

MINUTES

May 19, 2009

The Regular Meeting of the Satsuma City Council

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 19th day of May, 2009.

Councilmember Monk gave the invocation

Pledge of Allegiance led by Councilmember Jackson

On roll call, the following answered present:

Mayor	William F. Stewart, III
Council Members	Billy Jackson
	Pamela B. O’Gwynn
	Pratt Monk
	Tom Williams
	Bill Black

Vicki Miller, City Clerk; Jay Minus, City Attorney; Tom Briand, Building Inspector; James Elmore, Public Works Supervisor; and David Benefield, Police Department were present. A quorum was present and Mayor Stewart opened the meeting for the transaction of business.

A pre-council meeting was held prior to the regular meeting to discuss agenda items coming before Council.

Mayor Stewart presented the minutes of the regular meeting of May 12, 2009 for approval. Councilmember Jackson made a motion to adopt the minutes as presented. Councilmember O’Gwynn seconded the motion and it carried.

VISITORS

1. *Bobby Keahey with the Mark Keahey campaign committee*
Mr. Keahey came before Council to inform that his brother Mark Keahey is running as the democratic candidate for State Senate 22 and the election will be June 2. He stated that his brother would represent this area and ask the council to consider voting for Mark Keahey.

2. *Mike McKlinley-108 Juginell Circle- Not present.*

3. *Greg Albritton*
Mr. Albritton introduced himself as the republican candidate for the Senate 22 race. He explained his qualification and asked for council's vote.

MAYOR'S REPORT

1. Discussion of request from Nathan Rogers to purchase foreclosed property.

Mayor Stewart stated that at the last meeting this item was tabled due to lack of discussion; however, Council has now reviewed the request from Mr. Rogers to purchase two lots on Tajuacha. These two lots owned by Mr. Rogers were foreclosed on due to non-payment of the assessment. Mr. Rogers is asking to purchase the lots less than the amount of the original assessment. Mayor Stewart stated that the matter was discussed in the pre-council meeting and council agrees not to sell the lots at the requested price.

2. Appointment of consulting engineering firm to oversee construction and perform inspection services on the sidewalk project on Juniper Avenue.

Mayor Stewart stated as per ALDOT regulations, the city advertised for a consulting engineering firm to oversee construction and perform inspections on the sidewalk project on Juniper Avenue. He stated that the city received two responses. One from Goodwyn, Mills and Cawood and the other from LPA group. Mayor Stewart said that after discussing the matter in pre-council, a decision has been made to use Goodwyn, Mills and Cawood.

Councilmember Jackson made a motion to enter into an agreement with Goodwyn, Mills and Cawood as the consulting engineering firm on the Juniper Avenue sidewalk project. Councilmember Monk seconded the motion and it carried.

REPORTS OF THE COMMITTEES

Parks and Recreation:

Councilmember Jackson reported that Larry Speights is up for reappointment to the Library Board. Mayor Stewart stated that his appointment is the duty of the Council. With no discussions on the matter, Councilmember Jackson made a motion to reappoint Larry Speights to the Library Board for a term of six (6) years. Councilmember O’Gwynn seconded the motion and it carried.

Councilmember Jackson reported the Sharks will have their kick-off game on May 23 beginning at 5:30. The games will be held at Satsuma High School football field. He stated that a schedule is available at city hall.

Councilmember Jackson reported that he made the trip to Montgomery for the SHS Lady Gators state tournaments. He stated that the girls softball team played hard and made it to 2nd place.

Councilmember Jackson reported that Tom Briand has requested the approval of several streetlights. He then made a motion to place new streetlights at 5763 Orchard, 323/325 Hannah Chase Way, 5229 Hartley Road, 5488 Seventh Street, 6136 Halle Court, 6158 Whidden Drive and 5958 Jonah Court. Councilmember Monk seconded the motion and it carried.

Councilmember Jackson discussed that monies will need to be spent for the Veterans Memorial dedication to be held on May 25 at 10:00. He then made a motion for up to \$1000 for refreshments, flags and miscellaneous items. Councilmember O’Gwynn seconded the motion and it carried.

Administration and Finance:

Councilmember O’Gwynn made a motion to pay the bills as presented. Councilmember Jackson seconded the motion and it carried.

Councilmember O’Gwynn explained that the June 2 city council meeting will need to be moved due to the Senate 22 election. She then made a motion to move the meeting to the Satsuma Water and Sewer Board building. Councilmember Jackson seconded the motion and it carried.

Municipal Services:

Councilmember Monk expressed condolences on behalf of the mayor and council to the families of Barbara Cumbest and Kay Browning.

Public Safety:

Councilmember Williams reported that he has a resignation letter for Officer Gary Mauldin and due to conduct unbecoming of a police officer; he is recommending that the resignation be accepted “not in good standing”. Councilmember Monk seconded the motion and it carried.

Councilmember Williams stated that there is vacancy remaining due to the resignation of Officer Thurman who left in March. He then made a motion to hire Mike Smith as a Police Officer I. Councilmember Monk seconded the motion and it carried.

