOTION BY Councilman Coleman to approve the Shephard's Flock Run for Shep on January 20, 2018. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION: To approve Daphne High School Homecoming parade on October 12, 2017

MOTION BY Councilman Davis to approve the Daphne High School Homecoming parade on October 12, 2017. Seconded by Councilman Lejeune Councilman Goodlin abstained from the vote.

AYE –Davis, Conaway, LeJeune, Coleman, Rudicell. MOTION CARRIED

MOTION: To approve American Autism & Rehab Center Paws for a Cause on September 30, 2017

MOTION BY Councilman Davis to approve the American Autism & Rehab Center Paws for a Cause on September 30, 2017. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

10. PUBLIC PARTICIPATION

John Lake – 110 Paige Circle – spoke regarding the DISC Project and asked the Council to pay attention to the permeable lands as well as the ingress and egress at Lawson Road. He is concerned with storm water. Mayor Haygood responded that there has not been any discussion on moving lights and Councilman Davis noted that we should overcome rumors.

Dr. Harvard Schneider – Champions Way – made the council aware of the liability issue of barriers places on Champions Way. Richard Johnson responded that they are safe and in the event of a storm, they will be removed.

Pauline Mallette – discussed the DISC Project property and expressed her concerns with drainage.

Mr. Belanos – disagreed with Mr. Johnson and the barricades on Champions Way. He states he cannot see with the barricades in high traffic times. Mr. Johnson responded that they can break down the barricades to make line of site easier. Mayor Haygood will look in alternate means.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

2017-49 – Changing the name of Gator Alley Boardwalk to Gator Boardwalk and authorizing the Mayor to enter into a Settlement Agreement with Alligator Alley, LLC

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2017-50 – Acceptance of Streets and Drainage located in the Oldfield Phase 2A

MOTION BY Councilman Rudicell to waive the reading of Resolutions 2017-49 and 50. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Rudicell to adopt Resolution 2017-49. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Coleman to adopt Resolution 2017-50. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2nd READ

2017-68 - Appropriation: Sidewalk on CR-13 from Whispering Pines to Champion Way TAPNU-TA15(940)

2017-69 - Appropriation: Library Roof Restoration

2017-70 - Appropriation: Sidewalks: Park & Pollard Road – TAPPAA-TA17(933)

2017-71 - Appropriation: Intersection Improvements: County Road 64 & Pollard Road

2017-72 - Appropriation: Corte Road Improvements PH I & II – Geotechnical Material Testing

2017-73 - Amending the City of Daphne Pay Scale

2017-74 - Annexation: The Citizens Bank – Northeast Corner of Belgrove Avenue and Alabama Highway 181

2017-75 - Pre-Zone: The Citizens Bank – Northeast Corner of Belgrove Avenue and Alabama Highway 181

2017-76 - Amending Job Classification Schedule – Facilities Manager

MOTION BY Councilman Rudicell to waive the reading of Ordinances 2017-68, 69, 70, 71, 72, 73, 74, 75 and 76. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Goodlin to adopt Ordinance 2017-68. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Rudicell to adopt Ordinance 2017-69. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Coleman to adopt Ordinance 2017-70. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to adopt Ordinance 2017-71. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to adopt Ordinances 2017-72. Seconded by Councilman Rudicell. Councilman Coleman abstained.

AYE –Davis, Conaway, LeJeune, Goodlin, Rudicell. MOTION CARRIED

MOTION BY Councilman Rudicell to adopt Ordinance 2017-73. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

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MOTION BY Councilman Coleman to adopt Ordinance 2017-74. Seconded by Councilman LeJeune.
AYE –Davis, Conaway, LeJeune, Coleman, Rudicell NAY – Goodlin MOTION CARRIED

MOTION BY Councilman LeJeune to adopt Ordinance 2017-75. Seconded by Councilman Rudicell.
AYE – Conaway, LeJeune, Coleman, Rudicell NAY – Davis, Goodlin MOTION CARRIED

MOTION BY Councilman Davis to adopt Ordinance 2017-76. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY

1st READ

None

12. COUNCIL COMMENTS

Councilmen Coleman, Goodlin and LeJeune all thanked and commended Richard Johnson for his work with the City of Daphne.

Councilman Davis thanked Richard Johnson for his service to the City as well as congratulated Sgt. Snider on his retirement and thanked him for his service. Mr. Davis asked everyone to remember that today is 9/11. He also mentioned that the roads can be improved at Belgrove.

Mayor Haygood mentioned Gator Boardwalk and the need for the resolution as well as the pay scale change. He thanked all of those who spoke in public participation and an additional thanks to Sgt. Robin Snider for his service.

13. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:37 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Candace G. Antinarella, City Clerk

Tommie Conaway, Council Member

**SEPTEMBER 11, 2017
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

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

Also present: Dane Haygood, Mayor; Candace Antinarella, City Clerk; Jay Ross, City Attorney

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

1. PRESENTATION: Malbis Interchange

Kevin Spriggs gave a visual presentation of the Malbis Interchange and proposed crosswalk ideas.

2. DISCUSS: FY2018 Budget

The Fiscal Year 2018 Budget was introduced and general discussion was held with the Council, Mayor and Finance Director Kelli Kichler. An Ordinance to adopt the budget will be placed on the September 18 Agenda for a first read.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:27 P.M.

Respectfully submitted by,

Candace G. Antinarella,
City Clerk

Certification of Presiding Officer:

Ron Scott,
Council President

**SEPTEMBER 12, 2017
SPECIAL CALLED CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
5:00 P.M.**

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

Also present: Dane Haygood, Mayor; Candace Antinarella, City Clerk; Jay Ross, City Attorney; Betsy Schneider, Operations Director

Councilman Robin LeJeune was available via conference call.

Council President Scott called the meeting to order at 5:00 p.m.

1. PRESENTATION: School Feasibility Study

Dr. Suzanne Freeman, Kim McPherson and Frank Costanzo of Criterion Consulting met with those present to provide information on the school feasibility study. They want the Council to be aware of items that will need decisions in the near future. An overview was give of the expectations which is to have what is in place today and better. Everyone wants the best for the children of Daphne. Dr. Freeman asked the council to think about “How do you define greatness” and discuss it in the future.

No decisions were made at this meeting as it was strictly informational round table discussion.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 6:16 P.M.

Respectfully submitted by,

Certification of Presiding Officer:

Candace G. Antinarella,
City Clerk

Ron Scott,
Council President

BUILDINGS & PROPERTY COMMITTEE MEETING

Monday, September 11, 2017, 5:15 p.m.

City Hall, Jubilee Conference Room,

1705 Main Street, Daphne, AL 36526

MEETING MINUTES

MEMBERS PRESENT: Councilman Joel Coleman; Councilman Doug Goodlin; Councilman Ron Scott; Councilman Pat Rudicell; Councilwoman Tommie Conaway; and Councilman Joe Davis

ALSO PRESENT: Mayor Dane Haygood, Patrick Dungan, City Attorney; Candace Antinarella, City Clerk; Jenny Opal White, Assistant City Clerk; Kelli Kichler, Finance Director; Betsy Schneider, Operations Director; Suzanne Henson, Senior Accountant; BJ Eringman, Deputy Director Public Works; David McKelroy, Recreation Director; Margaret Thigpen, Civic Center; Richard Merchant, Building Official; Kara Wilbourn, Marketing Coordinator; Liz Roberts Thomson, Eastern Shore Chamber of Commerce; Selena Vaughn, Village Point Foundation; Earline Martin-Harris, Southwest Alabama Veterans Association; William Wright; Bob Patterson; Jewel Lawson; and Kevin Spriggs

1) CALL MEETING TO ORDER / ROLL CALL

There being a quorum present Councilman Pat Rudicell called meeting to order at 5:17 pm.

Jenny Opal White, Recording Secretary administered roll call.

2) PUBLIC PARTICIPATION

Bob Patterson resident of Daphmont Community spoke at public participation on hazardous, safety, and environmental concerns as liability at the Joe Louis Patrick Park. Bob thanked Mayor Dane Haygood and David McKelroy for their support at park. Betsy Schneider, Municipal Operations Director commented the mayor has a plan in motion. Councilman Ron Scott asked for communication remedies of facilities to go thru Councilwoman Tommie Conaway to address with community and follow-up at next month's meeting.

Earline Martin-Harris, Southwest Alabama Veterans Association spoke reference the approved Resolution 2016-76 to rename Park City Park to "The Willie "Buddy" Raymond Alphonse Memorial Veterans Park". She wanted to know when the approved signs would be placed at park. Kara Wilbourn explained the city is working on park signs. Kara noted issue of limited character spacing on signs. Councilwoman Tommie Conaway asked that we go back to Ms. Alphonse on display of name on park sign due to character spacing. Councilwoman Tommie Conaway, Councilman Joel Coleman, and Kara Wilbourn will work together on park sign update and report at next month's meeting.

3) PRESENTATION

Henrietta Slade gave presentation on property donation on North Side of Lea Avenue. Councilman Ron Scott asked Mayor Dane Haygood and Councilman Pat Rudicell to review and address at next month's meeting.

4) APPROVAL OF MINUTES: AUGUST 7, 2017

Councilman Pat Rudicell noted there being no corrections to the August 7, 2017 minutes they stand approved as written.

5) CITY BOAT RAMP ACCESS PROJECTS REPORT: BJ ENRINGMAN

BJ Enringman gave the City Boat Ramp Access Projects Report. BJ noted both projects are formally complete. BJ commented they're working on tasks at D'Olive.

6) SURPLUS PROPERTY: SUZANNE HENSON

Suzanne Henson gave the Surplus Property Report. Suzanne reviewed Surplus Summary for FY2017 and pending sale of approved surplus vehicles.

7) BUILDING INSPECTION REPORT: RICHARD MERCHANT

Richard Merchant gave Building Inspection Report for August.

- Total Building Permits / 21
- Total Permit Building Permit Fees / \$41,360.46
- New Home Permits / 171
- CO's / 17

8) CIVIC CENTER & BAYFRONT PAVILION REPORT: MARGARET THIGPEN

Margaret Thigpen gave Civic Center & Bayfront Pavilion report for August 2017.

