

**MINUTES  
OF  
June 3, 2014**

**Public Hearing**

The City Council of the City of Satsuma, Alabama, convened in Public Hearing at City Hall in said city at 5:00 p.m. the 3rd day of June, 2014. Those present were: Mayor Paul Murray, Councilmembers: Mike Butler, Matt Dial, Tom Williams and Bill Black.

William Hamblin arrived at 5:30 P.M.

Mayor Murray opened the public hearing at 5:00 P.M. to hear public comments and questions on the abatement of the property known as the old McConaghy Drug Store on Highway 43.

Tom Briand gave a timeline report. He stated that at beginning of the year, Council questioned the status of the repairs/improvements to the property. He stated that he sent certified letters giving the owners notice that the property needed to be brought up to code. He stated since there has not been any results from the letters, the next step was to hold a public hearing to abate the nuisance. He stated that the notices were posted and an ad was placed in the Call News.

Jay Minus stated that the reason for the public hearing is that the owner(s) have failed to correct the building and to give the owner(s) an opportunity to present a plan. Mayor Murray stated that this council has not had an opportunity to hear from the owners.

Mr. John McConaghy stated that he is proposing to put on a new roof, replace the glass in the front door and repaint if necessary.

Jay Minus asked Mr. McConaghy about a time frame to complete these repairs and Mr. McConaghy stated that he should be able to complete within 60 days.

Councilmember Williams stated that Mr. McConaghy has been notified since 2010 that the building did not meet code. However he would love to see the building renovated since the city is involved in some economic development plans.

Councilmember Butler stated that Mr. McConaghy has been sent letter since 2010 and nothing has been done. He stated that he has been given more than enough time.

Mayor Murray stated that 60 days would end on August 4<sup>th</sup>. Jay Minus stated that if the repairs are not done by that date, the city will have the authority to complete the repairs or tear down the building and the cost would be charged to the owner.

Mayor Murray stated that the city would consider Mr. McConaghy proposal during the regular meeting and closed the public hearing at 5:30 P.M.

### **Pre-Council**

The City Council of the City of Satsuma, Alabama, convened in the Pre-Council Session at City Hall in said city at 6:00 p.m. the 3<sup>rd</sup> day of June, 2014. Those present were: Mayor Paul Murray, Councilmembers: Williams Hamblin, Mike Butler, Matt Dial, Tom Williams and Bill Black.

Mayor Murray discussed agenda items with council. Jay Minus call for an executive session at 6:50 and council reconvened at 6:58.

### **Regular Meeting**

The City Council of the City of Satsuma, Alabama, convened in the regular public session at City Hall in said city at 7:00 p.m. the 3<sup>rd</sup> day of June, 2014.

Mayor Murray gave the invocation and Councilmember Butler led the Pledge of Allegiance.

On roll call the following answered present: Mayor Paul Murray; Councilmembers: William Hamblin, Mike Butler, Matt Dial, Tom Williams and Bill Black.

Also present were Vicki Miller, City Clerk; Tom Briand, Building Inspector; James Elmore, Public Works Supervisor; Fire Chief Clyde Miller and Chief Chris McLean, Police Department. Chief McLean left at 6:45 P.M.

A quorum was present and Mayor Murray opened the meeting.

### **Approval of Minutes**

Mayor Murray presented the minutes from the meeting held on May 20, 2014 for approval. Councilmember Williams stated that a correction was needed on Page 3, #3 to add that “Councilmember Butler made the motion...” With that correction Councilmember Hamblin made a motion to adopt the minutes. Councilmember Butler seconded the motion and it carried.

### **Visitors**

**1. Dana Bernal- Requesting to speak to council to discuss erecting a gazebo at Steele Creek Lodge in honor of her husband.**

Ms. Bernal came before Council and stated that her husband, Jerry Bernal, passed away on May 5<sup>th</sup> and she wanted to do something in his honor. She stated that they spent many days at Steele Creek and thought that erecting a gazebo with two (2) swings would be the perfect way to honor him. She stated that she would like to place it across from the boat launch. Council agreed with her request.

**2. Larry Landrum- Requesting to speak to council regarding issues with Steele Creek Lodge property.**

Mr. Landrum came before Council to express his concerns on the screened in pavilion's condition. He stated that the building is in deplorable condition and needs upgrading. Mayor Murray requested that James Elmore look into the matter.