Councilmember Williams stated that due to the untimely resignation of Officer Mauldin, the police chief is requesting that the city call for another police officer certification list. Councilmember Williams made a motion to request a certification list from the Mobile County Personnel Board for police officer I. Councilmember Monk seconded the motion and it carried.

Councilmember Williams reported that he has spoke with Ronnie Adair, deputy director of Mobile County EMA and a meeting has been set for June 26 at 6:30. He requested that all department heads also be present.

Councilmember Williams reported that there will be a benefit concert and dinner for Joseph Toomey on Friday May 29 at College Park Church. The cost is \$5.00 per plate.

Councilmember Williams reported that the police department had 1379 assignments with 133 cases and the fire department made 51 calls with 42 of those being medical.

Public Works

Councilmember Black stated that Dewayne England has passed the Equipment Operator II test and made a motion to promote Dewayne England to Equipment Operator II. Councilmember Monk seconded the motion and it carried.

Councilmember Black reported that the bridge repair work has been completed on the Baker Road Bridge and made a motion to pay the contractor, Remedial Services Inc., the sum of the contract, \$6,992.62. Councilmember Jackson seconded the motion and it carried.

AGENDA

1. – Action on Ordinance 447-An Ordinance amending Section 8 Residential Construction of Ordinance 440.

Mayor Stewart stated the ordinance was introduced last week and asked for any discussion. With none, Councilmember Jackson made a motion to adopt Ordinance 447. Councilmember Williams seconded the motion and it carried.

ORDINANCE NO. 447

TO AMEND ORDINANCE NO. 440 REGARDING NEW RESIDENTIAL CONSTRUCTION.

BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF SATSUMA, ALABAMA (the "City"), as follows:

1. Section 8 Residential Construction of Appendix B of Ordinance No. 440 shall be amended to read as follows:

A) Homeowner/Contractor shall submit an application prior to the construction of any headwalls, driveways, sidewalks, sprinkler systems and landscaping.

B) A final inspection is required before a certificate of occupancy is issued.

C) Installation of driveway culverts (a maximum of 20') for new residential construction shall be installed by the City of Satsuma. The pipe, fill dirt, and headwall construction for new residential construction shall be provided by the property owner. If a property owner wants to pipe and fill a ditch located in a city right of way, a licensed engineer shall provide drainage calculations and drawings to the City of Satsuma. If these pipe and fill ditch plans are approved by the City of Satsuma, then the property owner shall be responsible for the materials and installation of the pipe.

2. This Ordinance shall become effective May 19, 2009 after its adoption and publication as required by law.

ADOPTED this 19th day of May 2009.

**/S/ William F. Stewart, III
MAYOR**

Authenticated and Attested:

**/S/ Vicki L. Miller
CITY CLERK**

2. – Action on Ordinance 448- An Ordinance amending Article 4, Section C (1)(b) of Ordinance No. 413- adding NFIP required verbiage.

Councilmember Williams made a motion to adopt Ordinance 448. Councilmember Jackson seconded the motion and it carried.

ORDINANCE NO. 448

TO AMEND ORDINANCE NO. 413 ADOPTED SEPTEMBER 4, 2007 IN ORDER TO COMPLY WITH 44 C.F.R. § 65.12 WHEN THE CITY PROPOSES TO PERMIT ENCROACHMENTS UPON THE FLOOD PLAIN OR ADOPTED REGULATORY FLOODWAY.

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

1. Article 4, Section C (1)(b) of Ordinance No. 413 shall be amended to read as follows:

(b) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Certain development may be permitted as provided in 44 C.F.R. § 65.12, which outlines the process to permit encroachments.

2. This Ordinance shall become effective May 19, 2009 after its adoption and publication as required by law.

ADOPTED this 19th day of May 2009.

/S/ William F. Stewart, III
MAYOR

Authenticated and Attested:

/s/ Vicki L. Miller
CITY CLERK

3- Action on Ordinance 449- An Ordinance renewing the franchise agreement with Mobile Gas.

Mayor Stewart stated that the ordinance was introduced last week and asked for any discussion. Councilmember O’Gwynn stated that after review there is a change to state that the agreement is just for a license and that later the city can add a franchise fee, if needed. With that change, Councilmember O’Gwynn made a motion to adopt Ordinance 449. Councilmember Jackson seconded the motion and it carried.

ORDINANCE NO.449

GRANTING A LICENSE TO MOBILE GAS SERVICE CORPORATION, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO LAY, MAINTAIN, AND OPERATE IN, ON UNDER AND/OR ACROSS THE STREETS, AVENUES, ROADS, LANES, PARKS AND OTHER PUBLIC PLACES OR WAYS IN THE CITY OF SATSUMA, ALABAMA, A PIPE LINE SYSTEM FOR THE TRANSMISSION, DISTRIBUTION AND SALE OF GAS, NATURAL AND/OR ARTIFICIAL, OR DOMESTIC, INDUSTRIAL AND OTHER PURPOSES, AND PRESCRIBING CONDITIONS AND LIMITATIONS.

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

Section 1. Whenever the word “Grantee” appears in this ordinance it is intended to designate and shall be held to mean Mobile Gas Service Corporation, a corporation, its successors and assigns.