AUGUST 2017 REPORT

Civic Center Report

- August 2017 Revenue for the Civic Center totaled \$19,037.50/Increase from August 2016
- FY 2016-2017 YTD Projected Year End Revenue/\$215,876.00
- August 2017 Deposits/\$22,225.00
- FY 2016-2017 YTD Deposits/\$191,122.50

Bayfront Park Pavilion Report

- August 2017 Revenue/\$3,545.00/Decrease from August 2016
- FY 2016-2017 YTD Projected Year End Revenue/\$74,903.50
- August 2017 Deposits/\$5,763.00
- FY 2016-2017 YTD Deposits /\$72,933.50

Ballroom Dance

- Friday, September 29, 2017 featuring "Mr. Big & the Rhythm Sister"
- Doors open at 6:00 p.m.
- Dance starts at 7:00 p.m.
- 134 tickets sold (\$20.00 each or \$200.00 for a reserved table of 10) = \$2,680.00

Daphne Convention & Visitor's Bureau

- LEAD – Pilot Catastrophe Training – Three (3) weeks needed to train new adjusters
- Ad in AL State Travel Guide – Running January – December 2018
- Visitors Guide – on hold
- Facebook – featuring an attraction every other week or so
- Alabama Coasting – renewed
- Advertisements and Articles – quarterly distribution, 2,000 condo rooms, 70+ hotels

Tourism

- Tourism / Hotel Meeting – October 5, 2017
- Southeastern Tourism Society Fall Forum – October 10-11, 2017

Jubilee Festival

Liz Roberts Thomson, Eastern Shore Chamber of Commerce gave update on ***The 29th Annual Jubilee Festival Olde Towne Daphne*** scheduled on September 23 and 24, 2017.

Opening Ceremony

Saturday, September 23, 2017, (9:50 am)

Entertainment Stage in front of City Hall

Saturday & Sunday (10:00 am – 5:00 pm)

Contact: Liz Thomson, lroberts@eschamber.com, 251-928-6387

9) RECREATION REPORT: DAVID MCKELROY

David McKelroy gave Recreation Report for August 2017.

SENIOR PROGRAMS

Lunch	874
Exercise	156
Yoga	326
Cards/Games	42
Total	1398

WEEKLY CLASSES

Hard Body Workout	42
Zumba	74
Karate	12
Discover Dance	125
Total	253
Fitness Center Total	1396
Civic Groups – Catholic Conference (Civic Center)	3047

Bocce	Wednesday and Thursday at Lott Park
Pickleball	Tuesday, Thursday and Sunday morning at Nicholson Center Monday and Wednesday evenings at Lott Park tennis courts

ATHELTICS

Adult Softball (Every Mon., Tue. & Wed.)	500+
Adult Soccer (Every Mon. & Wed.)	200+
Adult Kickball (Every Thursday)	125+
Youth Football	180
Youth Cheer	75
Youth Soccer	775
Total	1855
Gulf Coast Ranger Soccer	210+

7 matches	
USSSA Men's Softball	125+
1 day – 12 teams	
USSSA Girl's Softball	225+
1 day – 17 teams	
USSSA Men's Softball	100+
1 day – 10 teams	
Total	660+
Note: Numbers do not include spectators	

10) LIBRARY REPORT: KELLI KICHLER

Kelli Kichler gave the Library Report. Kelli reported the "Porch Project" bid papers are ready.

11) VILLAGE POINT FOUNDATION REPORT: SELENA VAUGHN

Selena Vaughn gave the Village Point Foundation Report. Selena requested we get Andy Bobe, Dewberry Preble-Rish back to give report. Selena noted we are behind schedule.

12) BAYFRONT MASTER PLAN & IMPROVEMENT COMMITTEE REPORT: BJ ENRINGMAN

BJ Enringman noted we're awaiting report on wetlands. Councilman Joel Coleman commented wetlands have been identified. Councilman Ron Scott asked Councilman Coleman to follow-up with getting Andy Bobe back for report.

13) OLD BUSINESS

CITY PARKS SIGNAGE SPECIFICATION

Councilman Ron Scott asked Kara Wilbourn for report. Kara Wilbourn commented reference ordinance we are good for now.

DAPHNE WELCOME CENTER

Mayor Dane Haygood reported the city is looking at opportunities for Daphne Welcome Center. Baldwin Rural Area Transportation System (BRATS) is now looking at Jubilee Square. Mayor reported the facility needs maintenance.

PARK CITY PARK DRIVE

BJ Enringman gave report on Park City Park Drive. BJ commented park is moving along. Councilman Ron Scott inquired on next phase. Mayor Dane Haygood reported were getting ready to bid out next phase. Mayor noted Cal Ripken grant opportunity.

FIRE STATION #2 PROJECT REPORT

Richard Merchant gave report on Fire Station #2. Richard reported we finally have ceiling tile. Richard noted issue with condensation. Councilman Ron Scott asked when project would be complete. Richard was unable to provide completion date at this time.

DAPHNE CITY HALL FENCING

BJ Eringman reported he would follow-up and provide report at next month's meeting on Daphne City Hall fencing. Councilman Doug Goodlin noted ordinance was passed. Mayor Dane Haygood reported plan in process. Mayor noted stakes in ground for a garbage can corral behind City Hall. Councilman Goodlin inquired on funding. Kelli Kichler noted funding is encumbered in budget.

14) NEW BUSINESS

VOICE OVER IP SYSTEM

Kelli Kichler discussed the new Voice Over IP Phone System for city. Kelli noted the system will be phased into operation. Kelli requested motion for Council to allow Mayor Dane Haygood to enter into contract on system over \$15,000.00 as approved by legal. Councilman Ron Scott asked Candace Antinarella to work with Patrick Dungan to add motion to City Council agenda at next meeting.

15) ANY OTHER BUILDINGS & PROPERTY BUSINESS

No further business discussed.

16) NEXT MEETING

Next meeting scheduled for Monday, October 9, 2017 at 5:15 p.m.

17) ADJOURN

Councilman Ron Scott adjourned meeting at 6:20 p.m. with no further business to discuss.
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Public Safety Committee

Monday, August 21, 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
Samantha Cooper - Secretary
Councilwoman Tommie Conaway
Councilman Joe Davis
Councilman Joel Coleman

Committee Members Attending:

Councilman Joe Davis, Councilman Ron Scott, Councilwoman Tommie Conaway, Councilman Doug Goodlin, Public Works Assistant Director BJ Eringman, Chief David Carpenter, Captain Scott Taylor, Chief James White

CALL TO ORDER

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

PUBLIC PARTICIPATION – N/A

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from July 17, 2017 were approved as read.

POLICE DEPARTMENT

- A. New Business** – Chief presented the monthly stats as provided. Chief updated the committee on a burglary that happened over the weekend. They were able to obtain a blood sample that matched with a guy that was currently being held in the jail for a different crime and were able to tie him to the burglary. Also, the last robbery we had at Cash Advance, the suspect was caught and arrested in Phenix City, AL and will face robbery charges for Daphne once released on other pending charges.

Chief also mentioned that today was the first day of school and that the Police and Public Works worked together diligently to make sure everything went well and ran smoothly. He stated that all reports he has heard back, this year has been the ‘best’ first day of school we have ever had with very few issues, and everything ran as smoothly as possible.

Councilman Scott inquired as to how all of the new SRO’s are doing. Chief stated everything has been good, they started last week. Ofc. Huffman just got back from D.A.R.E. school just a few days ago and he has yet to touch base with her. Ofc. Pearce is at Bayside, W.J. Carroll, Christ the King and Daphne North, Ofc. Kayl has Daphne High School and at the Community School (located off 181/I-10) and Ofc. Huffman will be at the middle school, floating back and forth to the high school as well. Chief stated there has been a few issues Ofc. Pearce has come into with Bayside, but Captain Beedy has met with the headmaster and everything is so far handled and under control. Councilman Scott and Davis inquired further about the issues with Bayside and if the Mayor is aware of it or not. Chief stated Captain Beedy is very aware and so far has it worked out. Councilman Scott stated we have done a lot for that school and cooperation goes both ways. Councilman Goodlin brought up that Ofc. Kayl did a really good briefing, bringing a DHS person in and did a school shooter fight/lock down situation presentation for the teachers and faculty at DHS. He stated it was very informative and the teachers/faculty got a lot out of his presentation. Chief stated that we are losing Robin to retirement in a few weeks and with his leaving we will lose a lot of drug awareness and knowledge within the schools.

Chief stated we have the last two new Tahoe's from this past budget that are being worked on and close to being out. He also stated that we lost yet another officer, one of our female officers, Stacey Debien, resigned last week, so we are down another officer and with Robin's retirement we have 5 open spots right now. He stated we hired three last week, two males and one female and trying to get two more hired from this list. He stated there will be another three officers retiring by the first of the year so will also have those spots to fill.

FIRE DEPARTMENT

A: New Business – Chief White spoke briefly about response times of the fire department and stated that our response times are really good, but lack in "District 5" because there is no fire department out there, it is a long, long run to get to the back of Dunmore, but the guys are on it in regards to response times.

Chief presented the stats and stated he added an additional page of stats to the fire department showing their training and classes that they are teaching.

Old Business – Fire Station 2 is still facing issues and he doesn't really know where they are at with it right now.

OTHER BUSINESS –

Councilman Davis brought up a "Strategic Plan" for the city that the council is currently working on. It has been 5 to 6 years in the making and something that the city needs. Within this plan they are concentrating on a section called "A Safe and Secure Community". Within this section is a concentration on "improvement of criminal statistics" and "improvement of fire response times". Councilman Davis requested that the Police Department and the Fire Department put together statistical data and analysis to help them with the development of this section within the strategic plan. He specifically asked for documented statistics over the last several years that would show how good we are doing within these departments, but also help in determining how we can do better. They would like as much details pulled together as possible in order to make a good statement for the strategic plan. I (Samantha) stated I would look into the UCR (Uniform Crime Reporting) data that we submit each year and attempt to pull together something in regards to crime statistics for the city. Councilman Davis requested that we also put together a summary of "advanced training" that our officers (both police and fire) go through that can be incorporated into the strategic plan that would help a good, positive reflection on the city. They want to know how much we are doing above and beyond requirements. Councilman Davis requested that the fire department provide the same type of statistics in order to be included in the "improvement of fire response times" section within the strategic plan. Councilman Goodlin brought up the ISO rating for the Fire department and how this can be updated and improved. Chief White reiterated that they are due for an updated ISO rating survey to be done and really feels that a number of things that they have done will help improve this rating. There are a few things out of their control, mainly being the availability of water. There are older areas that hydrants have numerous (3) hookups, but are not utilized because the pipes are too small and can only support one, maybe two hoses. This is something out of their control and has hurt them in the past with the ISO rating, but he feels they have made numerous improvements in other areas that will compensate for this when it comes to their rating. Councilman Davis stated that he has spoken to Robbie Robinson about things that go into the rating and what we might be able to do to improve it and water quantity has been a very big question. Councilman Davis asked that all of these things be included in the fire department's statistics that they will be providing for the strategic plan.

Councilman Scott spoke about this issue being on the agenda tonight regarding the meeting dates for this committee. The Finance Department is having problems meeting their date and have asked to move

to the third Monday. The Public Safety meeting is going to be moved to the second Monday each month at 5:30. Chief Carpenter brought up the only issue they will face with the 5:30 time is that someone will need to be found to take the notes. They agreed to switch the Building and Property meeting to 5:15 so that Public Safety can stay at 4:30, but now just on the second Monday of the month.

Councilman Scott asked both Chief's where they stand on their budget for this fiscal year, if everything has been submitted. Chief White and Chief Carpenter stated their budgets have been submitted for several months, which included operations and capitol.