Secondly, Mr. Landrum stated that Bill Winters was mayor of the city from 1976 to 1980 and he would like to propose naming the boat launch at Steele Creek Lodge the “William A. Winters Boat Ramp”. Mayor Murray stated that the council would discuss his request further.

### **MAYOR'S REPORT:**

**1. Discussion of the abatement of the old McConaghy Drug Store on Highway 43.**

Mayor Murray commented that Mr. McConaghy has presented the council with a proposal to replace the roof, replace the glass in the front door and put of board and batten on the windows by August 4<sup>th</sup>.

Councilmember Williams made a motion to accept the proposal as stated by Mr. John McConaghy. Councilmember Black seconded the motion and it carried with the exception of Councilmember Butler who voted no.

### **PARKS**

Councilmember Hamblin stated that he does not have any business to discuss.

### **PUBLIC SAFETY:**

Councilmember Butler reported that there was a fire on Higgins Road that may have started in the garage. He stated that the fire department was able to save 2/3 of the house.

Councilmember Butler reported that the police department received a hoax call that the caller had killed others and was about to kill himself. Because of the nature of the call, Chief McLean did contact Saraland. Once it was determined that the call was a hoax, Chief McLean contacted the FBI.

### **MUNICIPAL SERVICES:**

#### **1. Consideration of Storm Water Management Plan**

Councilmember Dial reported the plan was distributed at the last meeting. With no comments or questions, Councilmember Dial made a motion to adopt the Storm Water Management Plan. Councilmember Williams seconded the motion and it carried.

### **ADMINISTRATION:**

#### **1- Payment of the Bills**

Councilmember Williams made a motion to pay the bills as presented. Councilmember Butler seconded the motion and it carried.

**2.** Councilmember Williams thanked everyone who helped with the Memorial Day event. He stated that it was one of the best.

**3.** Councilmember Williams reminded everyone of the visit from Commissioner of Agriculture John McMillian on June 4<sup>th</sup> at 10:00 A.M. at Bayou Oaks to dedicate a garden project sponsored by the Department of Agriculture.

### **PUBLIC WORKS:**

1. Councilmember Black reported that the city has received a letter from Mobile County Commissioner Merceria Ludgood requesting the city provide a list of roads to be paved on the FY2014 Pay-As-You-Go Project. After discussing the matter, Councilmember Black made a motion to provide the following list in the order of priority:

- 1) North Service Road - approximately  $\frac{3}{4}$  mile
- 2) South Service Road – approximately 1 mile
- 3) 6<sup>th</sup> Street (from Baker to Maple W) - approximately 600'
- 4) 3<sup>rd</sup> (from Plateau to Pine Ave E.) approximately 600'
- 5) End of Old Highway 43 (from Powers Avenue E.) –approximately 1 mile
- 6) End of Elvira Avenue –approximately 600'
- 7) Thomas Drive (Oak to Cedar Street) – approximately 600'

Also resurfacing:

- 1) Scanlan Way E, Scanlan Way S and Scanlan Way W each approximately 1200'
- 2) North, South, East & West Audubon each approximately 1200'
- 3) Emmitt Drive- approximately 600'
- 4) Augusta Drive-approximately 600'

Councilmember Williams seconded the motion and it carried.

2. Councilmember Black reported that James Elmore has met with Jeremy McMath of Civil Southeast Engineering regarding Juniper Avenue widening and resurfacing project. He stated that the bid should be let on August 28<sup>th</sup> and the project is projected to begin in December or January.

## **RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS**

### **1. Consideration of Ordinance 509- An Ordinance to provide for and promote compliance by the city with federal and state laws governing the discharge of pollutants from the MS4 and to provide for a promote compliance with an NPDES permit issued to the city for such discharge.**

Councilmember Dial made a motion to adopt Ordinance 509. Councilmember Hamblin seconded the motion and it carried.