Section 2. The grant of the right, privilege and license under this ordinance is in consideration of the mutual benefits that will accrue to the City of Satsuma, its residents, inhabitants, citizens and the public and to the Grantee from the exercise and use thereof by the Grantee, its successors and assigns.

Section 3. That the right, privileges and license be and the same are hereby granted to Mobile Gas Service Corporation, a corporation, its successors and assigns for a term of ten (10) years from and after the date this ordinance shall take effect and become in force, to lay, construct, extend, maintain, renew, replace, relocate, own, purchase, lease and operate natural and/or artificial gas for domestic, industrial and all other purposes, in, under, along and/or across any public streets, avenues, lanes, roads, alleys, parks and other places and ways within the present or future corporate limits of the City of Satsuma, Alabama, together with the right to make, install, maintain, repair and replace all such mains, turnouts, meters, regulators, service pipes, connections, and other usual equipment or apparatus as may be reasonably necessary or desirable in the operation of said pipe line system.

Section 4. The Grantee, upon making an opening in any of the streets, alleys or other public places or ways of the City of Satsuma for the purpose of constructing, laying, repairing, and/or maintaining said gas pipe line system, and any appurtenances and appendages thereto, shall within a reasonable time replace and restore the same to its former condition as nearly as practicable, and shall not unnecessarily obstruct or impair traffic upon the streets, avenues and public ways of said City; provided all mains, pipes, appurtenances or other apparatus constructed in, along or under the streets of said City shall be so laid or constructed, after first obtaining a permit from and under the supervision of the governing body of the City of Satsuma or such officers or employees as such governing body may designate.

Section 5. The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth shall not be exclusive, and the City reserves the right to grant a similar use of said streets, alleys, public ways and places of this license.

Section 6. The City shall have the right to observe or inspect all construction or installation work performed subject to the provisions of this Ordinance and to make such inspections as it shall find necessary to insure compliance with governing ordinances.

Section 7. The Grantee shall pay the City a privilege or license tax as specified by the Code of Alabama, which is 3%.

Section 8. The Grantee shall comply with all orders of the Alabama Public Service Commission as well as all laws of the State of Alabama and ordinances of the City of Satsuma.

Section 9. The Grantee shall construct, maintain and operate said pipe line system, extensions and connections thereof in such locations and/or at such depths below the grades of said streets, avenues, sidewalks, alleys or other public places as may be validly required by the City of Satsuma, and will at all times comply with all reasonable requirements, regulations, laws and ordinances now in force, and which may hereafter be adopted by said City of Satsuma, and be applicable to the construction, repair or maintenance of said system.

Section 10. The said Grantee shall hold harmless and indemnify the said City of Satsuma from and against any and all liability by reason of damage or injury to any person or persons whatsoever on account of negligence of the Grantee in the installation and maintenance of its pipe line system and all appurtenances and appendages thereto, in, under, along and across said streets, avenues, lanes, roads, alleys, parks and other public places and ways within the present or future corporate limits of the City of Satsuma, Alabama; provided the Grantee shall have been notified in writing of any claim against the City of Satsuma on account thereof and shall have been given ample opportunity to defend the same.

Section 11. The franchise granted to the Mobile Gas Service Corporation, a corporation, as Grantee, by an ordinance of the Town Council of the Town of Satsuma, adopted on February 1, 1994, the Grantee hereunder as its successor and assign, shall, without further action on the part of either party hereto, but with their mutual assent now expressed, terminate and become canceled, null and void as of the date that the license granted hereunder shall take effect and be in full force and operative.

Section 12. This Ordinance shall take effect and be in force on and after the earliest date permitted by law, upon and after its final enactment and publication as required by law.

ADOPTED this 19th day of May 2009.

/S/ William F. Stewart, III
MAYOR

Authenticated and Attested:

/S/ Vicki L. Miller
CITY CLERK

STATE OF ALABAMA

COUNTY OF MOBILE

I, Vicki L. Miller, City Clerk of the City of Satsuma, Alabama, hereby certify that the foregoing ordinance is a true and correct copy of an ordinance adopted by the City Council of the City of Satsuma on May 19, 2009.

N WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Satsuma, on this 19th day of May 2009.

/S/ Vicki L. Miller
CITY CLERK OF THE CITY OF SATSUMA, AL

4. Introduction of Ordinance 450- An ordinance requesting annexation of property recently purchased from Virginia Station, LLC.

Mayor Stewart stated that his has signed a petition on behalf of the city to request council approve the annexation of the recently purchased property in the northeast section near I-65. Councilmember Jackson made a motion to introduce Ordinance 450. Councilmember O’Gwynn seconded the motion and it carried.

With no further business to discuss, Councilmember Monk made a motion to adjourn the meeting. Councilmember O’Gwynn seconded the motion. The meeting adjourned at 7:33 P.M.

Mayor William F. Stewart III

Councilmember Billy Jackson

Councilmember Pam O’Gwynn

Councilmember Pratt Monk

Councilmember Tom Williams

Councilmember Bill Black

ATTEST: _____
City Clerk