Chief Carpenter stated we went off the coat-tail of the Fire Department this year and submitted a grant to Firehouse Subs. We were granted a \$20,000 grant from Firehouse Subs to replace some vests. Councilman Scott inquired if the older vests can be repurposed to some other department or other city. Councilman Davis asked if we need to do some publicity for Firehouse Subs, that it is important they are thanked and recognized by the city for this.

Councilman Goodlin inquired that both the Police and Fire Departments received the POC for the homecoming parade. It will be a one way parade from Daphne Civic Center to City Hall on Thursday, October 12th. The homecoming game will be held on Friday. He stated if there are any questions or concerns to contact him regarding this.

ADJOURN

There being no further business to discuss, Councilman Scott made a motion to adjourn the meeting at 5:01 p.m. The next meeting will be Monday, September 11, 2017 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

CODE ENFORCMENT/ORDINANCE COMMITTEE

*September 5, 2017
City Hall Executive Conference Room
1705 Main Street
Daphne, AL
4:30 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

A quorum was present and called the meeting to order at 4:30 p.m.

Members Present: Doug Goodlin; Tommie Conaway; Pat Rudicell; Joe Davis; Joel Coleman; Robin LeJeune

Also Present: Candace Antinarella, City Clerk; Betsy Schneider, Operations Director; Dane Haygood, Maypr; Jamie Smith, Revenue Officer; Richard Johnson, Public Works Director; David Carpenter, Police Chief; Lt. Kenny Hempfleng; Patrick Dungan, City Attorney; Mat Creel and William Kennedy, Code Enforcement.

Absent: Councilman Ron Scott

II. APPROVE MINUTES / August 21, 2017
The August 21, 2017 minutes approved unanimously.

III. PUBLIC PARTICIPATION
None

IV. ORDINANCE REVIEW/DISCUSSION
Discussion of Council Procedures Ordinance.

MOTION BY Councilman LeJeune to move the Council Procedures Ordinance to the next council agenda. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY

Discussion of Community Grants Ordinance.

MOTION BY Councilwoman Conaway to move the Community Grants Ordinance with changes to the next council agenda. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY

Discussion of Solid Waste Ordinance.

MOTION BY Councilman Davis to move the Solid Waste Ordinance to the next council agenda. Seconded by Councilman LeJeune.
MOTION CARRIED UNANIMOUSLY

Discussion of Special Events Ordinance.

MOTION BY Councilman Coleman to move the Special Events Ordinance to the next council agenda. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY

VI. OTHER BUSINESS

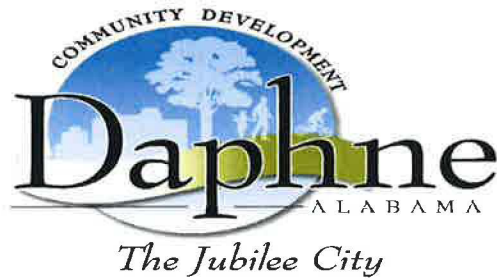
General discussion of a proposed ordinance regulating chickens in city limits. The committee will discuss this subject again at the next meeting.

VII. NEXT MEETING / October 2, 2017

VIII. ADJOURN

MOTION BY Councilman Goodlin to adjourn. Seconded by Councilman Coleman. MOTION CARRIED UNANIMOUSLY
--

THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED AT 5:33 P.M.



CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT AGENDA
SEPTEMBER 7, 2017 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

1. CALL TO ORDER - 6:00 p.m.
2. CALL OF ROLL - Present W. Robison, H. Cole, B. Mayhand, T. Warner
3. APPROVAL OF MINUTES
August 3, 2017 - Approved
4. OLD BUSINESS
5. NEW BUSINESS

Appeal #2017-08 Chick-fil-a, Incorporated - Approved

A request for a Variance to the Daphne Land Use and Development Ordinance has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, proposes a six foot greenbelt along the U.S. Highway 98 right-of-way, in lieu of the required twelve feet per Article 19-8(c). The property is 1682 U.S. Highway 98, which is zoned B-2, General Business.

Election of Officers

W. Robison, Chairman, B. Mayhand, Vice-Chairman

6. ADJOURNMENT - 6:37 p.m.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 3, 2017 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

Chairman stated the number of members present constitutes a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:05 p.m. and he asked for roll call.

Members Present:

Billy Mayhand
Thomas Warner - Arrived at 6:04 p.m.
Derek Wolstenholme
Willie Robison, Chairman
Herb Cole

Members Absent:

Philip Durant

Staff Present:

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

Chairman called for the **Approval of Minutes** of the July 6, 2017 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman stated we welcome Mr. Wolstenholme as a new member on our Board tonight and he is recusing himself because he is an adjacent property owner to this property. Chairman called the next item on the agenda, **Appeal #2017-06 & 07 Mark & Sonja Crowell**, a request for a Variance to the Daphne Land Use and Development Ordinance, has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would establish two lot areas of ten thousand, six hundred and fifty square feet each, in lieu of the required fifteen thousand square feet each, with a lot width of seventy-one feet each, in lieu of the required ninety feet each. The property is Lot 1, 3, & 5, Block 7, Dryer Subdivision, which is zoned, R-2, Medium Density Single Family Residential. He called for Ms. Jones report.

Ms. Jones displayed a Power Point Presentation of Lot 1, 3 & 5 Block 7, Dryer Subdivision detailing the three lots of record configuration fronting onto Fourth Street an unimproved portion of that street, and the requested new two lot outline of 10,650 square feet with the 71 square feet width fronting Church Street and she stated R-2 setbacks would have to be adhered to. Staff listed the property owner's options for developing their land if the variance request is not approved: develop three individual lots with Fourth Street improvements per Public Works specified standards or recording a thirty-foot ingress/egress easement in Probate Records to give access to Church Street or combine the three lots into one, which fronts Church Street. Staff recommends approval of the Variance to have two houses rather than three.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 3, 2017 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

Chairman opened the floor for public participation.

Ms. Crowell stated I am Sonja Crowell, and I plan to build two houses, one for my Mom and one for my aunt, her sister so they can help me and my husband with our daughter, and we will keep our home in Potters Mill.

Chairman asked would anyone like to speak in favor or opposition to this appeal.

Mr. Lord stated my name is Ellis Lord I live on Church Street across from this property. I am against this appeal because she is essentially changing the zoning of the property to be smaller than R-3 zoning, and I feel that like this should be a zoning amendment, because based on the definition of a variance there is no hardship. I would be happy to see only one house built on this property as all of the others around it.

Mr. Wolstenholme stated my name is Derek Wolstenholme and I live on the other end of Fourth Street that is paved behind this property. Could the appeal be contingent upon Fourth Street being extended?

Ms. Jones stated no, because that is a decision for the Council and not the BZA. The right-of-way is there and it belongs to the City, it just has not been opened all the way through. So that decision is in the hand of the Council.

The Board discussed the lots of record done in the 1920's, the unopened Fourth Street right-of-way, and the unique character of Old Towne Daphne.

The Chairman asked would anyone else like to speak in favor or opposition of the variance. Being none, Chair closed the floor for public participation and entertained a motion.

A Motion was made by Mr. Mayhand and Seconded by Mr. Cole to approve Appeal #2017-06 & 07, Mark & Sonja Crowell, for a Variance to the Daphne Land Use and Development Ordinance. The request, if granted, would establish two lot areas of ten thousand, six hundred and fifty square feet each, in lieu of the required fifteen thousand square feet each, with a lot width of seventy-one feet each, in lieu of the required ninety feet each. The property is Lot 1, 3 & 5, Block 7, Dryer Subdivision, which is zoned R-2, Medium Density Single Family Residential.

Upon roll call vote, the Motion failed.

Mr. Warner Nay

Mr. Mayhand Nay

Mr. Cole Aye

Mr. Robison Aye

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 3, 2017 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

The Chairman stated the request for variance is denied. You have fifteen days from today to notify the office of Community Development in writing of your plans to appeal this decision with the Circuit Court of Baldwin County. You can pick up your paperwork in the morning in their office. Thank you.

There being no other business the Chairman called for a **Motion to Adjourn.**

A **Motion** was made by **Mr. Mayhand** and **Seconded** by **Mr. Warner** to adjourn. There was no discussion on the motion.

The Motion carried unanimously.

The meeting was adjourned at 6:28 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: September 7, 2017



Willie Robison, Chairman



City of Daphne

Event Permit Application

Date of Application: August 25, 2017 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information

Organization Name: SEEDS - Supporting Educational Excellence in Daphne Schools

Contact Name: M. REbecca Parke E-mail Address: Seedsindaphne@gmail.com

Address: P.O. Box 460 Daphne AL 36526

Primary Phone Number: 251-802-5002 Secondary: 251-623-5814

Event Information

Event Name: SEEDS 2018 Classic Rock 5K & 1 Mile Fun Run 14th Annual Event Date: March 3, 2018- Saturday

Event Location: City Hall, Daphne Alabama # Participants/Vehicles: 1000

Start Time: 8 am Stop Time: 12 pm Assembly Time: 4 hours

Parades/Runs Only

Special Requests: Police Lead car, and Finish car, Roads blocked at appropriate coner, Fire/Paramedica as

determined by Daphne Fire Dept/Public Works Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: August 25, 2017