#### **ORDINANCE NO. 509 AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 332.**

**WHEREAS THE CITY OF SATSUMA DESIRES TO REPEAL AND REPLACE Ordinance No. 332 adopted and approved the 20<sup>th</sup> day of April, 1999. The new ordinance**

below is designed to update Ordinance 332 with the applicable state and federal regulations.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SATSUMA, ALABAMA (the “City”), as follows:**

**ORDINANCE NO. 332 IS HEREBY REPEALED AND REPLACED with the following:**

#### **Article I - General Provisions**

**Section A** This article is enacted to preserve, protect and promote the health, safety and welfare of the citizens of Satsuma, Alabama, through the reduction, control and prevention of the discharge of pollutants to the city municipal separate storm sewer system (MS4). It is the expressed intent of this document to provide for and promote compliance by the city with federal and state laws governing the discharge of pollutants from the MS4 and to provide for and promote compliance with an NPDES permit issued to the city for such discharge. The city does not intend for this article to conflict with any existing federal or state law.

**Section B** Definitions: For the purpose of this ordinance, the following terms shall have the meaning given herein:

**Agricultural structure shall mean a building or a defined uncovered area which supports activities associated with agricultural product production.**

**Best management practices shall mean a wide range of management procedures, schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use.**

**Development shall generally mean any of the following actions undertaken by a public or private individual or entity:**

- the division of a lot, tract or parcel of land into two or more lots, plots, ites, tracts, parcels or other divisions by plat or deed,
- any land change, including, without limitation, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land.

**THIS ORDINANCE CAN BE VIEWED IN IN ITS ENTIRETY AT CITY HALL OR ON THE WEB SITE OF [WWW.CITYOFSATSUMA.COM](http://WWW.CITYOFSATSUMA.COM)**

**2. Introduction of Resolution 2014-06-01- A Resolution approving to provide a one-time lump sum payment as provide by Act 2014-419 for those eligible retirees and beneficiaries of deceased retirees.**

Councilmember Williams made a motion to introduce Resolution 2014-06-01. Councilmember Black seconded the motion and it carried.

**3. Consideration of Ordinance 510- An ordinance to exempt certain “covered items” from the municipal sales and use tax during the first full weekend of August generally referred to as “Back to School” Sales Tax Holiday.**

Councilmember Butler made a motion to adopt Ordinance 510. Councilmember Dial seconded the motion and it carried.

**ORDINANCE NO 510**

**AN ORDINANCE OF THE CITY OF SATSUMA, ALABAMA, TO EXEMPT CERTAIN “COVERED ITEMS” FROM THE MUNICIPAL SALES AND USE TAX DURING THE FIRST FULL WEEKEND OF AUGUST, 2014, BY ACT 2006-574, GENERALLY REFERRED TO AS THE STATE SALES TAX HOLIDAY LEGISLATION.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SATSUMA, ALABAMA, AS FOLLOWS:**

**Section 1. In conformity with the provision Act 2006-574 enacted by the Alabama Legislature during the 2006 Regular Session, providing for a State Sales Tax Holiday, the City of Satsuma, Alabama, exempts “covered items” from municipal sales and use tax during the period, beginning at 12:01 a.m. on August 1, 2014 and ending at twelve midnight the following Sunday, August 3, 2014.**

**Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by Act 2006-574, except that the time period shall on be as specified in Section above and not for all years thereafter.**

**Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Satsuma, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.**

**Section 4. This ordinance shall become effective on the 3rd day of June, 2014.**

**ADOPTED AND APPROVED THIS 3RD DAY OF JUNE, 2014.**

**/s/ Paul Murray**  
**Paul Murray, Mayor**

**ATTEST: /s/ Vicki Miller**  
**City Clerk**

**4. Consideration of Resolution 2014-06-02- A Resolution to appoint Jeff Hardegree to the Waterworks and Sewer Board of the City of Satsuma.**

Councilmember Dial made a motion to approve the appointment for a six (6) year term. Councilmember Butler seconded the motion and it carried.