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: N/A

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

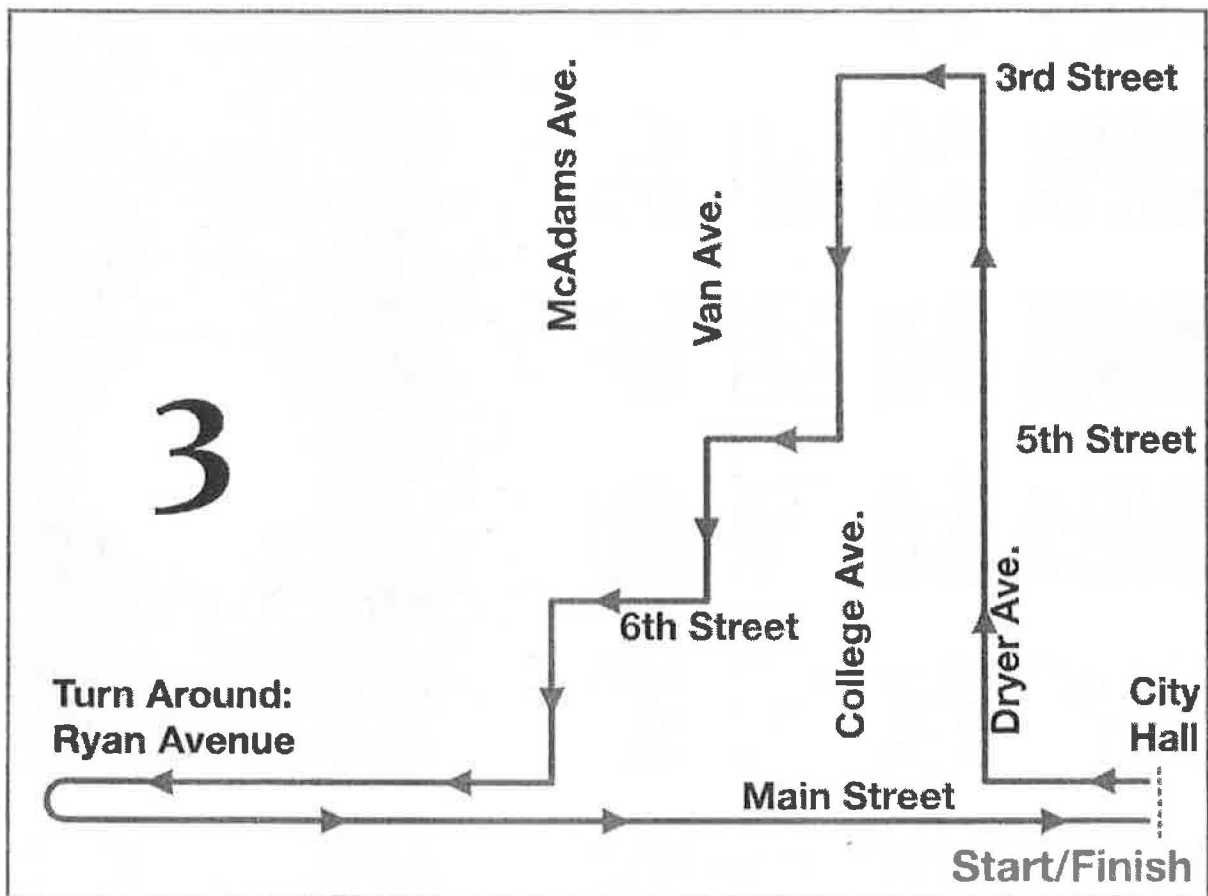
City Council: _____
Date of Approval

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4

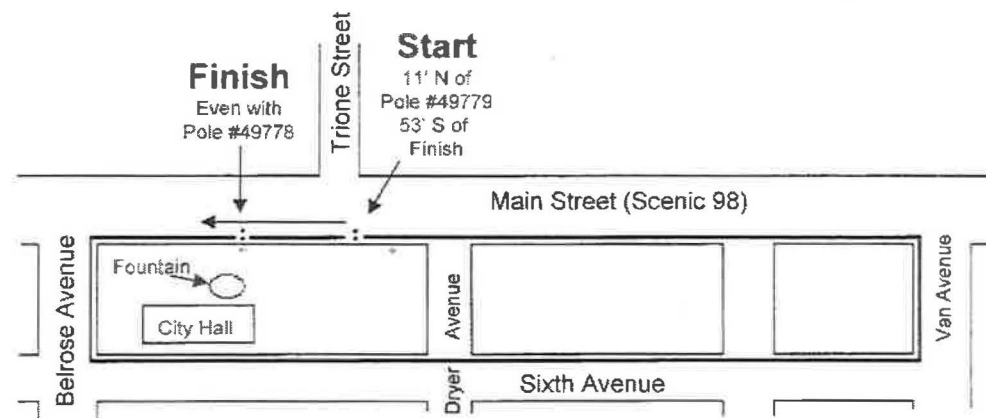


SEEDS 1 Mile II

Daphne, Alabama

AL10008JD

Effective 02-23-2010 to 12-31-2020



No Diagrams to Scale

Splits: Marked with green paint
Locations are given explicitly on map

Start and Finish marked with
green paint

Measured by Jon Bowie (Daphne, AL 251-209-0887)
jnbowie@gmail.com
17 January 2010
Calibrated on AL08007JD
Race contact: Denise D'Oliveira (251-605-8777)

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-77**

ADOPTING THE FISCAL YEAR 2018 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2018 which begins October 1, 2017 and ends September 30, 2018 (the "FY18 Operating Budget"); and

WHEREAS, the City Council has reviewed and considered such proposed budget; and

WHEREAS, the City Council believes that the attached proposed budget is a viable spending plan for the City during the next fiscal year;

WHEREAS, the City's procedures require the adoption of the budget by Ordinance; and

WHEREAS, if the amounts budgeted for departmental operating items or purposes are not required to be utilized for such items or purposes, then upon written approval by the Mayor or the Finance Director, these amounts may be expended for other departmental items or purposes, provided that the total amount of the adopted operating budget is not exceeded; and

WHEREAS, the Mayor is authorized to approve all applications for grants during the fiscal year with the understanding that grant awards requiring an additional appropriations will be presented to Council for approval.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the FY18 Budget in which the general fund revenues exceed appropriations in the amount of \$87,318 (*All Funds* - \$<124,678>) which includes total new Personnel \$390,685 and Capital \$1,554,234 as attached hereto and made a part hereof;

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

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

CITY OF DAPHNE
ORDINANCE NO. 2017-78

**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, Ordinance 2017-35 is repealed in its 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; and
- 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 of participation in or attendance at such demonstration; and
 - ii. 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. HOLD HARMLESS

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 following factors:

- 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; and
- 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 will be required to specify a route for their event. Applicants for race events are limited to selecting from the three (3) provided pre-approved, certified routes which shall be published on the City's website. Applicants requesting street closure for events other than races may either select from the pre-approved race routes or request a custom route subject to approval by the Fire Chief, Police Chief, and Public Works Director.

2. Unless otherwise approved by the City Council, 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). The number of events other than races requiring street closures within one calendar year shall be limited to three (3). The following events requiring street closure shall not be subject to the annual limitations of this subsection: events associated with national holidays, weekday runs or walks associated with the normal operation of public and private schools, Mardi Gras parades, the annual Jubilee Festival of Arts, 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 an 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 commencing January 1, 2018, and following 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:

**CANDACE ANTINARELLA
CITY CLERK**

CITY OF DAPHNE, ~~ALABAMA~~
ORDINANCE NO. ~~2017-35~~2017-

**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~~ Ordinance 2017-35 is repealed in ~~their~~ its 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; and
- 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 of participation in or attendance at such demonstration; and
 - ii. 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 HOLD HARMLESS

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 following factors:

- 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; and
- 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 for race events are limited to selecting among from the three (3) provided pre-approved, certified routes which shall be published on the City's website. Applicants requesting street closure for events other than races may either select from the pre-approved race routes or request a custom route subject to approval by the Fire Chief, Police Chief, and Public Works Director.

2. ~~Races~~ Unless otherwise approved by the City Council, 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~~ The number of events other than races requiring street closures within one calendar year shall be limited to three (3). The following events requiring street closure shall not be subject to the annual limitations of this subsection: events associated with national holidays, weekday runs or walks associated with the normal operation of public and private schools, Mardi Gras parades-, the annual Jubilee Festival of Arts, 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 an 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 commencing January 1, 2018, and following~~ 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:

**CANDACE ANTINARELLA
REBECCA A. HAYES, CITY CLERK**

**CITY OF DAPHNE
ORDINANCE NO. 2017-79**

**ORDINANCE FOR COMMERCIAL SOLID WASTE
COLLECTION SERVICES AND FRANCHISES**

WHEREAS, the City Council of the City of Daphne, Alabama desires to protect, preserve, and promote the health, welfare, and safety of the citizens of Daphne by providing for an adequate commercial solid waste collection service; and

WHEREAS, the City Council of the City of Daphne, Alabama desires to provide sufficient funding to meet the cost of maintaining and operating such services by ensuring the structural integrity of public streets and that the same are maintained in a state of good repair free from unnecessary encumbrances; and

WHEREAS, the City Council of the City of Daphne, Alabama finds that it is in the best interests of the citizens of Daphne to grant non-exclusive franchises for commercial solid waste collection services within the City of Daphne, subject to the terms and conditions of franchise agreements and this Ordinance; and

WHEREAS, the City Council of the City of Daphne, Alabama, possessing authority to issue franchises, desires to establish the rules and regulations related to commercial solid waste collection services and franchises, to provide applicable definitions, to define prohibited acts, to provide penalties for the violation hereof, and to enact reasonable regulations in furtherance thereof.

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

**SECTION I.
DEFINITIONS**

For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context the words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directive, and the word “may” is permissive.

Biological waste means solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, biomedical waste, diseased or dead animals, and other wastes capable of transmitting pathogens to humans or animals.

Bulk refuse means (1) trash generated by lot or land clearing or major land cleanup operations; (2) refuse and debris resulting from construction, renovation, or repair work to buildings or other structures; and (3) an appliance or item of furniture discarded on nonresidential property or on the premises of a rental cottage or apartment complex or an

appliance or item of furniture weighing more than three hundred (300) pounds discarded on any property.

City means the City of Daphne. Depending on the context, the City means either (1) the City government, acting through its officers, agents and employees, or (2) the geographical area contained within the jurisdictional limits of the City.

Code means the City of Daphne Code of Ordinances.

Code enforcement officer means the code enforcement officer of the City of Daphne or a duly authorized representative of the city appointed by the mayor to oversee enforcement of the terms of this division.

Commercial establishments means all places within the City not classified as residential which produce or accumulate trash.

Commercial solid waste means all garbage, trash, junk, and rubbish that is collected for disposal and includes but is not limited to metal, scrap metal, white goods (e.g., stoves, refrigerators, washers, dryers, sinks), and all non-recyclable waste streams generated by commercial establishments in the City. However, notwithstanding anything else contained herein, commercial solid waste does not include: hazardous, radioactive, volatile, corrosive, highly flammable, explosive, biomedical, infectious, bio-hazardous, toxic, or any other waste that is classified as hazardous by applicable law.

Commercial solid waste collection service means collecting, transporting, receiving, storing, or separating any type of commercial solid waste within the City.

Construction and demolition debris means discarded materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt material, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project, or from the renovation of a structure, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project; including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

Franchise means the City's grant of authority for a person or entity to engage in the business of providing commercial solid waste collection services in the City, as evidenced by a franchise agreement between such person or entity (i.e., the franchisee) and the City.

Franchise agreement means a "franchise agreement for commercial solid waste collection services" between the City and a franchisee.

Franchisee means a person or entity authorized by the Mayor to provide commercial solid waste collection services within the City, subject to the requirements of this Ordinance and a franchise agreement.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, including wastes from markets, storage facilities, handling and sale of produce and other food products, and excepting such materials that may be serviced by garbage grinders and handled as household sewage.

Gross revenues means all revenues the franchisee is entitled to collect from the franchisee's customers for providing commercial solid waste collection services in the City. Gross revenues are equal to the franchisee's billings for commercial solid waste collection services, with no deductions, except for bad debts written off in accordance with generally accepted accounting principles. "Gross revenues" do not include the franchisee's sales tax collections, Fuel Recovery Fees or Environmental Recovery Fees.

Industrial solid waste means solid waste generated by manufacturing or industrial processes that is not a hazardous waste. Such waste may include but is not limited to, waste from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products or byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; non-ferrous metal manufacturing or foundries; organic chemicals; plastic and manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Junk means any vehicle or vehicle parts, rubber tires, automotive batteries, paint or paint containers, oil, gasoline, items containing hazardous or flammable material, chemicals, asphalt, cement or concrete, machinery, equipment, building or construction material, or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition.

Mayor shall mean the Mayor of the City of Daphne or the Mayor's designee.

Person means any and all persons, natural or artificial, including any individual, firm, or association; any public or private corporation organized or existing under the laws of this state or any other state; any county of this state; and any governmental agency of this state or the federal government.

Prohibited materials means those materials, items, or matter which are not permitted under the Code to be placed into containers, or placed out for collection, or brought to any City solid waste management facility (except with the prior approval of the Public Works Director), including, but not limited to: hazardous and biomedical wastes; asbestos; liquid paint; sludge; vehicular batteries; explosives; ammunition; pressurized gas cylinders that are five (5) gallons or greater; welding cylinders; ignitable and flammable wastes; cesspool wastes; human remains; PCBs; radioactive materials; closed cartridge filters from dry-cleaning establishments; ashes; foundry sand; motor vehicles, including major parts such as transmissions, rear ends, springs, and fenders; large machinery and equipment; motor oil; materials exceeding the size, weight, and quantity limitations established by the Public Works Director; and any other waste that poses a threat to the health, safety, or welfare of the vehicles, equipment, or personnel of the City or its contractors.

The following prohibited materials are further defined as follows:

- 1) *Biomedical waste* means any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, non-liquid human tissue and body parts; laboratory and veterinary waste which contain human disease

causing agents; used disposable sharps; human blood, human blood products and body fluids; and other materials which in the opinion of the Alabama Department of Public Health represent a significant risk of infection to persons outside the generating facility.

- 2) *Hazardous waste* means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. The term does not include human remains that are disposed of by persons licensed under Alabama law. These materials include, but are not limited to, volatile, chemical, biological, explosive, flammable, radioactive, and toxic materials.
- 3) *Sludge* includes the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids or solids pumped from septic tanks, grease traps, privies, portable toilets, or similar waste disposal appurtenances. Sludge may be a solid, liquid, or semi-solid waste, but does not include the treated effluent from a wastewater treatment plant facility.

Public Works Department means the department responsible for all matters relating to the collection, transportation, recycling, reclamation, conversion, and disposal of solid waste in the City.

Public Works Director means the Director of the Public Works Department and/or his or her duly authorized designee, who shall be responsible for the management of the affairs of the department, and for the administration and enforcement of the provisions set forth in this Ordinance.

Revenue Department means the department responsible for all matters relating to the collection of revenues, taxes, fees, and other debts due the City.

Revenue Officer means the Officer of the Revenue Department and/or his or her duly authorized designee, who shall be responsible for all matters relating to the collection of revenues, taxes, fees, and other debts due to the City.

Recovered materials means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted or source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but not does not include materials destined for any use that constitutes disposal. Recovered materials as defined herein are not solid waste.

Recycling means any process by which solid waste or materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Rubbish means an accumulation of discarded clothing, appliances, furniture, bicycles, lawn mowers, barbecue grills and similar discarded personal and household items, excluding junk as herein defined and excluding recyclable materials.

Solid waste management facility means any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste.

Trash means rubbish, shrubbery, trimmings, sidewalk sweepings, leaves, pine straw, grass, weeds, hedge trimmings, small tree trimmings (limbs less than five (5) feet in length and eight (8) inches in diameter), firewood or other refuse originating in yards, on sidewalks, or neutral grounds adjacent to the business of the person receiving trash service, excluding the following: junk as herein defined, recyclable materials, trees that have been cut down by contractors or by individuals who have been paid to remove or cut trees.

SECTION II. AUTHORITY

- (a) The provisions of this Ordinance shall be administered and enforced by the Public Works Director (and Revenue Officer where applicable) and in accordance with the Code of the City of Daphne.
- (b) Pursuant to the Code of the City of Daphne, City Code Enforcement Officers shall have full authority to enforce this Ordinance.

SECTION III. APPLICABILITY, REQUIREMENT FOR FRANCHISE, TERM OF FRANCHISE

- (a) This Ordinance shall apply to any person or entity engaged in the business of providing commercial solid waste collection services in the City on or after the effective date of this Ordinance.
- (b) This Ordinance applies to the collection of commercial solid waste. This Ordinance does not apply if a person or entity only collects biomedical waste, biological waste, hazardous waste, industrial solid waste, prohibited materials, recovered materials, sludge, or other materials that are not commercial solid waste.
- (c) After January 1, 2018, no person or entity shall engage in the business of providing commercial solid waste collection services in the City unless they have obtained a franchise from the City to provide such services.
- (d) No person or entity shall obtain a franchise from the City until they have completed the following steps:
 - (1) Submitted a complete application to the City Revenue Department for a franchise.
 - (2) Paid an application fee in the amount of twenty dollars (\$20).

- (3) Paid the appropriate occupational license tax.
 - (4) Posted a bond and obtained the insurance required herein.
 - (5) Executed a franchise agreement with the City for commercial solid waste collection services.
 - (6) Obtain approval from the Mayor for a franchise.
- (e) A franchise shall not be granted until the franchise agreement has been duly executed by the applicant and the City.
- (f) Each franchise agreement shall take effect on October 1, unless the applicant requests and the City approves a different effective date. Each franchise agreement that takes effect prior to October 1, 2018, shall expire on October 1, 2018, unless the franchise agreement is terminated sooner, as provided herein. Each franchise agreement that takes effect on or after October 1, 2018, shall expire on September 30th following the date of its issuance, unless the franchise agreement is terminated sooner, as provided herein.

SECTION IV. GENERAL PROVISIONS

- (a) It is unlawful for any person or entity to commence or engage in the business of providing commercial solid waste collection service within the City without first obtaining a franchise and entering into a franchise agreement with the City in accordance with this Ordinance.
- (b) No franchise shall be awarded to any person or entity unless the Mayor determines that the applicant is capable of complying with the requirements of this Ordinance.
- (c) Each franchisee shall comply with all federal and state laws, this Ordinance, and all other City of Daphne code provisions, administrative rules, regulations, and orders of regulatory bodies applicable to the commercial solid waste collection services provided by the franchisee. Each franchisee shall obtain and maintain all licenses and permits required by federal, state, and local laws, rules, regulations, and orders of regulatory bodies that are applicable to the franchisee's collection of commercial solid waste in the City.
- (d) A franchisee shall not be relieved of its obligation to comply with all requirements of this ordinance and the franchise agreement by failure of the City to enforce compliance with such requirements.
- (e) The City reserves its right to grant franchises and similar rights to more than one (1) person or entity. The City also reserves its right to provide its services, including but not limited to commercial solid waste collection services, to any person or entity.
- (f) Each franchisee shall handle its customers' containers with reasonable care and return them to the approximate location from which they were collected.

- (g) Each franchisee shall totally enclose or securely cover any solid waste that the franchisee is transporting within the City. Each franchisee shall immediately clean up any solid waste or liquid that the franchisee spills on public or private property in the City.
- (h) A franchisee providing commercial solid waste collection services shall not be deemed to be an agent or employee of the City. A franchisee shall be solely responsible for any losses or damages of any kind arising from its performance or non-performance under its franchise. A franchisee shall indemnify, defend, and hold the City harmless against any and all claims and suits brought against the City resulting from the franchisee's performance or non-performance under the franchise.
- (i) The execution of the franchise agreement and the issuance of a franchise by the Mayor or renewal thereof shall not be construed as creating any vested rights. Each franchise is revocable in accordance with the terms of this Ordinance.
- (j) A franchise may not be assigned or transferred to another person or entity.

SECTION V. APPLICATION REQUIREMENTS FOR A FRANCHISE

- (a) Any person or entity wishing to obtain a franchise to engage in the business of providing commercial solid waste collection services within the City shall submit an application to the City's Revenue Department.
- (b) An application for a franchise shall provide the City with satisfactory evidence demonstrating that:
 - (1) The applicant has the experience, personnel, equipment, and other resources necessary to provide commercial solid waste collection services in compliance with the requirements in this Ordinance.
 - (2) The applicant has the capacity and willingness to comply with all applicable local, state and federal laws.
 - (3) The award of a franchise to the applicant will be in the public interest.
- (c) Applicants for a new franchise and applicants for the renewal of an existing franchise shall provide the information requested by the Public Works Director and any other relevant information. The application and supporting information shall be submitted under oath and on forms supplied by the Revenue Department. At a minimum, the application shall include the following information:
 - (1) The name and mailing address of the applicant, contact information for the applicant's designated representative, the name of the person to be granted the franchise or, if the applicant is a corporation, the names of the corporation's principal officers, the names of the local operating managers who will be responsible for performing collection services for the applicant, together with the business address and telephone number of each manager.

- (2) If the applicant is a corporation, proof that the corporation is in good standing in the State of Alabama and, if the applicant is not an Alabama corporation, proof that the applicant is authorized to do business in the State of Alabama. If the applicant is operating under a fictitious name, the applicant shall be required to submit proof that such fictitious name is registered and held by the applicant.
 - (3) A complete record of all civil penalties and liquidated damages in excess of \$5,000.00 assessed against the applicant by local, state, and federal governmental entities within the last five (5) years involving the collection, transportation, or disposal of solid waste.
 - (4) The types of materials to be collected, transported, or disposed of by the applicant under the franchise.
 - (5) The franchisee's typical hours of commercial solid waste collection.
- (d) Each applicant shall submit the required application fee to the City's Revenue Department. The application fee is due and payable when the application is submitted. The application fee is not refundable, even if the application for a franchise is denied.
 - (e) New applications must be submitted to the City's Revenue Department at least sixty (60) days before the applicant plans to begin providing commercial solid waste collection services. Renewal applications must be submitted to the City's Revenue Department at least thirty (30) days before the applicant's existing franchise expires.

SECTION VI. BASIS FOR AWARD OR FRANCHISE

A franchise for commercial solid waste collection services may only be granted to a person or entity if the Mayor, or his or her designee, concludes that the applicant has satisfied the requirements in this Ordinance.

SECTION VII. DENIAL OF FRANCHISE APPLICATION

- (a) The Mayor may deny an application for a franchise for commercial solid waste collection services if the Mayor, or his or her designee, concludes that the applicant failed to satisfy one or more of the requirements of this Ordinance and the Code.
- (b) The Mayor shall deny an application for a franchise for the following reasons:
 - (1) The applicant has not submitted a complete application with all of the required supporting documents, paid the application fee, paid the occupational license tax, provided an appropriate bond and insurance, and executed a franchise agreement, as required by this Ordinance.
 - (2) The applicant has submitted false or materially misleading statements in the application.
 - (3) The applicant or a partner, director, or officer of the applicant has been convicted of a felony within the past five (5) years, or has been convicted of a

misdemeanor within the past three (3) years, involving the collection, transportation, or disposal of solid waste.