**RESOLUTION NO. 2014-06-02**

**A RESOLUTION APPOINTING JEFF HARDEGREE TO THE WATERWORKS AND SEWER BOARD OF THE CITY OF SATSUMA**

**WHEREAS, The Waterworks and Sewer Board of the City of Satsuma (“Board”) was created under the provisions of Article 9 of Chapter 50 of Title 11 of the CODE OF ALABAMA 1975;**



**RESOLUTION NO. 2014-06-03****A RESOLUTION TO PROVIDE FOR THE APPROVAL AND EXECUTION OF AN AGREEMENT WITH RESPECT TO BONDS BETWEEN THE CITY AND THE WATERWORKS AND SEWER BOARD OF THE CITY OF SATSUMA**

**BE IT ORDAINED** by the City Council (the “Council”) of the **CITY OF SATSUMA** in the State of Alabama (the “City”) as follows:

**Section 1. Findings of Council.** Having made due and proper investigation of the matters hereinafter referred to, the Council hereby finds and determines:

- (a) The City has previously acquired the \$5,786,000 Water and Sewer Revenue Bond, Series 2004 and the \$3,200,000 Water and Sewer Revenue Bond, Series 2009 (the “Prior Bonds”), each issued by The Waterworks and Sewer Board of the City of Satsuma (the “Board”). The Prior Bonds are secured by a pledge of the revenues of the systems of the Board remaining after the payment of the expenses of maintaining and operating such systems (“Net System Revenues”), subject to the prior lien on such Net System Revenues securing the Board’s \$4,555,000 Water and Sewer Revenue Bonds, Series 1995 Bonds (the “Series 1995 Bonds”) and other obligations issued on parity therewith.
- (b) The Board has determined that it is necessary and desirable that it refund the Series 1995 Bonds and finance certain improvements to its systems, financed through a loan by Regions Equipment Finance Corporation, and to issue in evidence of its obligation with respect to such loan its \$694,500 Water and Sewer Revenue Bond (Regions Direct Loan) (the “2014 Bond”).
- (c) The Board has agreed that it will issue no further bonds secured on parity with the Series 1995 Bonds and has requested that the City agree that the pledge of Net System Revenues securing the 2014 Bond and any additional obligations hereafter issued on parity of lien with the 2014 Bond be on parity of lien with the Prior Bonds held by the City.
- (d) It is necessary, advisable and in the interest of the public that the Council authorize the Mayor of the City to execute and deliver an agreement with respect to bonds with the Board in order to provide for the requested parity of lien.

**Section 2. Authorization and Approval of Agreement with Respect to Bonds.** The Agreement with Respect to Bonds between the City and the Board (the “Agreement”), is hereby approved and the Mayor of the City is hereby authorized and directed to execute and deliver, on behalf of the City, the Agreement in substantially the form presented to the meeting at which this Resolution is adopted (which form shall be attached as Exhibit A to the minutes of the meeting at which this Resolution is adopted and which is hereby adopted in all respects as if set out in full in this Resolution), with such changes, additions, and deletions as the Mayor of the City shall determine to be necessary or appropriate. The City Clerk is hereby authorized to attest the Agreement.

**Section 3. Further Acts.** The Mayor of the City, on behalf of the City, is hereby authorized to take all such further actions and to execute and deliver such further contracts, instruments and agreements, and all such amendments and modifications thereof, as shall be necessary or convenient to carry out the terms and intent of the Agreement and this Resolution. The City Clerk is hereby authorized to attest all such contracts, instruments and agreements and all such amendments and modifications thereof.

After discussion, Councilmember Dial moved that the foregoing Resolution be adopted and spread upon the minutes of this meeting, which motion was seconded by Councilmember Butler, and, on roll call the following vote was registered:

YEAS

NAYS

Councilmember Hamblin  
Councilmember Butler  
Councilmember Dial  
Councilmember Williams

Councilmember Black  
Mayor Murray

The Chairman thereupon announced that the said Resolution had been carried by unanimous vote of the Council present.

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There being no further business to come before the meeting, the meeting was, upon motion duly made, seconded and unanimously carried, adjourned.

/s/ Paul Murray  
Mayor

[SEAL]

ATTEST:

/s/Vicki Miller  
City Clerk

**Adjournment**

Councilmember Butler made a motion to adjourn the meeting. Councilmember Black seconded the motion and the meeting adjourned at 7:30 P.M.

/s/Paul Murray  
Mayor Murray

/s/ William Hamblin  
Councilmember Hamblin

/s/ Mike Butler  
Councilmember Butler

/s/ Matt Dial  
Councilmember Dial

/s/ Tom Williams  
Councilmember Williams

/s/ Bill Black  
Councilmember Black

ATTEST: /s/ Vicki Miller  
City Clerk