SECTION VIII. SUSPENSION OR REVOCATION OF FRANCHISE

- (a) The Mayor may suspend or revoke a franchise and the corresponding franchise agreement if the Mayor concludes that:
 - (1) The franchise was issued by mistake of law or fact.
 - (2) The franchise was issued based upon a false statement or misrepresentation by the applicant.
 - (3) The franchisee has violated an applicable provision of the City Code, a City regulation, or a federal or state law.
 - (4) A necessary permit, approval, or license of the franchisee has become invalid.
 - (5) The commercial solid waste collection service authorized by the franchise is not being performed by the franchisee.
 - (6) The commercial solid waste collection services and other activities authorized under the franchise are not being performed in accordance with the requirements of this Ordinance, the franchise agreement, or the application for a franchise.
 - (7) Timely and full payment of the franchise fee has not been accomplished by the franchisee in compliance with Section X of this Ordinance.
 - (8) The franchisee or one of its principals has been convicted under a local, state, or federal law for a crime involving the collection, transportation, or management of solid waste.
 - (9) The franchisee failed to provide, pay for, and maintain the required bond and insurance coverage in accordance with the requirements of this Ordinance.
 - (10) The franchisee violated a requirement of this ordinance or the franchise agreement.
 - (11) The franchisee failed to comply with a lawful order of the Public Works Director or the City, given in compliance with the requirements of the Code.
 - (12) The franchisee's actions or inactions demonstrate that the franchisee is not competent or fit to provide commercial solid waste collection services to the public.
- (b) Before the Mayor suspends or revokes a franchise, the Mayor shall provide notice to the franchisee and an opportunity to be heard in the manner set forth in Section IX of this Ordinance.
- (c) A franchise that has been suspended or revoked under this Ordinance shall not be reinstated or reissued unless, at a minimum, the franchisee has complied with all of the requirements of this Ordinance, submitted a complete application, paid the application fee, executed a franchise agreement, and been approved by the Mayor.
- (d) The revocation of a franchise shall automatically terminate the corresponding franchise agreement.

SECTION IX.
RIGHT TO APPEAL THE DENIAL, SUSPENSION,
OR REVOCATION OF A FRANCHISE

- (a) Prior to the denial of an application or the suspension or revocation of a franchise, the applicant or franchisee (as the case may be) shall be given reasonable notice of the Mayor's proposed action and shall be given an opportunity to present evidence to the Mayor explaining why the franchise should not be denied, suspended, or revoked. The Mayor shall fairly consider any evidence presented by the applicant or franchisee before the Mayor issues a final decision. Notice of the Mayor's proposed action, and notice of the Mayor's final decision, shall be served upon the applicant or franchisee by certified mail.
- (b) Should any person be aggrieved by the decision of the Mayor, such person may appeal by filing written notice with the Public Works Department within fifteen (15) days from the date of such decision. The Public Works Department shall send a copy of the appeal and all relevant documentation within fifteen (15) days to the City Clerk to be considered by the City Council at a public hearing.
- (c) The hearing shall be conducted during a regular or specially-called public meeting of the Daphne City Council, following notice of the hearing to the appellant. The hearing shall be informal and strict rules of evidence shall not be applicable, but the minimal requirements of due process shall be observed. The objective of the hearing shall be to determine whether the denial, suspension, or revocation of the franchise complies with the requirements of the City of Daphne's Code. At the hearing, the Public Works Department and the appellant may introduce testimony and other evidence in support of their respective positions. The decision of the City Council shall be final and the appellant shall be deemed to have exhausted all administrative remedies.

SECTION X.
REQUIREMENT TO EXECUTE A FRANCHISE AGREEMENT
WITH THE CITY AND PAYMENT OF FRANCHISE FEES

- (a) Each applicant shall execute a franchise agreement, including all required attachments, in the form that has been approved by the Mayor and furnished to the applicant by the Revenue Department. Upon execution of the franchise agreement by the applicant and the Mayor, the applicant shall comply at all times with all requirements set forth in this Ordinance and the franchise agreement.
- (b) Each franchisee shall submit franchise fees and appropriate documentation to the City Revenue Department in the manner provided herein.
- (c) Each franchisee shall pay franchise fees to the City as compensation for the rights and benefits granted hereunder, including but not limited to, the right to collect commercial solid waste in the City. The franchise fee shall be equal to three percent (3%) of the franchisee's gross revenues from the commercial solid waste collection

services provided by the franchisee within the City.

- (d) Franchise fee payments for commercial solid waste collection service shall be made quarterly on or before the twentieth (20th) day of the month succeeding the end of the quarterly period in which the fee is due. Thus, franchisee fee payments will be due on the first day of the months of April, July, October and January. Each payment shall be accompanied by a statement of the franchisee's gross revenues, which shall be submitted on a form prescribed by the City Revenue Department. The franchise fees shall be paid directly to the City Revenue Department. Statements and payments shall be accepted as timely if postmarked within twenty (20) days after the first day of the month succeeding the end of the quarterly period in which the fee is due; if the twentieth day falls on a Saturday or Sunday, a federal or state holiday, or Mardi Gras Day ("Fat Tuesday"), statements and payments shall be accepted as timely if postmarked on the next succeeding workday. Payments not received by the due date shall be assessed (1) an administrative fee to reimburse the City for the reasonable administrative costs associated with collecting such monies and (2) interest for each day of delinquency at the rate of eighteen percent (18%) per annum or the maximum allowed by law, whichever is less, for each day of delinquency until the total unpaid amount due and owing is paid in full. The administrative fee shall be equal to six percent (6%) of the amount owed by the franchisee to the City or \$15.00, whichever is greater.
- (e) All amounts paid by the franchisee shall be subject to confirmation and re-computation by the City. An acceptance of payment shall not be construed as an accord that the amount paid is the correct amount, nor shall acceptance of payment be construed as a release of any claim the City may have for further or additional sums payable.
- (f) Billing methods that have the effect of reducing or avoiding the payment of franchise fees are prohibited and will be cause for termination of the franchise. Any person who uses false, misleading, or fraudulent billing methods for the purpose of reducing or avoiding the payment of franchise fees may be subject to the penalties provided by this Ordinance and the City of Daphne Code, Section 14-1 ("Adoption of state offenses law").
- (g) Payment of the franchise fee shall not exempt the franchisee from the payment of any other fee, tax, or charge on the business, occupation, property, or income of the franchisee that may be imposed by the City, or any county, state, or federal government agency.
- (h) A franchisee's failure to remit the franchise fees and documentation required by this Ordinance shall be grounds for the suspension or revocation of the franchise.
- (i) The City may seek judicial relief to recover all fees, costs, and interest due and owing by the franchisee. The franchisee shall pay the City's court costs, reasonable attorney fees, accounting and auditing costs, and other collection costs incurred by the City as a result of a franchisee's failure to remit the franchise fees and documentation required by this ordinance and the franchise agreement.

- (j) Franchise fee payments for commercial solid waste collection service shall be utilized for ensuring the structural integrity of public streets and that the same are maintained in a state of good repair free from unnecessary encumbrances.

SECTION XI. BOND REQUIREMENT

Each applicant for a franchise shall provide the City with a bond in the amount of \$20,000.00. The form of the bond shall be subject to the approval of the City Attorney. The bond shall be issued by a surety licensed to do business in the State of Alabama. The bond shall be used to ensure the franchisee's performance under this Ordinance and the franchise agreement. Among other things, the bond shall be used to ensure the franchisee's payment of franchise fees and other sums that are due and owing to the City. The bond also shall be used to indemnify the City from any damages that may be suffered by the City in any manner as a result of the City's award of a franchise to the applicant, including but not limited to damages resulting from the applicant's performance or non-performance of the conditions and requirements of the franchise agreement, the applicant's use of the City's streets, the failure of the applicant to conform with applicable laws, and any negligent, reckless, or intentional wrongful act or omission of the applicant or the applicant's employees, agents, officers, or representatives. The bond shall be kept in full force at all times during the term of the franchise. The bond shall be released by the City if the application is denied or if the franchise agreement expires or is terminated.

SECTION XII. INSURANCE REQUIREMENTS

- (a) Each franchisee shall maintain in effect at all times and shall furnish to the City a certificate evidencing the following types of insurance coverage and specified limits of coverage, issued by an insurance company licensed to do business in the State of Alabama, acceptable to the City and as required and set forth in greater specificity in the franchise agreement.
 - (1) Comprehensive general liability insurance with a limit of One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) general aggregate. This policy must include the following coverages: premises and operations liability, independent contractors, products and completed operations, personal injury, contractual liability, and fire damage.
 - (2) Automotive liability insurance coverage providing a combined single limit of not less than One Million Dollars (\$1,000,000.00) per occurrence. This policy must include the following coverages: bodily injury and property damage including premises and operations.
 - (3) Workers' Compensation insurance shall be provided for all of the franchisee's employees as required under Alabama law.
 - (4) Employers liability insurance providing a single limit of not less than One Million Dollars (\$1,000,000.00), bodily injury be each accident and providing a single limit of not less than One Million Dollars (\$1,000,000.00), bodily injury disease per each employee, and providing a single limit of not less than One Million Dollars (\$1,000,000.00) bodily injury by disease policy limit.

- (b) When an applicant submits an application for a franchise, and when a franchisee submits an application for the renewal of its franchise, the applicant/franchisee shall furnish the City a certificate evidencing this insurance coverage is in effect for the same term as the franchise agreement, and naming the City as an additional insured (except with regard to the workers compensation and employers liability insurances). The franchisee shall notify the City in writing by registered or certified mail thirty (30) days in advance of any cancellation, intent not to renew, or any other changes in the insurance coverage. Upon the cancellation or lapse of any policy of insurance required by this Ordinance or the franchise agreement, the franchisee's license to operate as a franchisee in the City under its franchise agreement shall be immediately revoked unless, before the expiration date of the policy of insurance, another policy of insurance containing all the requirements of the original policy of insurance is obtained and a new certificate is provided to the department.

SECTION XIII. BOOKS, RECORDS, AND REPORTING REQUIREMENTS

- (a) Each franchisee shall prepare, keep, and maintain current, accurate records demonstrating its compliance with the requirements in this Ordinance and the franchise agreement.
- (b) The City shall have the right to inspect and review a franchisee's records concerning its franchise. The City shall provide fifteen (15) days advance written notice of any such inspection. The City also may copy and audit the franchisee's records at the City's expense. The franchisee's records shall be maintained at a location within one hundred (100) miles of the City during the term of the franchise and for at least three (3) years thereafter. The records shall be readily accessible for review by the City.

SECTION XIV. METHODS OF SOLID WASTE COLLECTION

- (a) Each franchisee shall collect commercial solid waste in the manner required by this Ordinance and the franchise agreement. At a minimum each franchisee shall comply with the following requirements:
- (1) Hours of collection. The Director may restrict the hours of collection for any particular location, after providing notice, if the Director concludes that the Franchisee's operations are causing a nuisance.
 - (2) Routes of travel. To the greatest extent practicable, all of the Franchisee's collection vehicles shall travel on major thoroughfares, without using side streets, when collecting and transporting solid waste. The Franchisee shall comply with the applicable provisions of the City's ordinances concerning the use of designated truck routes by regulated trucks.
 - (3) Equipment. All vehicles, equipment, and containers used to provide commercial solid waste collection services shall be maintained at all times in a clean, sanitary, and neat condition and in good repair. All of the franchisee's collection vehicles, equipment, and containers shall bear the franchisee's name and current telephone number in letters that are at least two inches (2") tall.

- (4) Maximum weight of loaded vehicles. The total gross weight of any loaded vehicle used by the franchisee on a City road shall not exceed the maximum gross weight allowed per vehicle under any applicable federal, state, or City law.
- (5) Prohibited materials. A franchisee shall take all reasonable measures to prevent prohibited materials from being collected, transported, or disposed of in a manner that poses a threat to human health, public safety, or the environment. A franchisee shall not collect such materials in the City and shall not deliver them to the City's solid waste management facilities without the City's prior written approval. The franchisee shall promptly notify the City if a Person places prohibited materials out for collection by the franchisee. The requirements and prohibitions in this paragraph apply to cases where the franchisee knew, or reasonably should have known, that the franchisee was collecting, transporting, delivering, or disposing of prohibited materials.
- (6) Produce receipts from approved facilities. The franchisee, upon request of the Department, shall produce receipts or other documents demonstrating that all of the Commercial Solid Waste collected by the franchisee in the City was delivered to permitted Baldwin County Reclamation Center or a landfill or another solid waste management facility that was approved in advance by the Director.
- (7) Disposal at a permitted Baldwin County Reclamation Center or landfill. If the franchisee collects, receives, transports, stores or separates Commercial Solid Waste that was generated within the City, the franchisee shall deliver such waste, even if it is mixed with materials that are not Commercial Waste, to a permitted Baldwin County Reclamation Center or landfill, unless the Franchisee received the Director's advance written authorization to deliver the waste to a different solid waste management facility.

SECTION XV. ENFORCEMENT PROCEDURES AND LEGAL REMEDIES

- (a) It shall be unlawful for any person or entity to engage in the business of collecting, removing, transporting, or disposing of any commercial solid waste, or to provide commercial solid waste collection services in the City without complying with all applicable provisions of this Order.
- (b) It shall be unlawful for any person or entity to violate any of the terms, provisions, or directions of this Ordinance.
- (c) Remedies. The remedies provided in this ordinance are not mutually exclusive. The City may pursue any remedy authorized by law or equity when enforcing the City's rights under this Ordinance. Among other things, the City may take any, all, or any combination of the following actions against a non-compliant person:
 - (1) Enforcement. The Public Works Director may enforce any violation of the provision of this Ordinance against any person pursuant to and in the manner provided in this Ordinance.

- (2) Injunctive and other relief. The Mayor, through the City Attorney, may file a petition in the name of the City in the Circuit Court of Baldwin County or such other courts as may have jurisdiction, seeking the issuance of an injunction, an award of damages, or other appropriate relief to enforce the provisions of this Ordinance.
- (3) Recovery of monies owed or other damages. The Revenue Officer shall invoice the franchisee or any other person who owes money to the City under the requirements of this Ordinance of the franchise agreement. If the invoice is not paid the Revenue Officer shall notify the City Attorney to take such actions as shall be appropriate to obtain reimbursement.

SECTION XVI. PENALTIES FOR VIOLATIONS

Any person or entity violating any provision of this Ordinance shall, upon conviction, be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

SECTION XVII. SEVERABILITY

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

SECTION XVIII. REPEALER

Any ordinance or part of an ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as they conflict.

SECTION XIX. EFFECTIVE DATE

This Ordinance shall take effect and be in force commencing January 1, 2018, and following 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.**

ATTEST:

**DANE HAYGOOD
MAYOR**

**CANDACE G. ANTINARELLA
CITY CLERK**

**CITY OF DAPHNE
ORDINANCE 2017-80**

**AN ORDINANCE ADOPTING THE RULES OF PROCEDURE IN ALL
INSTANCES FOR MEETINGS OF THE CITY COUNCIL**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the Order Procedure in All Instances for Meetings of the City Council shall be as follows:

SECTION I: GOVERNING RULES

The Rules of Procedure herein contained shall govern the deliberations and meetings of all of the Council of the City of Daphne, Alabama.

- A. Amending the Council Rules of Procedure. The rules of the Council may be amended in the same manner as any other ordinance of general or permanent nature.
- B. Suspension of the Rules of Procedure. The Rules of the Council may be temporarily suspended by unanimous roll call vote of all members present.

SECTION II: COUNCIL MEETING TIME

The regular meetings of the City Council shall be held on the first and third Mondays of each month, which meeting shall convene at 6:30 p.m. at the City Hall Council Chamber. All meetings, regular and special, shall be opened to the public, except when Council meets in executive session as authorized by State law. The regularly scheduled work session will be held on the second Monday of each month at 6:30 p.m. at the City Hall Council Chambers. Any meeting that is scheduled to meet on a Monday that is observed by the City as a holiday shall instead meet on the Tuesday after the holiday at the regularly scheduled time.

SECTION III: SPECIAL CALLED MEETINGS

All special meetings may be held as provided by Section 11-43-50, Code of Alabama (1975) (as amended). Special meetings may be held at the call of the presiding officer by serving notice on each member of the Council not less than twenty-four hours before the time set for such special called meeting. The presiding officer shall call special meetings whenever two (2) Council members or the Mayor request the presiding officer in writing to call a meeting. Upon the failure or refusal of the presiding officer to call a meeting when requested, the two (2) Council members or the Mayor making the request shall have the right to call the meeting. Notice of all special meetings shall be posted on the council approved bulletin board and appropriate customary media notified, and shall be accessible to the public at least twenty-four hours prior to such scheduled meeting.

SECTION IV: QUORUM

A Quorum shall be determined as provided by Section 11-43-40, Code of Alabama (1975) (as amended).

SECTION V: ORDER OF BUSINESS

That the order of business of each council meeting shall be as follows:

1. Call to Order
2. Roll Call/Invocation/Pledge of Allegiance
3. Approval of the Minutes of the Previous Meeting(s)
4. Reports of Standing Committees:
 - Finance Committee
 - Building/Property Committee
 - Code Enforcement/Ordinance Committee
 - Public Safety
 - Public Works/Solid Waste Committee
5. Reports of Special Boards and Commissions
 - Board of Zoning Adjustment
 - Downtown Redevelopment Authority
 - Industrial Development Board
 - Library Board
 - Planning Commission
 - Recreation Board
 - Utility Board
6. Report of Mayor
7. Report of City Attorney
8. Report by Department Heads
9. City Clerk's Report
10. Public Participation
11. Resolution, Ordinances and Other Business
12. Council Comments
13. Adjournment

SECTION VI: SUBMISSION OF COUNCIL MEETING MATERIAL

- A. It is desired that information be supplied to the City Clerk in time to be made part of the council meeting or work session packet. Any item to be placed on council meeting and work session agenda must be turned in to the City Clerk with all background materials by 12:00 p.m. on the Monday before the council meeting or work session (or, if the council meeting or work session is not scheduled for a Monday, by 12:00 p.m. seven (7) days before the council meeting or work session). The Council President retains the authority to add or remove items to the agenda. However, any item may be placed upon the agenda if two council members submit a written request to the City Clerk prior to the above mentioned deadline. The council meeting packet will be sent to the full City Council by 5:00 p.m. Friday before the City council meeting or work session, and posted on the city website Friday before a council meeting or work session.
- B. All motions, resolutions, ordinances or other business required to be in writing shall be prepared and supplied to all Council members by noon one full city work day before the council meeting in which it is to be presented. (E.g., if City offices are not open the Friday before the Monday council meeting, then the writings and documentation shall be supplied to each city council member by placing same in each member's mailbox at City Hall by noon Thursday.)
- C. When a work session is called or scheduled between two council meetings, all motions, resolutions, ordinances or other business required to be in writing shall be presented in substantially the same form as that which is required for presentation at council meeting.
- D. In the event of an emergency sections A. and B., hereinabove, shall not apply. An emergency exists if a failure to act would result in an immediate and irrefutable harm to the City or any of its citizens or otherwise it is physically impossible to comply with notice requirements set forth herein. The presiding officer of the Council at the earliest meeting dealing with said emergency shall have final say over interpretations of this section.

SECTION VII: COMMENTS BY COUNCILMEMBERS

- A. Comments by Councilmembers and Mayor. Any comments or discussion by councilmembers or the Mayor shall be with permission of the presiding officer, and for not more than three (3) minutes. The presiding officer may grant additional comments after all other council members have had the opportunity to speak.
- B. Number of comments by Councilmember on a subject. No member shall speak more than twice on the same subject without permission of the presiding officer. The presiding officer may grant the councilmember additional comments after all other council members have had the opportunity to speak.

SECTION VIII: PUBLIC PARTICIPATION / PRESENTATIONS

- A. Public Participation. At the designated time in the order of business, any member of the public may address the City Council concerning any item appearing on the agenda for the council meeting or work session. Discussion on a subject scheduled for a public hearing shall be limited to that public hearing. No individual who is not a member of the City Council or the Mayor shall be allowed to address the same while in session without permission of the presiding officer and for not more than three (3) minutes, unless approved by the presiding officer.
- B. Presentations to Council. An individual wishing to make a presentation to the council with permission of the Council President or Presiding Officer may be allowed 10 minutes. The individual must provide in writing a synopsis of the topic to be discussed to the City Clerk by the Wednesday before the council meeting at 5:00 p.m.

SECTION IX: MOTIONS

- A. Discuss any Motion. The City Council may have the ability to have a discussion on any motion.
- B. Seconding Motions. Any motion coming from a committee does not require a second.
- C. Reconsider a Motion. Any motion to reconsider must be made by a Councilmember who voted with the majority at the same or next succeeding meeting of the Council.
- D. Recording of "Ayes" and Nays" / Division on any Question. Whenever it shall be required by one or more members, the "ayes" and the "nays" shall be recorded and any member may call for a division on any question.
- E. Order of Motions. Motions to lay any matter on the table shall be first in order, and on all questions, the last amendment, the most distant day, and the largest financial sum shall be first put.

SECTION X: QUESTIONS OF ORDER

All questions of order shall be decided by the presiding officer of the Council with the right of appeal to the full Council.

SECTION XI: PROCEDURE FOR CHAIRMAN TO ADDRESS THE COUNCIL

The presiding officer of the Council may call any members to take the chair to allow him or her to address the Council or make a motion or discuss any other matter at issue.

SECTION XII: EXECUTIVE SESSION

The Council may meet in executive session only for purposes authorized by State law and only after the City Attorney certifies the stated purposes for the executive session are authorized by state law. When a council person makes a motion for executive session for an enumerated purpose, the presiding officer shall put the motion to a roll call vote. The estimated length of the executive session shall be stated prior to the roll call vote. The City Attorney shall then certify that the reason stated to enter into executive session is legal according to the Open Meetings Act. If the majority of the council shall vote in favor of the motion for executive session the body shall move into executive session for discussion of the matter for which executive session was called. No action may be taken in an executive session. When the discussion has been completed, the council shall resume its deliberations in public.

SECTION XIII: MOTION FOR ADJOURNMENT

A motion for adjournment shall always be in order.

SECTION XIV: COMMITTEES / BOARDS

- A. The chair of each respective committee, or the Councilmember acting for him or her, shall submit and make report to the Council when so requested by the presiding officer or any member of the Council.
- B. Each Councilmember shall be a member of the following committees: Public Safety Committee, Public Works Committee, Finance Committee, Code Enforcement/Ordinance Committee and Buildings and Property Committee. Each of these committees shall consist of seven (7) members of the City Council. Should a member leave the office of City Councilperson, they will also forfeit membership of the aforementioned committees. Once said vacancy is filled, the replacement will become a member of each of the aforesaid committees upon taking the office of City Councilperson.
- C. Chairman shall be selected by members of committee or board.
- D. No Councilmember shall serve as chair of more than one (1) committee or board as referenced in subsection "B" of this Section.
- E. Council President shall not chair a committee or board.
- F. Committee or board meeting agenda shall be set by the committee chairman.
- G. The Mayor may add any item to any committee or board agenda with notification to the chairman.
- H. The Mayor shall not delete any agenda item, other than an agenda item previously added by the Mayor, without approval from the committee or board chairman.

SECTION XV: ORDINANCES THAT REQUIRE EXPENDITURE OF MONEY

All ordinances, resolutions or propositions submitted to Council which require the expenditure of money will lie over until the next Council meeting; provided that such ordinance, resolution or propositions may be considered earlier by unanimous consent of the Council members present at such meeting by roll call vote and provided further that this rule shall not apply to the current expenses of, or contracts previously made with, or regular salaries of officers, or wages of employees of the City.

SECTION XVI: ATTENDANCE REQUIREMENT

The City Clerk, Treasurer, City Attorney, Chief of Police, Fire Chief, Finance Director, Public Works Director, Human Resources Director, Building Departments Director, Community Development Director, Parks and Recreation Director, Library Director, Civic Center Director and such other department heads or their designated employee shall attend all meetings of the City Council, and shall remain at the council meeting after Department Heads Report when they have items pertaining to their department on the agenda. Department Heads shall attend Council work sessions when items on the agenda pertain to their department.

SECTION XVII: ROBERTS RULES OF ORDER

That Roberts Rules of Order 11th edition be and is hereby adopted as the rules of procedure for this Council in those situations which cannot be resolved by the rules set forth in this Ordinance.

SECTION XVIII: PUBLIC HEARINGS

The City Council will set all public hearings by a majority vote. At all public hearings after the initial presentation all questions and comments are limited to three (3) minutes per speaker.

SECTION XIX: REPEALER

That Ordinance 2016-66 be and is hereby repealed in its entirety and that other ordinance(s), parts of ordinance(s) or resolutions(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION XX: SEVERABILITY

That the provisions of this Ordinance are severable. If any provision, section, paragraph, sentence are part thereof shall be held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not effect or impair the remainder of this Ordinance, it being the legislative intent to ordain and act each provision section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION XXI:

This Ordinance shall take effect and be enforced from and after approval by the City Council of the City of Daphne upon publication required by law.

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

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

**DANE HAYGOOD,
MAYOR**

ATTEST:

CANDACE G. ANTINARELLA, CITY CLERK

CITY OF DAPHNE
ORDINANCE NO. 2017-81

AN ORDINANCE ESTABLISHING A POLICY FOR COMMUNITY GRANTS

WHEREAS, the City Council of the City of Daphne has determined that it is in the public interest to provide limited financial assistance to community groups and organizations within the community to assist with activities or special events that advances a public purpose. This support is in recognition of the value of these activities to the benefit, growth and spirit of the public community and in helping the municipality retain a strong community focus;

WHEREAS, the Council sees a need for a uniform policy for community grants to limit financial contributions on an annual basis and to provide for a process or procedure for the request and administration of community grants; and

WHEREAS, the Council has determined that the City's policy for community grants is in need of clarification with regards to certain classifications of funding requests.

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.

“Competitive teams” shall mean any group of individuals working together in a competitive activity which includes but is not limited to sports, cheerleading, dancing, music, debate, chess, scholastic trivia, robotics, and other competitive group activities.

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

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

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

SECTION 2. COMMUNITY GRANT PROGRAM

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

SECTION 3. APPLICABILITY

Outside entities which provide public benefit, but not direct financial benefit, to the City of Daphne may only be funded by the City of Daphne in accordance with the CGP established herein. The CGP shall not apply to contributions and requests for contributions for memberships, dues, or contributions to entities whose efforts provide direct revenue to the City of Daphne. The City Council and Mayor shall jointly decide which entities must enter the CGP and which entities qualify under the aforementioned membership/dues/contributions exception to the CGP. Only upon extraordinary circumstances shown, the City Council may consider an exception to the terms and conditions of this ordinance. This exception may be granted by no less than five members of the City Council voting to approve such an exception.

SECTION 4. FUNDING CATEGORIES

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

SECTION 5. FUNDING LIMITATIONS

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

(b) Due to the high number of funding requests from youth competitive teams, requests for contributions to competitive teams shall be treated as follows:

i. For competitive teams associated with a public school located in the City of Daphne, CGP contributions shall only be considered for such competitive teams who will travel away from Daphne to participate in a statewide, multi-state regional, national, or international competition..

ii. For competitive teams based within the City of Daphne that are not associated with a public school, CGP contributions shall only be considered for such competitive teams who will travel at least 150 miles away from the City of Daphne (or less if overnight stay is required) to participate in a multi-state regional, national, or international competition. Competitive sport teams that never or rarely compete within the City of Daphne (i.e., “travel ball”) shall not be eligible for CGP funding.

iii. If time allows, a request for CGP contributions to a competitive team shall be presented to the City Council for consideration at a regularly-scheduled Council meeting. If a competitive team's need for funding arises under circumstances that do not allow enough time for the request to be presented to the City Council at a regularly-scheduled Council meeting, the Mayor, upon conferring with and obtaining approval from the Council President and Vice-President, may consider such a request and shall have the authority to approve or deny such a request.

iv. Annual CGP contributions to competitive teams shall be limited to a maximum of eight thousand dollars (\$8,000) per year. For competitive teams with fewer than thirty (30) participants, annual CGP contributions shall be limited to a maximum of five hundred dollars (\$500) per entity. For competitive teams with thirty (30) or more participants, annual CGP contributions shall be limited to a maximum of one thousand dollars (\$1,000) per entity.

v. Any contribution to a competitive team shall be included in the annual maximum budget for the CGP unless the Council determines, on a case-by-case basis, that a particular competitive team's activities will or may result in direct revenue to the City of Daphne.

SECTION 6. APPLICATION PROCESS

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

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

SECTION 7. SCHOOLS

The schools within the city limits of Daphne will not be funded directly and instead may only be provided funding through the Supporting Educational Enrichment in Daphne's Schools (hereinafter "SEEDS"). The maximum request from SEEDS will reflect the Contribution Cap for each of the participating schools within the Daphne city limits in addition to SEEDS individually each fiscal year. Therefore SEEDS, and by extension the public schools, are limited to the number of participating schools plus one (SEEDS itself) multiplied by the Grant Cap. Thus the amount paid directly to SEEDS may exceed the Grant Cap, but the amount utilized by SEEDS individually and not as a pass through will not exceed the maximum. Any other pass-through arrangement shall be disfavored.

SECTION 8. ANNUAL AUDIT

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

SECTION 9. MAINTENANCE OF RECORDS

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

SECTION 10. SEVERABILITY

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

SECTION 11. EFFECTIVE DATE

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

SECTION 12. INFORMATION MAY NOT BE DIVULGED

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

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

ATTEST:

DANE HAYGOOD
MAYOR

CANDACE G. ANTINARELLA
CITY CLERK

CITY OF DAPHNE

ORDINANCE NO. ~~2014-16 (As Amended by 2015-45)~~2017-

AN ORDINANCE ESTABLISHING A POLICY FOR COMMUNITY GRANTS

WHEREAS, the City Council of the City of Daphne has determined that it is in the public interest to provide limited financial assistance to community groups and organizations within the community to assist with activities or special events that advances a public purpose. This support is in recognition of the value of these activities to the benefit, growth and spirit of the public community and in helping the municipality retain a strong community focus. ~~The;~~

WHEREAS, the Council sees a need for a uniform policy for community grants to limit financial contributions on an annual basis and to provide for a process or procedure for the request and administration of community grants; and

WHEREAS, the Council has determined that the City's policy for community grants is in need of clarification with regards to certain classifications of funding requests.

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.

“Competitive teams” shall mean any group of individuals working together in a competitive activity which includes but is not limited to sports, cheerleading, dancing, music, debate, chess, scholastic trivia, robotics, and other competitive group activities.

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

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

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

SECTION 2. COMMUNITY GRANT PROGRAM

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

SECTION 3. APPLICABILITY

Outside entities which provide public benefit, but not direct financial benefit, to the City of Daphne may only be funded by the City of Daphne in accordance with the CGP (~~Community Grants Program~~) established herein. The CGP shall not apply to contributions and requests for contributions for memberships, dues, or contributions to entities whose efforts provide direct revenue to the City of Daphne. The City Council and Mayor shall jointly decide which entities must enter the CGP and which entities qualify under the aforementioned membership/dues/contributions exception to the CGP. Only upon extraordinary circumstances shown, the City Council may consider an exception to the terms and conditions of this ordinance. This exception may be granted by no less than five members of the City Council voting to approve such an exception.

SECTION 4. FUNDING CATEGORIES

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

SECTION 5. FUNDING LIMITATIONS

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(b) Due to the high number of funding requests from youth competitive teams, requests for contributions to competitive teams shall be treated as follows:

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international competition. Competitive sport teams that never or rarely compete within the City of Daphne (i.e., “travel ball”) shall not be eligible for CGP funding.

iii. If time allows, a request for CGP contributions to a competitive team shall be presented to the City Council for consideration at a regularly-scheduled Council meeting. If a competitive team’s need for funding arises under circumstances that do not allow enough time for the request to be presented to the City Council at a regularly-scheduled Council meeting, the Mayor, upon conferring with and obtaining approval from the Council President and Vice-President, may consider such a request and shall have the authority to approve or deny such a request.

iv. Annual CGP contributions to competitive teams shall be limited to a maximum of eight thousand dollars (\$8,000) per year. For competitive teams with fewer than thirty (30) participants, annual CGP contributions shall be limited to a maximum of five hundred dollars (\$500) per entity. For competitive teams with thirty (30) or more participants, annual CGP contributions shall be limited to a maximum of one thousand dollars (\$1,000) per entity.

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

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

ATTEST:

DANE HAYGOOD
MAYOR

CANDACE G. ANTINARELLA
CITY CLERK